

MOTORS INSURANCE CORPORATION,
A Corporation,

Plaintiff

-VS-

HOWARD McBYRD

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW:

5281

COUNT ONE:

Plaintiff claims of the Defendant the sum of SIX HUNDRED AND FIFTY FIVE AND 33/100 (\$655.33) DOLLARS, due by promissory note made by him on the 27th day of June, 1961, payable in monthly installments of THIRTY DOLLARS (\$30.00) on the 15th day of each month beginning on the 15th day of July, 1961.

In and by the terms of said note, the Defendant promised that on failure to pay any installment when due the entire unpaid balance would become due and payable at the option of the payee, and the payee now claims the benefit of said option, and demands the entire balance of the indebtedness.

In and by the terms of said note, the Defendant promised to pay all costs of collecting, including a reasonable attorney's fee, and the Plaintiff claims the further and additional sum of NINETY SEVEN and 50/100 (\$97.50) as a reasonable attorney's fee.

In and by the terms of said note, the Defendant waived all rights of exemption under the laws of Alabama and the Plaintiff now claims benefit of this waiver.

Attorney for Plaintiff

Defendant may be served at:
917 Dobson Avenue
Bay Minette, Alabama

Received 22 day of Oct 1961
and on 23 day of Oct 1961
I served a copy of the within FILED
on Howard McByrd
By service on ALICE J. DICK, CLERK
REGISTER

TAYLOR WILKINS, Sheriff
By W. G. Salbert D. S.
D. V. Lile

Ten Cents per mile Total \$ 20
TAYLOR WILKINS, Sheriff
By Salbert
DEPUTY SHERIFF

Received 19 day of Sept 1961
and on 19 day of Sept 1961
I served a copy of the within FILED
on Howard McByrd
By service on TAYLOR WILKINS, Sheriff

TAYLOR WILKINS, Sheriff
By W. G. Salbert D. S.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Howard McByrd

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

_____ Howard McByrd _____, Defendant _____

by _____ Motors Insurance Corporation _____

_____, Plaintiff _____

Witness my hand this 19 day of Sept 1962

William J. Smith _____, Clerk

No. 5287 Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Motors Insurance Corporation,

a Corporation

Plaintiffs

vs.

Howard McByrd

Standard Insurance Co

Bay Minette

Defendants

Summons and Complaint

Filed

FILED

19

SEP 19 1962

Clerk

**ALICE I. DUCK, CLERK
REGISTER**

Returned 26 day of Sept 1962

Not found in my county after diligent search and in-
quiry.

Taylor Wilkins, Sheriff

By W. A. Talbert
Deputy Sheriff
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

917 Dobson Street

Bay Minette, Alabama

Received In Office

_____, 19____

Sheriff.

I have executed this summons

this Oct 23 1962

by leaving a copy with

Howard McByrd

Taylor Wilkins
Sheriff.
W. A. Talbert
Deputy Sheriff.
D. Vill

JOHN V. DUCK
RICHARD C. LACEY

ATTORNEYS AT LAW
FAIRHOPE, ALABAMA

January 7, 1963

Mrs. Alice J. Duck
P. O. Box 239
Bay Minette, Alabama

IN RE: Civil Case 5281
MotersInsurance Corp
-vs-
Howard McByrd

Dear Mrs. Duck:

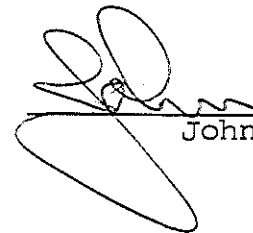
Enclosed you will find a Promissory Note in
the above styled cause.

Would you please attach it and this letter to
the docket sheet so that Judge Hall may enter me a judge-
ment by default in the amount of Eight Hundred Twenty-six
and 03/100 (\$826.03)Dollars, representing the Six Hundred
and Fifty-five and 33/100(\$655.33)Dollars,sued for , plus
an Attorney's fee of Ninety-seven and 50/100(\$97.50)Dollars,
and interest of Sixty-three and 15/100 (63.15)Dollars.

Your cooperation in this matter will be appreciated.

Would you please forward to this office the certi-
ficate of judgement.

Sincerely,


John

JVD:og
Encl;

65-5233
826-07

PROMISSORY NOTE

\$ 755 ³³

Bay Minette, Alabama

June 27, 1961

For value received I/we promise to pay to the order of Motors Insurance Corp AND the sum of Seven Hundred Fifty Five & ³³/₁₀₀ Dollars with interest at the rate of six (6%) per cent from maturity until paid, payable in installments of 30⁰⁰ Dollars, the first of said payments to be due July 15, and each succeeding payment due on the 15 day of each month thereafter until fully paid.

Payment is to be made at the office of Motors Insurance Corp 2211 Highland Ave So., Birmingham, Alabama. The undersigned to this instrument severally waive as to this debt, or any renewal thereof, all rights of exemption under the laws of Alabama and agree to pay all costs, including a reasonable attorneys' fee, when an attorney is employed to collect this debt. Failure to pay any installment when due will cause the entire unpaid balance to become due and payable at the option of the payee.

Howard Mc Brien

917 Dekron Ave
Mobile

WITNESSED:

Name HARRISON VALLEE

Address 2211 Highland Ave So.

Employed by Standard Furniture Co.
Bay Minette, Ala.

Please send T/P self addressed envelope

JOHN V. DUCK
ATTORNEY AT LAW
FAIRHOPE, ALABAMA
October 19, 1962

Mrs. Alice J. Duck
P. O. Box 239
Bay Minette, Ala.

Re: Motors Insurance Corp.
-VS-
Howard McByrd

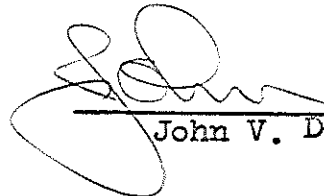
Civil Case No. 5281

Dear Miss Alice:

I have information that the Defendant named above is employed by Standard Manufacturing Co. in Bay Minette. Would you please have the sheriff to try service at Standard Manufacturing Co on the above style cause and contact me.

Sincerely,

JVDLoq



John V. Duck

MOTORS INSURANCE CORPORATION, X
a corporation, X

Plaintiff, X

vs. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

HOWARD McBYRD, X

Defendant, X

AT LAW NO. 5281 $\frac{1}{2}$

and X

STANDARD FURNITURE MANU- X
FACTURING COMPANY, INC., X
a corporation, X

Garnishee. X

ANSWER OF GARNISHEE

Comes now the Garnishee in the above styled cause and for answer to the Writ of Garnishment heretofore served on it on May 18, 1963, says as follows:

That the Defendant in the above styled cause, Howard McByrd, is presently employed by the Garnishee and earns an average gross pay of \$58.00 per week and at the time of the making of this answer this corporation is indebted to said Defendant in the amount of one weeks wages and will be indebted to said Defendant in that amount as long as he continues to be employed by this Garnishee. That prior to the Writ of Garnishment served upon this Garnishee, the said Defendant had executed and delivered and assignment of \$15.00 per week of his pay due from this Garnishee to Clyde Little as security for total indebtedness of \$270.00 from the said Defendant to the said Clyde Little and at the time of the making of this answer there has been deducted from the pay of the Defendant the sum of \$60.00 over a four week period. That beginning with the payroll check which this Defendant will be entitled on Friday, May 31, 1963, and on each subsequent Friday thereafter as long as said Defendant is in the employ of this Garnishee, this Garnishee will deliver to the Clerk of said court said payroll check for disposition by the Court.

This Garnishee is not liable to said Defendant for the delivery of personal property or for the payment of money which

may be discharged by the delivery of personal property, or which is payable in personal property, and it has not in its possession or under its control any money or effects belonging to the Defendant, Howard McByrd, except accumulated wages as hereinabove set forth.

Respectfully submitted,

STANDARD FURNITURE MANUFACTURING CO.,
INC., a corporation,

By: *[Signature]*
As its Vice-President

Sworn to and subscribed before

me this 27th day of May,
1963.

[Signature]
Notary Public, Baldwin County, Alabama

FILED

MAY 29 1963

ALICE L. DUCK, CLERK
REGISTER

INSTRUCTIONS

SENDER:

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR

Form 87 - New England Business Service, Inc., Townsend, Mass.

TO

Mrs. Alice J. Duck
Clerk of Circuit Court
P. O. Box 233
Bay Minette, Alabama

FROM

JOHN V. DUCK & RICHARD C. LACEY
Attorneys At Law
317 Magnolia Avenue
FAIRHOPE, ALABAMA

SUBJECT: PAUL A. FREDERICK JR. -vs- F.L. MCKENZIE

DATE:

Motors Insurance Co. -vs- Edward McKee

5/15/63

Message - Reply

FOLD A THIS IS NCR (NO CARBON REQUIRED) PAPER.

JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 87 - New England Business Service, Inc., Townsend, Mass.

MESSAGE

Dear Mrs. Alice:

Enclosed you will find Garnishment proceedings on the above.

JVD/OL
Encs

SIGNED:

DATE OF REPLY:

REPLY TO:

John A. Duck

REPLY

SIGNED:

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

State of Alabama

BALDWIN COUNTY

TO HOWARD McBYRD, Defendant:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of
MOTORS INSURANCE CORP., A Corporation, Plaintiff,
versus HOWARD McBYRD, Defendant,

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which

STANDARD FURNITURE MFG. CO. INC., A Corporation

has been named as Garnishee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 16
day of May, 1943.

Delia J. Smith
Clerk of the Circuit Court.

62-5-16-63

410

Mr. 52816

NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

TO

MOTORS INSURANCE CO., A Corp.

Plaintiff.....

VS.

HOWARD McBYRD

Defendant.....

Received 16 day of May 1963
and on 16 day of May 1963
served a copy of the within Notice
on Howard McByrd
by service on _____

TAYLOR WILKINS, Sheriff

By W. A. Talbert D. S.

0 m.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State aforesaid JOHN V. DUCK

who being duly sworn, on oath says, that a regular Spring Term of the Circuit Court of Baldwin County, to-wit: on the 9th day of January

19 63, Motors Insurance Corp., a Corporation recovered a judgment against Howard McByrd

Eight Hundred Twenty-Six & 03/100 for the sum of Eight Hundred Twenty-Six & 03/100 Dollars besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

Standard Furniture Mfg. Co. Inc., a Corp.

supposed to be indebted to or have effects of the said Howard McByrd

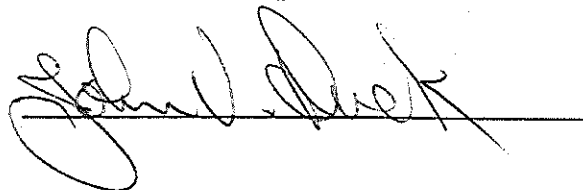
in its possession, or under its control, and that he believes process of

Garnishment against said Standard Furniture Mfg. Co. Inc., a Corporation is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this _____

day of _____ A. D. 19 _____

Clerk.



NO. 5281 1/2

CIRCUIT COURT

~~MOTORS INSURANCE CO. A CORP.~~

VS.

~~HOWARD McBYRD~~

AFFIDAVIT Garnishment on Judgment

Filed this _____ day of

_____, 19____

Clerk.

MOORE PRINTING CO., BAY MINETTE, ALA.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State aforesaid JOHN V. DUCK

who being duly sworn, on oath says, that a regular Spring Term
of the Circuit Court of Baldwin County, to-wit: on the 9th day of January

19 63, Motors Insurance Corp., a Corporation

recovered a judgment against Howard McByrd

Eight Hundred Twenty-Six & 03/100 for the sum of

Eight Hundred Twenty-Six & 03/100 Dollars

besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

Standard Furniture Mfg. Co. Inc., a Corp.

supposed to be indebted to or have effects of the said Howard McByrd

in its possession, or under its control, and that he believes process of

Garnishment against said Standard Furniture Mfg. Co. Inc., a Corporation

is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 16

day of May A. D. 1963

Alice J. Duck
Clerk.

John V. Duck

NO. _____

CIRCUIT COURT

MOTORS INSURANCE CO. A CORP.

vs.

HOWARD McBYRD

AFFIDAVIT Garnishment on Judgment

Filed this **FILED** _____ day of

MAY 16 1963, 19____

ALICE J. DUCK, CLERK
REGISTER Clerk.

MOORE PRINTING CO., BAY MINETTE, ALA.

CIRCUIT COURT, BALDWIN COUNTY

The State of Alabama,
Baldwin County

SPRING TERM, 1963

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular January Term, 1963, of the Circuit Court of Baldwin County,

to-wit: On the 9th day of January, 1963, being a regular day of

MOTOR INSURANCE CORP., a corporation

recovered judgment against HOWARD MCBERD

for the sum of eight hundred twenty-six and 03/100 Dollars, and cost of suit,

and affidavit having been made by John V. Duck

that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named persons or corporations, viz:

Standard Furniture Mfg. Co., Inc., a corporation

has or is believed to have in its possession, or under its control money

or effects belonging to said defendant or that it is, or

is believed to be indebted to said defendant or to be liable to them, or to one of them on a

contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

Standard Furniture Mfg. Co., Inc., a corporation

to be and appear before the honorable judge of the Circuit Court for Baldwin County, at the Court House

thereof, in the city of Bay Minette, on the Monday in A. D. 19

then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the time making its answer, or at any time intervening the time of serv-

ing the garnishment, and making the answer it was indebted to said defendant

and whether it will not be indebted in future to said defendant

by a contract then existing, and whether by a contract then existing

is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which

may be discharged by the delivery of personal property, or which is payable in personal property, and

whether it has not in its possession or under its control money or

effects belonging to the defendant HOWARD MCBERD

Herein fail not, and have you then and there this Writ.

Witness, ALICE J. DUCK, Clerk of said Court, this 14 day of May, A. D., 1963

Issued 14 day of May A. D., 1963

ATTEST:

Clerk. May 14 1963

Received 16 day of May 1943
and on 16 day of May 1943
served a copy of the within Writ
on Standard Furniture Co

by service on _____

TAYLOR WILKINS, Sheriff
B. W. A. Talbot
0 mi

Circuit Court, Baldwin County

No. 52-81 1/2

Motors Insurance Corp

VS. } Garnishment On Judgment
Howard Mc Bride

Standard Furniture Co
Garnisher

Issued 16 day of May 1943

Returnable _____ day of _____ 19____

Attorney