

SUMMONS

STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon HERBERT L. THOMAS, 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 FORNEY INDUSTRIES, INC., a Colorado corporation.

Witness my hand this the 14 day of May, 1964.

Alfred J. Duck
Clerk

* * * * *

COMPLAINT

FORNEY INDUSTRIES, INC., a
Colorado corporation,

PLAINTIFF,

VS:

HERBERT L. THOMAS,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

6060

COUNT I:

The Plaintiff claims of the Defendant TWO HUNDRED FIFTY-FIVE & 98/100 DOLLARS (\$255.98), due from him by account on, to wit: 10th day of November, 1962, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The Plaintiff claims of the Defendant TWO HUNDRED FIFTY-FIVE & 98/100 DOLLARS (\$255.98), due from him on account stated between the Plaintiff and the Defendant on, to wit: 10th day of November, 1962, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The Plaintiff claims of the Defendant TWO HUNDRED FIFTY-FIVE & 98/100 (\$255.98), due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to wit: 10th day of November, 1962, 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 28th day of April, 1964.

Alfred J. Duck
Attorney for Plaintiff

Defendant's address
Route 1#, Box 141
Foley, Alabama

64-5-20-64

FILED

MAY 19 1964

ALFRED J. DUCK, CLERK
REGISTER

COUNTY OF LARIMER

STATE OF COLORADO

Be it remembered, that on this 28th day of April
A. D., 1964, personally appeared before me, the undersigned authority,
Donald W. Kelly known to me
who being duly sworn, upon his oath stated that he is Credit Manager
of Forney Industries, Inc.
{ a corporation organized and doing business under the laws of the State of Colorado
and has been duly authorized by said corporation to make this affidavit
~~in partnership composed of~~

~~as sole trader doing business as~~
and that as such he makes this affidavit; that he is familiar with the books and business of
said Forney Industries, Inc.; that the attached account against
Herbert L. Thomas of Foley, Alabama
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Herbert L. Thomas.

at his special instance and request, that credit has been duly given for all payments and
just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of two hundred fifty-five and 98/100 Dollars
(\$255.98) with interest from November 10 1962 is justly due and
remains unpaid.

Donald W. Kelly

X

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Colorado
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

Mary Ellen Hoerlein
Notary Public

County of Larimer State of Colorado
My commission expires June 5 A. D. 1965.

1106060

SUMMONS

FOURNEY INDUSTRIES, INC., a
Colorado corporation,

PLAINTIFF,

VS:

HERBERT L. THOMAS,

DEFENDANT.

Received 18 day of May 1934
and on 20 day of May 1934
I served a copy of this within
on Herbert L. Thomas

By service on _____

TAYLOR WILKINS, Sheriff
By Herbert L. Thomas, S.

Herbert L. Thomas

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Herbert L. Thomas
DEPUTY SHERIFF

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

FILED

MAY 18 1934

CLERK
MADE J. DICK REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

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 FOREST A. CHRISTIAN

who being duly sworn, on oath says, that a regular June, 1964 Term
of the Circuit Court of Baldwin County, to-wit: on the 23rd day of June
19 64, FORNEY INDUSTRIES, INC.

recovered a judgment against HERBERT L. THOMAS for the sum of
TWO HUNDRED EIGHTY & 00/100 - - - - - (\$280.00) ~~for the sum of~~

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

supposed to be indebted to or have effects of the said HERBERT L. THOMAS
in its possession, or under its control, and that he believes process of
Garnishment against said FOLEY TRACTOR COMPANY
is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 16th
day of November A. D. 19 64
Alice J. Duck
Clerk.

Forest A. Christian
Forest A. Christian

STATE OF ALABAMA

Baldwin County

TO Herbert L. Thomas Defendant.....:

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

Forney Industries, Inc. Plaintiff.....versus Herbert L. Thomas Defendant.....

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

Foley Tractor Company

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

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

..16th day of ..November....., 19.64....

Alice J. Luck
Clerk of the Circuit Court.

67-11-17-64

725

6060 1/2

Received 16 day of Dec 1964
and on 17 day of Jan 65
I served a copy of the within Notice
on Herbert L. Thomas

By service on _____

TAYLOR WILKINS, Sheriff
By [Signature] D. S.

Duly

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY CC
DEPUTY SHERIFF

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

TO

HERBERT L. THOMAS, Defendant

FORNEY INDUSTRIES, INC.

Plaintiff....

VS.

HERBERT L. ~~XX~~ THOMAS

Defendant....

F.A. Christian, Atty.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 1964

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular June Term, 1964, of the Circuit Court of Baldwin County,
to-wit: On the 23rd day of June, 1964, being a regular day of
said term, FORNEY INDUSTRIES, INC.

recovered judgment against HERBERT L. THOMAS

for the sum of TWO HUNDRED EIGHTY & 00/100--(\$280.00) Dollars, and cost of suit,
and affidavit having been made by FOREST A. CHRISTIAN
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

FOLEY TRACTOR COMPANY, INC.

has or is believed to have in its possession, or under its control money
or effects belonging to said defendant HERBERT L. THOMAS or that its is, or
is believed to be indebted to said defendant HERBERT L. THOMAS
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 FOLEY TRACTOR COMPANY, INC.,
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 within thirty days A. D. 1964,
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
it and whether it will not be indebted in future to said defendant
it 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 HERBERT L. THOMAS

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

Witness, ALICE J. DUCK, Clerk of said Court, this November day of November, A. D., 1964.

Issued 16th day of November A. D., 1964.

ATTEST:

Alice J. Duck, Clerk.

64-11-17-64

Circuit Court, Baldwin County

No. 11112

Turney Industries
Inc.

VS. } Garnishment On Judgment

Herbert L. Thomas

Issued 16 day of Nov 1964

Returnable day of 19

J. A. Christman
Attorney

received 16 day of Nov 1964

at 17 day of Nov 1964

provided a copy of the within

to Taylor Wiggins Sheriff

by service on Taylor Wiggins Sheriff

Brookland

Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

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by Taylor Wiggins Sheriff

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by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

by Taylor Wiggins Sheriff

FOREST A. CHRISTIAN
ATTORNEY AT LAW
P. O. DRAWER 190
FOLEY, ALABAMA

COPY

AREA CODE 205
WH 3-2201

May 8, 1964

6060

Messrs. Agee & Meriwether
P. O. Box 10366
Prichard, Alabama

ATTENTION: Mr. Agee

Re: Hans Boensch
Vs: Lewis L. Newberry &
Myrtle J. Newberry

Dear Mr. Agee:

Reference is made to your letter of April 3, 1964. Also you will recall that we talked briefly by telephone. Mr. Boensch was in more than a week ago and I did my best to try to convince him that we should accept your offer.

He stated that he would get his own burial policy and etc. Also I have tried to convince him that since Mr. & Mrs. Newberry have paid for his policy that he should use this one, but it appears that this was to no avail.

I told him to go home and think it over, but since I have not heard from him, I suppose that I will have to follow his instructions.

It appears that my client insists on the following:

1. Deed to property;
2. Return of washing machine;
3. Return of tools, furniture, two chairs;
4. Return of his truck.

He appears to be willing not to demand return of the television set.

There is a case in this weeks Advance sheet: Schofield vs: Franklin, Cite as 162 So. 2d 469, which is fairly well put.

Messrs. Agee & Meriwether -

- 2 -

May 8, 1964

Accordingly, unless we can reach an agreement on the items mentioned above, I suggest that you file your answer by Monday May 18.

Cordially yours,

FOREST A. CHRISTIAN

FOREST A. CHRISTIAN

cc; Clerk of Court
Bay Minette, Alabama

Mr. Hans Roensch
Gulf Shores, Alabama

NO. 1000

FOREST A. CHRISTIAN
ATTORNEY AT LAW
P.O. DRAWER 190
AREA CODE 205 - PHONE WH 3-2201
FOLEY, ALABAMA 36535

June 22, 1964

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

Re: Forney Industries, Inc.
Vs: Herbert L. Thomas
Case No. 6060

Dear Judge Hall:

Kindly render judgment in the above mentioned case
in the amount of \$280 based on the itemized statement
of account.

Cordiallyyyours,


FOREST A. CHRISTIAN