

SAMPLE CIVIL FORM 26.

IN THE _____ COURT OF _____ COUNTY

A.B., Plaintiff)

v.)

C.D., Defendant)

CIVIL ACTION NO. _____

**MOTION TO DISMISS, PRESENTING DEFENSES OF
FAILURE TO STATE A CLAIM, OF LACK OF SERVICE OF PROCESS,
OF IMPROPER VENUE, AND OF LACK OF JURISDICTION
UNDER RULE 12(b)**

The defendant moves the court as follows:

1. To dismiss the action because the complaint fails to state a claim against defendant upon which relief can be granted.

2. To dismiss the action or in lieu thereof to quash the return of service of summons on the grounds (a) that the defendant is a corporation organized under the laws of _____ and was not and is not subject to service of process within the State of Alabama because it is not doing business therein and (b) that the defendant has not been properly served with process in this action because service was made upon _____, who was not at the time an agent of the defendant (all of which more clearly appears in the affidavits of M.N. and X.Y. hereto annexed as Exhibit A and Exhibit B, respectively).

3. To dismiss the action on the ground that it is brought in the wrong county because (a) the defendant is a foreign corporation and (b) is not doing business by agent in the county where this suit is brought.

4. To dismiss the action on the ground that the court lacks jurisdiction because the amount actually in controversy does not exceed fifty dollars.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the above and foregoing Motion to Dismiss on A.B., counsel of record for the Plaintiff, C.D., by placing a copy of same in the United States Mail, postage prepaid and addressed to his regular mailing address.

This _____ day of _____, 2_____.

[Signed]: _____

Attorney for Defendant

Address: