

MEMO

WH 3-2201

Dec 10, 1963

Date

From:

FOREST A. CHRISTIAN

ATTORNEY AT LAW

Farmers & Merchants Bank Building

FOLEY, ALABAMA

To:

CLERK OF COURT
BAY MINETTE, ALA.

#5863

Re:

Boyster has a
place of business

Remarks:

in Foley, Alabama
& Montgomery, Ala
& I will personally
be responsible for
any Court costs
Judy Clark

SUMMONS

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon H. L. UNDERWOOD, 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, Alabama, at the place of holding same by F. S. ROYSTER Guano Company, an Virginia corporation.

Witness my hand and seal this the 11th day of Dec., 1963.

Alice J. Duck
Clerk

CCCCCCCCCCCCCCCCCCCCCCCCCCCC

COMPLAINT

F. S. ROYSTER
Guano Company,
an Virginia corporation,

PLAINTIFF

VS:

H. L. UNDERWOOD,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

3863

COUNT I

The Plaintiff claims of the Defendant FOUR HUNDRED NINETY-ONE & 63/100 DOLLARS (\$491.63), due from him by account on, to wit: the 3rd day of February, 1962, which sum of money, with interest thereon, is still unpaid.

COUNT II

The Plaintiff claims of the defendant FOUR HUNDRED NINETY-ONE & 63/100 DOLLARS (\$491.63), due from him on account stated between the Plaintiff and the Defendant on, to wit: the 3rd day of February, 1962, which sum of money, with interest thereon, is still unpaid.

COUNT III

The Plaintiff claims of the Defendant FOUR HUNDRED NINETY-ONE & 63/100 DOLLARS (\$491.63), due from him for merchandise, goods, and chattels sold by the Plaintiff to the Defendant on, to wit: the 3rd day of February, 1963, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 15th day of October, 1963.

Alice J. Duck
Attorney for Plaintiff

Defendant's address is:
Mr. H. L. Underwood
Route 1#
Summerdale, Alabama

FILED

DEC 11 1963

422

ALICE J. DUCK, CLERK
REGISTER

24-12-16-63

October 15 1963

H. L. UNDERWOOD

FOLEY, ALABAMA

In Account With **F. S. Royster** GUANO COMPANY

11/30/ 61	Inv. 2768	15.52 tons Limestone @ \$6.00	93.12
12/6/ 61	Inv. 2795	7.99 tons Limestone @ \$6.00	47.94
12/3/ 61	Inv. 2870	Spreading above limestone	64.68
1/27/62	Inv. 2897	12.92 tons Limestone @ \$8.75	113.05
2/3/ 62	Inv. 4972	31.18 tons Limestone @ \$8.75	272.84

67.61 tons

\$ 591.63

STATE OF ALABAMA Paid in cash

-100.00

MONTGOMERY COUNTY

Balance due

\$491.63

BEFORE ME, [Signature], a Notary Public

in and for said County, in said State, personally

appeared O. Evans Vaughn, known to me, who, being

being by me first duly sworn, on oath deposes and

says: that he is the Manager of the Montgomery Office

of F. S. Royster Guano Company and as such has know-

ledge of the correctness of the foregoing account;

that said statement of account is a true, accurate

and complete statement of the account of the said

H. L. Underwood of Foley, Alabama, to F. S. Royster

Guano Company; and, that said account is now

past due and unpaid.

[Signature]
 Manager
SWORN to and subscribed before me this 15 day of October

1963.

[Signature]
 Notary Public

Montgomery County, Alabama

My commission expires Aug 9, 1965.

5863

SUMMONS

F. S. ROYSTER
Guano Company, an
Virginia corporation,

PLAINTIFF

VS:

H. L. UNDERWOOD,

DEFENDANT

Received 14 day of Dec. 1963
and on 16 day of Dec 1963
I served a copy of the within S+C
on H. L. Underwood

By service on H. L. Underwood

TAYLOR WILKINS, Sheriff

Jm Eastland
Marlow, Ala.

Sheriff claims

80

in fees at

8.00

Jm Eastland
DEPUTY SHERIFF

FILED

DEC 11 1963

ALICE A. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

January 17, 1964

Honorable H. M. Hall
Circuit Judge
Bay Minette, Alabama

Re: F. S. Royster Guano Co.
Vs H. L. Underwood
Case No. 5863

Dear Judge Hall:

Please enter a judgment on a verified account in
the amount of \$542.50 which includes interest.

Cordially yours,

A handwritten signature in dark ink, appearing to read "Forest A. Christian", is written over the typed name.

FOREST A. CHRISTIAN

STATE OF ALABAMA

Baldwin County

TO H. L. Underwood
....., Defendant.....:

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

.....~~R.~~ S. ROYSTER GUANO COMPANY....., Plaintiff.....

versus H. L. UNDERWOOD....., Defendant.....

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

..... Farmers and Merchants Bank of Foley.....

has..... been named as Garnishee.....

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

8
.....day of November....., 19.65....

EX-11-16-65

.....
Clerk of the Circuit Court.

No. 5863 1/2

Received 8 day of Nov. 1965
and on 16 day of Nov. 1965

I served a copy of the within Notice
on H. L. Underwood

By service on H. L. Underwood

TAYLOR WILKINS, Sheriff

By J. M. Eastburn D.S.
Magnolia Springs, Ala.

Sheriff claims 84 miles at

Ten Cents per mile Total \$ 8.40

TAYLOR WILKINS, Sheriff

By J. M. Eastburn
DEPUTY SHERIFF

NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

TO

R. S. ROYSTER GUANO COMPANY

Plaintiff....

VS.

H. L. UNDERWOOD

Defendant....

THE STATE OF ALABAMA
Baldwin County

Circuit Court

58634w

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State
aforesaid FOREST A. CHRISTIAN

who being duly sworn, on oath says, that a regular January, 1964 Term

of the Circuit Court of Baldwin County, to-wit: on the 17th day of January

1964, F. S. ROYSTER GUANO COMPANY

recovered a judgment against H. L. UNDERWOOD

for the sum of
FIVE HUNDRED FORTY-TWO & 00/100 (\$542.00) Dollars

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

FARMERS & MERCHANTS BANK

supposed to be indebted to or have effects of the said H. L. UNDERWOOD

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

Garnishment, against said H. L. UNDERWOOD

is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this XXV 5th

day of November, A. D. 1965.

Alice J. Duck
Clerk.

Forest A. Christian
Forest A. Christian, Affiant

NO. 5863 1/2

Circuit Court

vs.

AFFIDAVIT GARNISHMENT ON JUDGMENT

Filed this 4 day of

Nov 1965

Reice J. Duck
Clerk.

MOORE PRINTING CO. - BAY MINETTE, ALA.

Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

NOVEMBER TERM, 1965

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular January Term, 1964, of the Circuit Court of Baldwin County,
to-wit: On the 17th day of January, 1964, being a regular day of
said term, K. S. ROYSTER GUANO COMPANY

recovered judgment against H. L. UNDERWOOD,

for the sum of FIVE HUNDRED FORTY-TWO & 00/100 (\$542.00) Dollars, and cost of suit,
and affidavit having been made by FOREST A. CHRISTIAN, as attorney for PLAINTIFFS
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

FARMERS & MERCHANTS BANK, Foley, Alabama,

has or is believed to have in its possession, or under its control money
or effects belonging to said defendant H. L. UNDERWOOD 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 FARMERS & MERCHANTS BANK,
Foley, 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, on the with in thirty days A. D. 1965,
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
H. L. UNDERWOOD 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 H. L. UNDERWOOD

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

Witness, ALICE J. DUCK, Clerk of said Court, this 8th day of November, A. D., 1965.

Issued 8th day of November, A. D., 1965.

ATTEST:

Alice J. Duck, Clerk.

Served 8 day of Nov. 1965
on 12 day of Nov. 1965
Served a copy of the within Garn.

Farmers & Merchants
Bk. of Toley
service on Miss Schultz, V. Pres.
Farmers & Merchants Bnk.

TAYLOR WILKINS, Sheriff

By J. M. Eastum D. S.
Toley, Ala.

Sheriff claims 72 miles at

Ten Cents per mile Total \$ 7.20

TAYLOR WILKINS, Sheriff

BY J. M. Eastum
DEPUTY SHERIFF

Circuit Court, Baldwin County

No. 5863 1/2

F. ROYSTER GUANO Co

VS. } Garnishment On Judgment

H. L. UNDERWOOD

Farmers & Merchants Bank
of Toley
Garnish

Issued 8 day of Nov 1965

Returnable day of 19

F. A. Christian

Attorney

ANSWER DENYING INDEBTEDNESS

STATE OF ALABAMA,)

BALDWIN COUNTY.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 5863½

RE: F. S. ROYSTER GUANO COMPANY

VS: H. L. UNDERWOOD, PLAINTIFF,

DEFENDANT,
FARMERS & MERCHANTS BANK, Foley,
Alabama,

GARNISHEE

And now on this the 16th day of November, 1965, comes FARMERS & MERCHANTS BANK, Foley, Alabama, a corporation, by and through JAY W. RICE, its Cashier, who, being duly sworn, deposes and says that he is an officer of FARMERS & MERCHANTS BANK, Foley, Alabama, a corporation, has personal knowledge of the facts herein stated and is authorized to sign this answer to said garnishment and that at the time of making this answer, said garnishee was not indebted to the said defendant, H. L. UNDERWOOD, in the sum of FIVE HUNDRED FORTY-
TWO & 00/100 DOLLARS (\$542.00), or any other amount, /that it will not be indebted in the future to said Defendant by contract then or now existing; that it will not be liable to said defendant for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and garnishee has not in its possession or under its control money or effects belonging to Defendant.

Having fully answered said garnishment the said garnishee prays to be hence dismissed, with his reasonable cost of making this answer.

FARMERS & MERCHANTS BANK, Foley,
Alabama, a corporation,

BY: Jay W. Rice
Jay W. Rice, Cashier

Sworn to and subscribed before me

on this the 16th day of November, 1965.

[Signature]
Notary Public, Baldwin County, Alabama

FILED

11-18-65

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ALICE L. DICK, CLERK
REGISTER