

FAY L. GARRETT

PLAINTIFF

VS

L. E. GARRETT

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 5356

ANSWER

Comes now the defendant in the above styled cause and for answer to the complaint heretofore filed, interposes the following pleas thereto:

I

Not guilty.

II

The material allegations thereof are untrue.

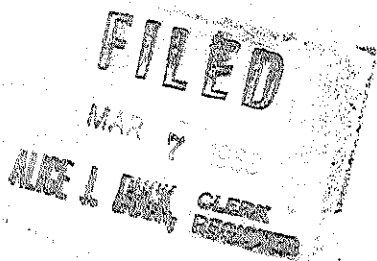
III

JAG
~~Defendant pleading specially, avers that at the time of execution of said promissory note, defendant and plaintiff were man and wife, and Mrs. Henry D. Long was defendant's mother-in-law; that the consideration for the execution of said promissory note was the loan of \$12,000.00 to defendant to enable him to purchase an interest in a farm implement business and thereby gain employment to support plaintiff and their family; that since the assignment of said promissory note to plaintiff the defendant has paid to plaintiff various sums of money over and above his support of her, which sums defendant offers to set off against the demands of the plaintiff.~~

James A. Brin
Attorney for defendant

I certify that a copy of this answer has been mailed, postage paid, to Kenneth Cooper, Attorney for Plaintiff, this 6th day of March 1963.

James A. Brin
Attorney for defendant



KNOW ALL MEN BY THESE PRESENTS:

That in consideration of value received we, the undersigned, constituting all of the heirs and distributees of the Estate of Mamie B. Long, Deceased, (Mrs. Henry B. Long) do hereby transfer, sell, assign, convey and deliver unto Fay Garrett the following described items of personal property, to-wit: Note in the principal amount of \$12,000.00 made at Fairhope, Alabama, October 31st, 1957, payable in 5 years to Mrs. Henry B. Long, now deceased, together with attached collateral note form and the collateral described therein to-wit: 120 shares of stock, par value \$100.00 per share of the capital stock of Devall Tract & Tractor Company, Inc., an Alabama Corporation.

The consideration for this conveyance is a receipt signed by Fay L. Garrett acknowledging receipt of said note, document and stock certificates as a distribution applying on her distributive share of the Estate of Mamie B. Long, deceased. Credit to be given for the instrument at par.

EXECUTED this 1st day of August, 1960.

Henry B. Long, Jr.
Henry B. Long, Jr.

Bessie Mae L. Clowdus
Bessie Mae L. Clowdus

Ruth L. Talley
Ruth L. Talley

Fay L. Garrett
Fay L. Garrett

Garrett vs. Garrett

JURY LIST - MARCH 11, 1963

- ~~1. Bishop, Woodrow, Farmer, Fairhope~~
- ~~2. Bodenhamer, O. L., Contractor, Foley~~
- ~~3. Bornholt, Roy H., Farmer, Elberta~~
- ~~4. Brown, Wesley, Farmer, Perdido~~
- ~~5. Childress, Calvin, Farmer, Summerdale~~
6. Coley, Luke Mc., Fisherman, Gulf Shores
- ~~7. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores~~
- ~~8. Dubose, Jim, Civil Service, Foley~~
- ~~9. Early, L. J., Timber & Lumber, Foley~~
- ~~10. Hastings, Donald E., Farmer, Rosinton~~
- ~~11. Hobbs, Tom, Farmer, Rosinton~~
12. Hortman, Charles W., Baker, Foley
13. Howell, Elvin, Farmer, Bay Minette
- ~~14. Evans, John G., Farmer, Foley~~
- ~~15. Ellison, W. V., Farmer, Robertsedale~~
- ~~16. Gill, James, Brookley Field, Robertsedale~~
- ~~17. Kriss, Phillip, Farmer, Silverhill~~
- ~~18. Lazzari, Joe, Farmer, Daphne~~
- ~~19. Lee, Cecil E., Farmer, Gateswood~~
20. Little, Fred, State Emp., Bay Minette
- ~~21. Lovell, M. A., Jr., Farmer, Loxley~~
- ~~22. Mikkelsen, Robert, Savings & Loan, Robertsedale~~
- ~~23. Moravac, Edward P., Farmer, Robertsedale~~
- ~~24. Nittberg, Harry, Carpenter, Robertsedale~~
- ~~25. Nix, Ellis, Feed Mill, Silverhill~~
- ~~26. Teem, Kenneth, Linesman, Foley~~
27. Parker, Sim M., Farmer, Bon Secourt
- ~~28. Patterson, Elbert, Salesman, Fairhope~~
- ~~29. [unclear], [unclear], [unclear]~~
- ~~30. Powers, James, Farmer, Summerdale~~
- ~~31. Pucky, Charlie, Farmer, Rosinton~~
- ~~32. Sellars, James R., Chemstrand, Robertsedale~~
33. Simmons, Martin, Brookley Field, Bay Minette
34. Slaughter, Ashton B., Timberman, Tensaw
- ~~35. [unclear], [unclear], [unclear]~~
- ~~36. Jansen, Claude A., Mfg., Fairhope~~
37. Anderson, Evar, Civil Service, Elberta
- ~~38. Weston, Harold, Clerk, Fairhope~~
- ~~39. Weeks, Hugh, Farmer, Mag. Spgs.~~
40. White, Harold, Trk, Driver, Foley
- ~~41. Whitten, Lewis S., Electrician, Fairhope~~
- ~~42. Stuckey, Whit Nelson, Millman, Bay Minette~~
43. Langston, Shelby, Brookley Field, Bay Minette
44. Bryars, Ewing E., Reserve Fleet, Bay Minette
- ~~45. Hand, Charles C., Jr., Brookley Field, Bay Minette~~
- ~~46. Stapleton, Albert L., Clerk, Bay Minette~~
47. Moorer, Uhle, Newport, Bay Minette
- ~~48. Murrah, Wendel A., Production, Bay Minette~~

P XXXXX XXXXX ✓

D XXXXX XXXXX X

49
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FAY L. GARRETT,)
Plaintiff,)
vs)
L. E. GARRETT,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT ~~LAW~~ *Law*.

No. 5356

DEMURRER

Comes now the Plaintiff in above styled cause, and demurs to
COUNT III of the ANSWER heretofore filed in this cause, and as
grounds therefor assigns the following separate and several de-
murrers:

ONE

The special plea of set-off does not state a leg al defense.

TWO

The special plea of set-off is not available to the Defend-
ant in this cause of action.

THREE

The special plea of set-off is not available to papers
governed by the commercial law, negotiated before maturity.

FOUR

The special plea of set-off fails to aver that the claim or
debt sought to be set-off by the Defendant against the Plaintiff's
demands were existing at the time of the commencement of this
action.

FIVE.

The special plea of set-off fails to allege the exact amount
of the set-off claimed by the Defendant.

SIX

The special plea of set-off is vague, uncertain and indefinite.

Kenneth Cooper
Attorney for Plaintiff

I certify that a copy of this demurrer
has been mailed, postage prepaid, to
James A. Brice, Attorney for Defendant,
Foley, Ala., on this *11th* day of March, 1963.

Kenneth Cooper
Attorney for Plaintiff

FILED

MAR 11 1963

CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

FAY L. GARRETT

Plaintiff,

vs

L. E. GARRETT

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 5356

COUNT ONE

The Plaintiff claims of the Defendant the sum of TWELVE THOUSAND (\$12,000.00) DOLLARS due by promissory note made by Defendant to Mrs. Henry B. Long, on October 31st, 1957, and payable on October 31st, 1962. And which promissory note was endorsed by Henry B. Long, Jr., as Executor of the Estate of Mrs. Henry B. Long to Plaintiff for value before maturity, with interest from March 1, 1958, at the rate of six per cent per annum, together with a reasonable attorney's fee.

Fay L. Garrett
Plaintiff

NOTE: Defendant may be served
at Devall Farm Equipment place
in Robertsdale, operated by the
Defendant and Mr. Swoboda.

FILED

NOV 2 1962

ALICE I. DUCK, CLERK
REGISTER

Received 2 day of Nov. 1962
and on 5 day of Nov. 1962
I served a copy of the within etc
on L. E. Garrett

By service on _____

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY CC
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff

By Robert Swoboda D.S.

TO THE HONORABLE JUDGE
OF THE DISTRICT COURT
AT THE CITY OF KANSAS
STATE OF KANSAS

IN SENATE
JANUARY 1915
RECEIVED

We the jury find for the plaintiff
in the amount of \$17,000 plus interest,
plus legal fees in the amount of
\$1500.

B. M. Simmons

[Signature]
JANUARY 1915

Received of the plaintiff
the sum of \$17,000 plus interest,
plus legal fees in the amount of
\$1500.

RECEIVED
JAN 19 1915
DISTRICT COURT
STATE OF KANSAS

[Signature]
JANUARY 1915

[Signature]
JANUARY 1915

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. _____

November TERM, 19 62

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon L. E. GARRETT

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 _____

said L. E. GARRETT _____, Defendant

by RAY L. GARRETT _____

_____, Plaintiff

Witness my hand this 2nd day of November 19 62

Alice J. Luck, Clerk

STATE of ALABAMA**Baldwin County****CIRCUIT COURT**

FAY L. GARRETT

Plaintiffs

vs.

L. E. GARRETT

Defendants

Summons and Complaint

Filed November 2, 1962

Reing French Clerk

Kenneth Cooper

Plaintiff's Attorney

Defendant's Attorney

Defendant ~~has~~ works at
GARRETT-SWOBODA Farm Equipment
place, in Robertsedale, formerl
Devall Farm Equipment Co., Inc

Received In Office

, 19

Sheriff.

I have executed this summons

this

by leaving a copy with

L E Garrett

Sheriff.

Deputy Sheriff.

R. W. Tate

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 Kenneth Cooper, Attorney for Fay L. Garrett

who being duly sworn, on oath says, that a regular Spring, 1963 Term
of the Circuit Court of Baldwin County, to-wit: on the 14th day of March
19 63, Fay L. Garrett

recovered a judgment against L. E. Garrett

for the sum of
Twelve Thousand (\$12,000.00) and interest and \$1500.00 attorney fee Dollars
besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that
Garrett and Swoboda Equipment Company, of Robertsdale, Alabama

supposed to be indebted to or have effects of the said L.E. Garrett
in its possession, or under its control, and that he believes process of
Garnishment against said Garrett & Swoboda Farm Equipment Company
is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 16
day of November A. D. 19 63

Alice J. Duck
Clerk.

Kenneth Cooper

FAY L. GARRETT

PLAINTIFF

VS

L.E. GARRETT,

DEFENDANT

and

GARRETT AND SWOBODA FARM
EQUIPMENT COMPANY

GARNISHEES


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 5356 $\frac{1}{2}$

CONTEST OF ANSWER BY PLAINTIFF

I, Kenneth Cooper, Attorney for Fay L. Garrett, the Plaintiff in above-styled cause, do hereby controvert the answer of James A. Brice, Attorney for the Garnishee, Garrett and Swoboda Farm Equipment Company, heretofore filed in this cause, and I do hereby state that I am informed and believe that said answer is untrue.

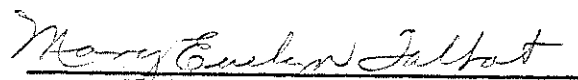

Attorney For Plaintiff

Sworn to and subscribed before me this 16th day of
December, 1963.

FILED

DEC 16 1963

ALICE L. DICK, CLERK
REGISTER


Notary Public, State At
Large, State of Alabama

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19__

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Spring Term, 1963, of the Circuit Court of Baldwin County,
to-wit: On the 14th day of March, 1963, being a regular day of
said term, Ray L. Garrett

recovered judgment against L.E. Garrett

for the sum of Twelve Thousand (\$12,000.00) plus interests Dollars/and cost of suit,
and affidavit having been made by Kenneth Cooper
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

Garrett and Swoboda Farm

Equipment Company

Robertsdale, Alabama

has or is believed to have in its possession, or under its control money
or effects belonging to said defendant L.E. Garrett 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 Garrett and Swoboda

Farm Equipment Company,

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 December A. D. 1963,
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 it
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 _____ control money or
effects belonging to the defendant L.E. Garrett

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

Witness, ALICE J. DUCK, Clerk of said Court, this 16 day of November, A.D., 1963

Issued 16 day of November A. D., 1963.

ATTEST:

67-11-19-63

Alice J. Duck, Clerk.

Received 14 day of Nov 1963
d on 19 day of Nov 1963
served a copy of the within Garn.

Garnett & Swoboda

Swoboda & Garnett

L. E. Garnett Pres.
of Garnett Swoboda Co

TAYLOR WILKINS, Sheriff

By Carlisle Childress

R. L. Cole

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY Carlisle Childress

DEPUTY SHERIFF

Circuit Court, Baldwin County

No. 535417

Jay L. Garnett

VS. } Garnishment On Judgment

L. E. Garnett

Garnett Swoboda

Garnishment

Issued _____ day of _____ 19____

Returnable _____ day of _____ 19____

Attorney

FAY L. GARRETT

PLAINTIFF

VS

L. E. GARRETT

DEFENDANT

and

GARRETT AND SWOBODA FARM
EQUIPMENT COMPANY

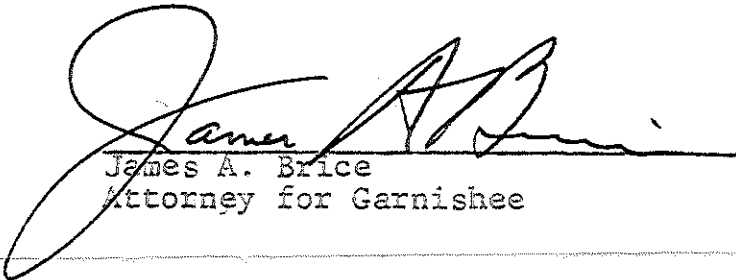
GARNISHEE

IN THE CIRCUIT COURT OF

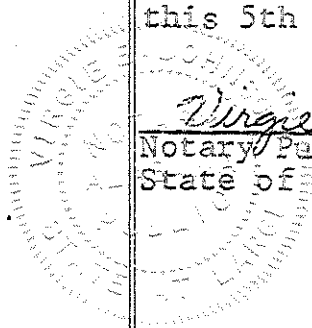
BALDWIN COUNTY, ALABAMA

AT LAW, NO. 5356½

Comes now the garnishee, by its attorney, and for answer to the writ of garnishment in the above styled action, states that it has not, nor has it had, any funds belonging to the Defendant in its possession or its control.


James A. Brice
Attorney for Garnishee

Sworn to and subscribed before me
this 5th day of December 1963.


Virgil E. Johnson
Notary Public
State of Alabama at Large

FILED
DEC 6 1963
ALICE J. DICK, CLERK
REGISTER

State of Alabama
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

TO L. E. GARRETT
....., Defendant.....

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

FAY L. GARRETT
....., Plaintiff.....

versus L. E. GARRETT
....., Defendant.....

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

GARRETT & SWOBODA EQUIPMENT COMPANY
.....

has^s been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the.....

day of 16th Nov
....., 194.63..

Alice J. Shuck
Clerk of the Circuit Court.

662

64-11-19-63

710.5356 1/4

NOTICE
TO DEFENDANT OF GARNISHMENT
BY

CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

TO

L. E. GARRETT

FAY L. GARRETT

Plaintiff.....

VS.

L. E. GARRETT

Defendant.....

Received 16 day of Nov. 1963
and on 19 day of Nov. 1963

Served a copy of the within Notice
on L. E. Garrett

By service on

TAYLOR WILKINS Sheriff

By *Richard B. Childers*

R. B. Childers

Sheriff claims 5.0 miles at

Ten Cents per mile Total \$ 5.00.

TAYLOR WILKINS, Sheriff

BY *Richard B. Childers*
DEPUTY SHERIFF

THE STATE OF ALABAMA
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON GARRETT & SWOBODA EQUIPMENT
COMPANY, to-wit; L.E. GARRETT & CHARLES SWOBODA,

at the instance of the FAY L. GARRETT, If he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at
the Court House in Bay Minette, Ala., to wit: on 11th, the day of June, 1964
at 10:00 A.M., and to bring with him and produce at the time and place aforesaid, to be used as evi-
dence (here describe it).

All Minute books of proceeding of the Board of Directors of
Garrett & Swoboda Equipment Company, all account books, both of
accounts payable and accounts receivable of the said Company, all
financial records, including receipt books, cash books, ledgers, check
books and cancelled checks, and any and all other books of the said
company which reflect its financial affairs.

and then and there testify and the truth to speak concerning all and singular those things of which he may
have knowledge, or the said instrument of writing doth import of, and concerning a certain suit now pend-
ing and undetermined in said Court, wherein FAY L. GARRETT is
Plaintiff, and L.E. GARRETT Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and
there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 28 day of May 1964

Alice J. Duck
ALICE J. DUCK Clerk

No. 5356 1/2

THE STATE OF ALABAMA
Baldwin County

Jay L. Garrett

Plaintiff

VS. SUBPOENA DECUS TECUM

L. E. Garrett

Defendant

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

_____ day of _____ 19____

TIMES, BAY MINETTE

Received 28 day of May 1964
and on 3 day of May 1964

I served a copy of the within on Garrett & Lumber Co.
on Garrett & Lumber Co.

By service on L. E. Garrett
Charles Smoother

TAYLOR WILKINS, Sheriff

B. [Signature] D. S.

RIW