

Letter

4-25-69

Notes

The Aus-Euc- is the  
procedure used in  
Moore Co. Courts -  
and they in turn send  
us a letter of Condemnation  
+ request to send clk-  
to Court - after the  
Judge Reviews the Case -

Any Clarification on  
Yours Procedure, will  
be appreciated

Theresa  
ADDICO

October 14, 1964

Alabama Dry Dock and Shipbuilding Company,  
Attention: Mr. H. H. Wilson.

Dear Sir:

Re: The First National Bank of Bay Minette

Vs.

J. C. Byrd

Case No. 5841<sup>1</sup>/<sub>2</sub>

Some time ago you wrote me that you were holding some money on the above styled garnishment, and if this is correct, please mail me a check for the amount withheld in order for the court to enter the order for the garnishment to be dismissed and garnishee released.

Yours very truly,

Clerk of the Circuit Court

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

vs.

J. C. BYRD,

Defendant.

LAW SIDE.

5841

The Plaintiff claims of the Defendant, the sum of ONE HUNDRED SIXTY-THREE AND 66/100 DOLLARS (\$163.66), the balance due by promissory note made by him on September 15, 1962, and payable on May 17, 1963, with interest thereon from May 17, 1963, at the rate of eight percent (8%) per annum.

Plaintiff further alleges that in and by the terms of said note, the Defendant waived all rights of homestead under the Laws of the State of Alabama, and Plaintiff claims the benefit of said waiver.

Plaintiff further alleges that in and by the terms of said note the Defendant agreed to pay all costs of collection, including a reasonable attorney's fee, and Plaintiff claims the further and additional sum of Twenty-five and no/100 Dollars (\$25.00) as a reasonable attorney's fee in the premises.

MASHBURN AND OWENS

By: Richard K. Davis  
Attorneys for Plaintiff.

Defendant resides at 101 Vine Street  
Bay Minette, Alabama.

LEED

NOV 26 1963

ALICE J. DICK, CLERK  
REGISTERED

NO.

5841 1/2

# CIRCUIT COURT

VS.

## 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 J. Connor Owens, Jr.

who being duly sworn, on oath says, that a regular \_\_\_\_\_ Term

of the Circuit Court of Baldwin County, to-wit: on the 21st day of January

19 64, The First National Bank of Bay Minette, a National Banking Assn.

recovered a judgment against J. C. Byrd

\_\_\_\_\_ for the sum of  
One hundred ninety-seven and 36/100---(\$197.36)---  
\_\_\_\_\_ Dollars  
besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that  
Alabama Drydock & Shipbuilding Corporation, Mobile, Alabama.

supposed to be indebted to or have effects of the said J. C. Byrd  
in its possession, or under its control, and that he believes process of  
Garnishment against said J. C. Byrd  
is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 11  
day of February A. D. 19 64

Alice J. Duck  
Clerk.

J. Connor Owens, Jr.  
**FILED**  
FEB 11 1964  
ALICE J. DUCK CLERK

State of Alabama

BALDWIN COUNTY

TO J. C. BYRD, Defendant:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of  
 The First National Bank of Bay Minette, a National Banking Assn., Plaintiff,  
 versus J. C. Byrd, Defendant,

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

Alabama Drydock & Shipbuilding Corporation

has been named as Garnishee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 11  
 day of February, 1964

*Alice J. Duck*  
 Clerk of the Circuit Court.

785

ceived 11 day of Feb 1964  
d on 22 day of Feb 1964  
erved a copy of the within Notice  
J.C. Byrd

service on J.C. Byrd

TAYLOR WILKINS, Sheriff  
By J.M. Eastman  
sm.

RETURNED 2-18-64  
Not found in my County after dili-  
gent search and inquiry.  
RAY D. BRIDGES, Sheriff  
By C. J. Fitzpatrick

5841 1/2

NOTICE  
TO DEFENDANT OF GARNISHMENT  
BY  
CLERK OF CIRCUIT COURT  
BALDWIN COUNTY, ALABAMA  
TO

J.C. Byrd, Dept.  
First National Bank of  
Bay Minette,  
Plaintiff.....

VS.

J.C. Byrd  
behind Whites Electric  
Shop-  
Defendant.....

Garnishment Judgment.

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 Term, 19\_64\_, of the Circuit Court of Baldwin County,  
to-wit: On the 21 day of January, 19\_64\_, being a regular day of  
said term, The First National Bank of Bay Minette, a National Banking  
Association  
recovered judgment against J. C. Byrd

for the sum of One Hundred Ninety-seven and 36/100 Dollars, and cost of suit,  
and affidavit having been made by J. Connor Owens, Jr.  
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the  
following named persons or corporations, viz:

Alabama Drydock & Shipbuilding Corporation, Mobile, Alabama,

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 Alabama Drydock & Shipbuilding  
Corporation, Mobile, Alabama,

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, within 30 days of the service of this writ

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 its control money or  
effects belonging to the defendant, J. C. Byrd

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

Witness, ALICE J. DUCK, Clerk of said Court, this 16th day of February, A. D., 19\_64\_

Issued 11 day of February A. D., 19\_64\_

ATTEST:

786

*Alice J. Duck*, Clerk.



Received 12 Day of Feb 1964  
and on 13 Day of Feb 1964

I served Raymond D. Ewing, Clerk  
on Glenn D. Ewing, Sheriff  
by service of  
Raymond D. Ewing, Clerk

By C. J. Ewing, Clerk

7th 2106  
Circuit Court, Baldwin County

No. 5811 1/2

First National Bank  
of Bay Minette

VS. { Garnishment On Judgment

J. C. Syed

13th Feb at Union Bay m.

Issued \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

RECEIVED

FEB 12 1964

SHERIFF'S OFFICE

Attorney

## RELEASE OF GARNISHMENT

Circuit Court of Baldwin County, Alabama

RE: The First National Bank of Bay Minette  
vs. Plaintiff.

J. C. Byrd Case No. 5841 $\frac{1}{2}$   
Defendant.

To: Alabama Dry Dock and Shipbuilding Company  
GARNISHEE

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that in the above styled case, Garnishment has been released and Garnishee has been discharged.

Witness my hand, this the 21 day of October, 19 64

783 Alice J. Duck CLERK.

STATE OF ALABAMA:

COUNTY OF ~~MOBILE~~ Baldwin

The First National Bank of Bay Minette PLAINTIFF

J. C. Byrd DEFENDANT

Your No. 584<sup>1</sup>/<sub>2</sub>

VS:

ALABAMA DRY DOCK AND SHIPBUILDING COMPANY, Garnishees:

Before the Circuit  
Court of ~~Mobile~~ in and for said County and State:  
Baldwin

And now comes the Alabama Dry Dock and Shipbuilding Company, through and by  
H. H. Wilson its agent duly authorized by it to make  
this answer, and for answer to the garnishment in this cause says:

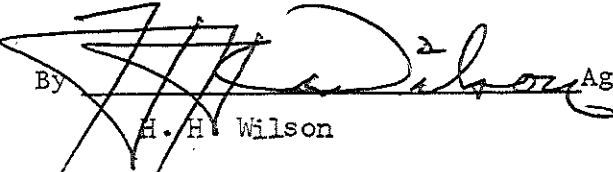
That at the service of this writ of garnishment and at the time of making its  
answer thereto, it is indebted to said defendant in the sum of

Two Hundred Twenty Four & 36/100 - - - - - Dollars, (\$ 224.36 )

being wages, salary or compensation for personal services rendered by defendant,  
who is a resident of the State of Alabama, and that neither at the time of the  
service of said writ, nor at any time since has it been indebted to said defendant  
in any other and further sum; and that it will not be indebted in the future to said  
defendant by a contract now or previously existing; and that is not liable to said  
defendant by a contract now or previously existing 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 that it has not now in its possession or  
under its control any money or effects belonging to said defendant, and that it has not  
had in its possession or under its control since the service of said writ any money  
belonging to said defendant, and that it does not know or believe that any other person  
is indebted to said defendant; and that it does not know or believe that any other person  
has effects of said defendant in his possession or under his control.

And having answered said Garnishment, prays to be hence dismissed with its reasonable  
costs in his behalf expended.

ALABAMA DRY DOCK AND SHIPBUILDING COMPANY

By  Agent  
H. H. Wilson

Subscribed and sworn to before me, this

27th day of April 19 64

refer to our No. 2751

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED  
APR 23 1964

ALICE L. DUCK, CLERK  
REGISTER

STATE OF ALABAMA:

COUNTY OF ~~MOBILE~~ BALDWIN

THE FIRST NATIONAL BANK  
of BAY MINETTE PLAINTIFF

J. C. BYRD DEFENDANT

Your No. 5841 $\frac{1}{2}$

VS:

ALABAMA DRY DOCK AND SHIPBUILDING COMPANY, Garnishees:

Before the Circuit Court

Baldwin  
Court of ~~Mobile~~ in and for said County and State:

And now comes the Alabama Dry Dock and Shipbuilding Company, through and by

H. H. Wilson, its agent duly authorized by it to make this answer,

and for answer to the garnishment in this cause says:

✓ That at the time of making its answer, thereto, it is indebted to the said defendant. We are in the process of collecting and have not had the necessary time to accumulate a sum equal the amount shown as due by the Court.

ALABAMA DRY DOCK AND SHIPBUILDING COMPANY

By  Agent.

H. H. Wilson

Subscribed and sworn to before me this

2 day of March 19 64

Our No. 2751

Notary Public, Mobile County, Alabama

FILED

MAR 8 1964

ALICE L. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }  
Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon J. C. BYRD

101 Vine Street, Bay Minette, Alabama

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 J. C. Byrd

\_\_\_\_\_, Defendant

by First National Bank of Bay Minette, a National Banking Association,

\_\_\_\_\_, Plaintiff

Witness my hand this 27th day of November 19 63

Exp - 12-5-63

Alise J. Luck, Clerk

No. 5841 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

FIRST NATIONAL BANK OF  
BAY MINETTE, a National  
Banking Association  
Plaintiffs

vs.

J. C. BYRD  
Defendants

Summons and Complaint

Filed FILED 19\_\_

NOV 26 1963

Clerk

ALICE J. DUCK, CLERK  
REGISTER

Mashburn & Allen  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

Received In Office

Nov. 29 1963

\_\_\_\_\_, Sheriff

I have executed this summons

this Dec. 5 1963

by leaving a copy with

J. C. Byrd

Taylor W. Skyles Sheriff

W. A. Zebert Deputy Sheriff

Omni

October 14, 1964

Alabama Dry Dock and Shipbuilding Company,  
Attention: Mr. H. H. Wilson.

Dear Sir:

Re: The First National Bank of Bay Minette

Vs.

J. C. Byrd

Case No. 5841<sup>1</sup>/<sub>2</sub>

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Yours very truly,

Clerk of the Circuit Court

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4-25-69

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