

TALTON O'FARRELL,

PLAINTIFF

VS

L. B. MYERS,

DEFENDANT

©
§
§
§
§
§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 3267

Now comes Audrey Myers and prays leave of the court for permission to intervene in the above styled cause and for the right to establish her title in connection with the property attached in said cause.

Intervenor shows that this suit was filed on the 12th day of June, 1957, and that a writ of attachment was issued and executed on to-wit: June 12, 1957, by levying on certain personal property viz: One International Tractor, 2½ tons Motor number 5692929 and Great Dane Van Trailer, 1951, Serial number 6879 as the property of the Defendant L. B. Myers by taking said property into the custody of the Sheriff, of Baldwin County, Alabama.

Intervenor shows that prior to the time of the filing of said suit and prior to the execution of said attachment, the personal property which was attached in this cause, viz: One International Tractor, 2½ ton, Motor number 5692929 and Great Dane Van Trailer, 1951, Serial number 6879, was the property of Audrey Myers, Intervenor in this cause.

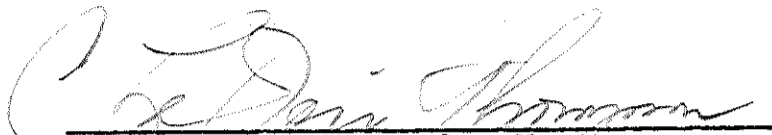
And further your Intervenor shows that on to-wit, the 7th day of January, 1957, your Intervenor Audrey Myers executed a chattel mortgage on said property to John S. Fandrich in the sum of \$5,000.00; copy attached and made a part hereof, in which mortgage your Intervenor Audrey Myers was joined by her husband L. B. Myers for the sole purpose of legalizing her signature and that said mortgage was recorded in Hamilton County, State of Tennessee on January 21, 1957 at 1:58 P. M.

Intervenor further shows that she purchased on May 18, 1957, in DeKalb County, Alabama, license number Ala. 1957 28-H/3 323 on said Tractor and Ala. 1957 28-T/3 249 on said Trailer, both of which licenses were issued to Intervenor, Mrs. Audrey Myers.

Intervenor shows that at the time said writ of attachment was issued that the said property was being operated on a lease trip to Alabama for Raymond Buckner and T. L. Myers and that your Intervenor retained title at all times.

Your Intervenor further shows that her title was prior to and superior to any right, title, interest, or claim of either of the Plaintiff or the Defendant in this suit.

The premises considered the Intervenor files this petition of intervention and upon her petition to intervene being allowed that this petition be considered by the Court and that such orders may be made for the purposes of Intervenor's rights as herein above set out and Intervenor prays for such other relief to which she may have shown herself entitled.

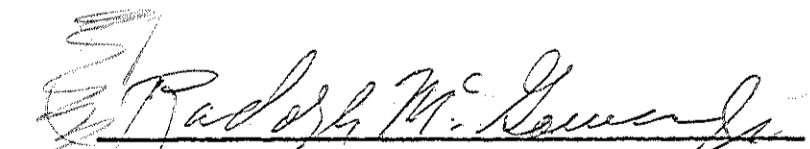

Attorney for Mrs. Audrey Myers.

STATE OF ALABAMA
BALDWIN COUNTY

Personally appeared before me the undersigned authority, C. LeNoir Thompson, who being first duly sworn by me, deposes and says: That he is informed and believes, and, on such information and belief avers that the facts set forth in the above petition are true and correct.



Sworn to and subscribed before me this the 6th day of September, 1957.


Notary Public, Baldwin County, Alabama.

Service of the foregoing petition has been made upon me as attorney for Plaintiff, Talton O'Farrell, this the 7th day of September, 1957.



FILED
SEP 7 1957
ALICE J. BOCK, Clerk

STATE OF TENNESSEE,

County.

The above.....

and certificate were filed.....

19....., at.....M., and entered in Note

Book No....., Page....., and

recorded in Book....., Volume.....,

Page.....

WITNESS My Hand at Office in

Register.

24 *JP*
John L. Smith
CHattel MORTGAGE

Belvidere, Tenn.

2.00

— TO —

STATE OF TENNESSEE
HAMILTON COUNTY
FILED FOR REGISTRATION
1957 JAN 21 PM 1:58
FEE \$4.00
BY W. A. Adams
DEPUTY REG.

Filed for Registration.....

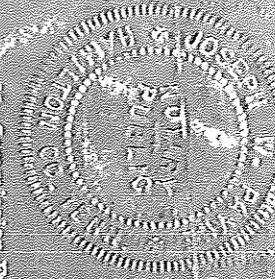
19.....M

Tax, \$..... }
Fee, \$..... }

Register.

The Winchester Herald Times

480



My Commission Expires.....

My Commission Expires April 28, 1958

the within named mortgagor-s, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

aforsaid, personally appeared J. L. Myers and husband

County of Hamilton

STATE OF TENNESSEE,

Before me Joseph W. Adams
a Notary Public duly appointed, commissioned
and qualified in and for the County and State

IN WITNESS WHEREOF, I have hereunto
set my hand and Notarial Seal at office in

Chattanooga, Tenn., on this the

7th day of January, 1957

Joseph W. Adams
Notary Public

STATE OF TENNESSEE, HAMILTON COUNTY
The above instrument and certificate
issued in Note Book No. 49, Page 20

Witness my hand at office in Chattanooga, Tenn.

Grady P. Summers
Dep. Register

JAN 21 1957

Page 114

58 PM

The foregoing petition being presented to the court and it appearing that the petition for leave to intervene should be granted, it is ordered that the same be granted and that Petitioner be and hereby is allowed to intervene in this cause and is hereby made a party hereto, and that a copy of the petition be served upon the attorney of record for the Plaintiff and the Clerk of the Court is directed to send a copy of said petition and this order by registered mail to the Defendant at Manchester, Tennessee.

Dated this the 6th day of September, 1957.

Circuit Judge.

THOMAS C. FARRELL,

PLAINTIFF

VS

L. B. MYERS,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 3267

Now comes Raymond Buckner and T. L. Myers, and prays leave of the court for permission to intervene in the above styled cause and for the right to establish their title in connection with the property attached in said cause.

Intervenors show that this suit was filed on the 12th day of June, 1957, and that a writ of attachment was issued and executed on to-wit: June 12, 1957, by levying on certain personal property viz: One International Tractor, 2 1/2 ton, motor number 5692929 and Great Dane Van Trailer, 1951, Serial number 6879 and the following described bags of Irish potatoes: 100-50lb. Red Utilities, 105-100lb. bags culls, and 100-100lb. bags Utilities White, as the property of the Defendant L. B. Myers by taking said property into the custody of the Sheriff, of Baldwin County, Alabama.

And further your Intervencors show that on to-wit June 12, 1957 that your Intervencors Raymond Buckner and T. L. Myers d/b/a Myers and Buckner, purchased Irish Potatoes as follows from Mike Kaiser & Sons, sale slip No. 637, 100-100lb. Utilities White, at \$1.40, debits, \$256.20 and from L. Edwin and Son, sale slip No. 290, 100-50lb. Red Utilities at 80¢, ---\$80.00, 105-100lb. culls at 20¢ ---\$21.00.

The premises considered the Intervencor files this petition of intervention and upon their petition to intervene being allowed that this petition be considered by the Court and that such orders may be made for the purposes of Intervencors' rights as herein above set out and Intervencors pray for such other relief to which they may be shown themselves entitled.

C. Lehair Thompson
Attorney for Raymond Buckner and T. L. Myers.

STATE OF ALABAMA
BALDWIN COUNTY

Personally appeared before me the undersigned authority, C. Lehair Thompson, who being first duly sworn by me, deposes and says: That he is informed and believes, and, on such information and belief avers that the facts set forth in the above petition are true and correct.

C. Lehair Thompson

FILED
SEP 7 1957
ALBANY, ALA.

Sworn to and subscribed before me this the 6th day of September, 1957.

Roderick W. ...
Notary Public, Baldwin County, Alabama

The foregoing petition being presented to the court and it appearing that the petition for leave to intervene should be granted, it is ordered that the same be granted and that Petitioners be and hereby is allowed to intervene in this cause and is hereby made a party hereto, and that a copy of the petition be served upon the attorney of record for the Plaintiff and the Clerk of the Court is directed to send a copy of said petition and this order by registered mail to the Defendant at Manchester, Tennessee.

Dated this the 6th day of September, 1957.

Circuit Judge.

AGREEMENT

TALTON O'FARRELL

PLAINTIFF

VS

L. B. MYERS

DEFENDANT

VS

RAYMOND BUCHNER AND
E. T. MYERS

CLAIMANTS

VS

AUDREY MYERS

CLAIMANT

VS

JOHN S. RANDRICH

CLAIMANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 3267

WHEREAS, Talton O'Farrell has heretofore sued out a writ of attachment against L. B. Myers in which an International truck, Motor No. 56929, and a Great Dane Van Trailer, Serial number 6879, loaded with Irish potatoes was attached and, whereas, the above named Claimants have filed a claim in this cause alleging ownership of some of the above named property, and whereas, this case has been settled by the parties and Claimants to this suit. We do now, by the signing of this agreement, release one another from any and all liability connected with and growing out of this said attachment.

It is further understood and agreed and we do now, by the signing of this agreement, release Taylor Wilkins, the Sheriff of Baldwin County, from any and all liability ^{FOR WRONGFULL ATTACHMENT} growing out of or connected with this said attachment.

*James W. Henry, Atty for all
Claimants except John S. Randrich*
*John Rogers
Atty for John S. Randrich*
*Robert M. Branley
Attorney for Lella O'Donell*

STATE OF ~~MISSISSIPPI~~ TENN.
~~COUNTY~~ of FRANKLIN

Before me Roy T. Crownover, Co. Court Clerk,

personally appeared John S. Fandrich, who by me being first duly sworn deposes and says that he is not a party to the attachment writ issued in the case of Talton O'Farrell v. L. B. Myers, under which writ the following described property has been levied on by Honorable Taylor Wilkins, Sheriff of Baldwin County, Alabama, to-wit:

One International tractor, 2 1/2 ton, motor number 5692929 and Great Dane Trailer 1951, serial number 6079.

The said John S. Fandrich, further says that he claims the said above described property, and that his right, title and interest in the said property is paramount to the right, title and interest of the defendant to the same. Claimant bases his claim to said property on a chattel mortgage covering said property, and duly executed by the defendant on the 7th day of January, 1957, which said mortgage was duly recorded in the Registration Office of Hamilton County, State of Tennessee on the 21st day of January, 1957 at 1:58 P.M. Claimant further avers that said mortgage is past due and unpaid.

John S. Fandrich

Sworn to and subscribed before me this the 28 day of Aug, 1957.

Roy T. Crownover
Co Court Clerk
Franklin County Tenn.

State of Tennessee, Franklin County

I, HARRY C. Templeton, Judge of the County Court of said county, do hereby certify that Roy T. Crownover whose genuine signature appears to the foregoing certificate, is now, and was at the time of signing the same, Clerk of said County Court (which is a court of record), duly elected and qualified as such, and that said attestation is in due form of law and by the proper officer.

Given under my hand at Winchester, this 28 day of Aug 1957

Harry C. Templeton
Judge.

State of Tennessee, Franklin County

I, Roy T. Crownover Clerk of the County Court of said county, do hereby certify that HARRY C. Templeton, whose genuine signature appears in the foregoing certificate, is now, and was at the time of signing the same, sole Presiding Judge of the County Court, in and for said county, duly elected and qualified as such, and that said attestation is in due form of law.

Witness my hand and seal of said court, at office, this 28 day of August 1957

Roy T. Crownover
Clerk.

STATE OF TENNESSEE

COFFEE COUNTY

Personally appeared before me J. O. McEahan, a Notary Public in and for said County, Audrey Myers, who being duly sworn, deposes and saith that, the following described property one International tractor, 2 $\frac{1}{2}$ ton, motor number 56929~~6~~ and Great Dane trailer 1951, serial number 6679, ~~and~~ ~~located~~ in Bay Minette, Alabama in the hands and under the control of the Sheriff of Baldwin County, Alabama, Honorable Taylor Wilkins, said property being more particularly described on the other side of this page and upon which an attachment from the Circuit Court of Baldwin County, bearing date of issuance the 12th day of June, 1957, in favor of Walter O'Farrell against L. B. Myers, suit pending for the sum of Five Thousand Six Hundred (\$5600.00) Dollars and the further sum of Court costs the amount being unknown to the affiant, has been levied by Honorable Taylor Wilkins, Sheriff of Baldwin County, to satisfy the same, is not the property of said L. B. Myers, but is the property of this affiant, and that she has a just claim to the property levied on.

Audrey Myers
Audrey Myers

Sworn to and subscribed before me this 17th day of June
A. D. 1957.

J. O. McEahan
Notary Public.

My Com Expenses 1-12-58



STATE OF TENNESSEE

COFFEE COUNTY

Personally appeared before me J. O. Murchison a Notary Public in and for said County, Raymond Buckner and T. L. Myers, who being duly sworn, deposes and saith that, the following described property, potatoes 100-50lb. Red Utilities, 105-100lb. bags culls, and 103-100lb. bags Utilities ~~White situated in Bay Minette, Alabama in the hands and under the control of~~ the Sheriff of Baldwin County, Alabama, Honorable Taylor Wilkins, said property being more particularly described on the other side of this page and upon which an attachment from the Circuit Court of Baldwin County, bearing date of issuance the 12th day of June, 1957, in favor of Falcon O'Farrell against L. B. Myers, suit pending for the sum of Five Thousand Six Hundred (\$5600.00) Dollars and the further sum of Court costs the amount being unknown to the affiants, has been levied by Honorable Taylor Wilkins, Sheriff of Baldwin County, to satisfy the same, is not the property of said L. B. Myers but is the property of Raymond Buckner and T. L. Myers d/b/a Buckner & Myers, a partnership, affiants, and that they have a just claim to the property levied on.

Raymond Buckner

T. L. Myers.

Sworn to and subscribed before me this 17th day of June

A. D. 1957.

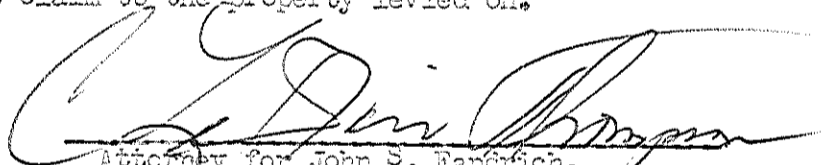
J. O. Murchison
Notary Public.

My Com. Expires 1-12-58

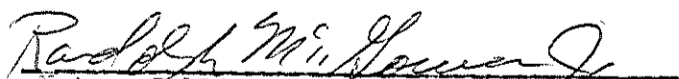
STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me Randolph McGowan Jr.,
a Notary Public in and for said County in said State, C. LeNoir Thompson, an
Attorney for John S. Fandrich and that the following described property, One
International tractor, 2½ ton, motor number 5692929 and Great Dane Trailer
1951, serial number 6879, now in Bay Minette, Alabama in the hands and under
the control of the Sheriff of Baldwin County, Alabama, Honorable Taylor Wilkins,
said property being more particularly described on the other side of this
page and upon which an attachment from the Circuit Court of Baldwin County,
bearing date of issuance the 12th day of June, 1957, in favor of Talton O'Farrell
against L. B. Myers, suit pending for the sum of Five Thousand Six Hundred
(\$5600.00) Dollars and the further sum of Court costs the amount being unknown
to the affiant, has been levied by Honorable Taylor Wilkins, Sheriff of Baldwin
County, to satisfy the same, but is subject to a mortgage to the said John S.
Fandrich executed by Audrey Myers and husband on January 7, 1957 and recorded
in the Registration Office of Hamilton County, State of Tennessee, on January
21, 1957 at 1:58 P.M. There is also attached hereto a certified copy of the
notice of foreclosure, same being signed by L. F. Stewart, Attorney for John
S. Fandrich, wherefore the said property is the property of the said John S.
Fandrich and that he has a just claim to the property levied on.


Attorney for John S. Fandrich.

Sworn to and subscribed before me this 4 day of August, 1957.


Notary Public,

MALTON O'FARRELL

PLAINTIFF

VS

L. B. MYERS

DEFENDANT

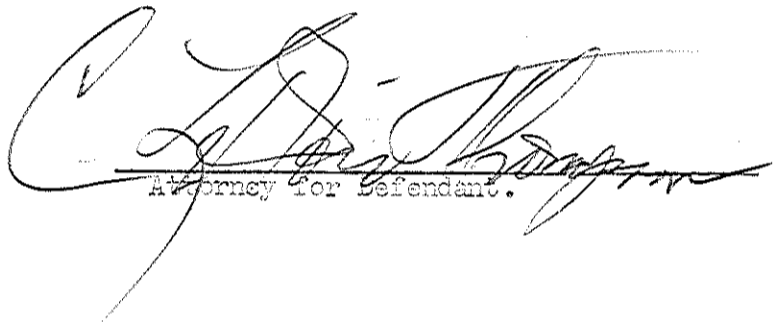
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant in the above styled cause and respectfully requests a trial by jury in said cause.

FILED
JUN 24 1957
ALICE I. DUCK, Clerk


Attorney for Defendant.

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, Talton O'Farrell

....., of the County of ~~Baldwin~~ Escambia

are held and firmly bound unto L. B. Myers

in the sum of \$11,200.00 Dollars, to

be paid to the said L. B. Myers
heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind our-
selves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly
by these presents.

Sealed with our seals and dated the day of June, 1957

The Condition of this Obligation is such:

That whereas, the above bounden Talton O'Farrell

has on the 12th day of

June, 1957 hereof, prayed an Attachment at the suit of Talton O'Farrell

against the estate of above named

L. B. Myers

for the sum of \$5600.00 Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said Talton O'Farrell

should prosecute said Attachment to effect, and pay the said Defendant all such damages as he
may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be
void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now,
or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

Talton O'Farrell (Seal)

Geo Barrett (Seal)

MW Merritt (Seal)

..... (Seal)

Approved, this 18th day of June, 1957

[Signature] Clerk

TALTON O' FARRELL,

PLAINTIFF

VS.

L. B. MYERS,

Defendant

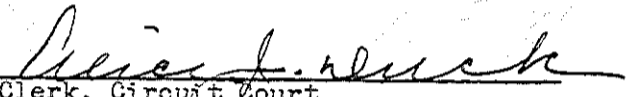
IN THE CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA

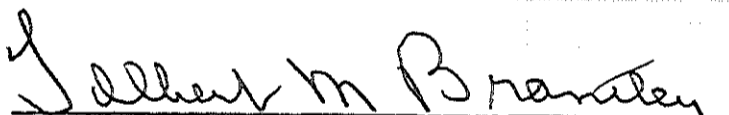
AT LAW No. 3267

You will take notice that Hon. C. LeNoir Thompson has filed his appearance for the Defendant in the above styled cause.

Witness my hand this 17th day of June, 1957.


Clerk, Circuit Court

I hereby accept service this 17th day of June 1957


Solicitors For the Plaintiff

GALTON O'FARRELL

PLAINTIFF

VS

L. B. MYERS

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

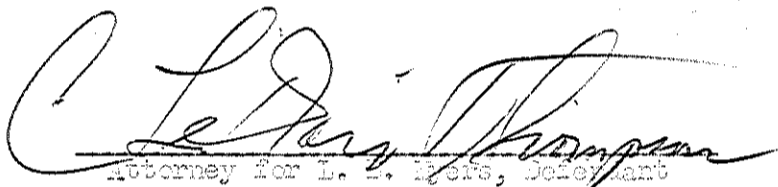
AT LAW

No 3267

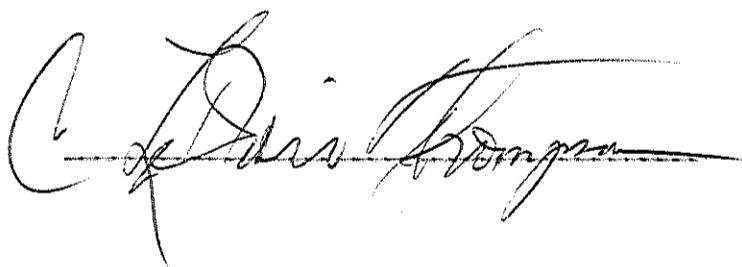
Comes the Defendant in the above styled cause and for answer to the complaint and attachment filed in said cause separately and severally and to each and every phase of each instrument thereof separately and severally shows unto this Honorable Court as follows:

1.

Denies the allegations thereof.


Attorney for L. B. Myers, Defendant

I hereby certify that I have this the 15 day of June mailed U. S. postage prepaid a copy of the foregoing answer to Honorable Tolbert M. Brantley Attorney for the Plaintiff in said cause.



SUMMONS AND COMPLAINT

STATE OF ALABAMA

IN THE CIRCUIT COURT

BALDWIN COUNTY

OF BALDWIN COUNTY, ALABAMA

AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon L. B. Myers to appear within thirty days from the service of this Writ in the Circuit Court of Baldwin County, Alabama, to be held for said County at the place of holding same, then and there to answer the Complaint of Talton O'Farrell.

Witness my hand this 14 day of June, 1957.

Walter M. Brantley
Clerk

TALTON O'FARRELL

IN THE CIRCUIT COURT OF

PLAINTIFF

BALDWIN COUNTY, ALABAMA

VS

AT LAW

L. B. MYERS

DEFENDANT

NO. _____

1.

The Plaintiff claims of the Defendant \$5600.00 due from him by account on, to-wit: 9th day of June 1956, which sum of money with interest thereon, is still unpaid.

2.

The Plaintiff claims of the Defendant \$5600.00 due from him for merchandise, goods, and chattels sold by the Plaintiff to the Defendant on, to-wit the 9th day of June, 1956, which sum of money with the interest thereon is still due and unpaid.

Winters & Brantley

BY: Walter M. Brantley
Attorneys for the Plaintiff

ORDER TO SHERIFF TO SELL PERISHABLE PROPERTY

TALTON O'FARRELL	Ø	IN THE CIRCUIT COURT OF
PLAINTIFF	Ø	BALDWIN COUNTY, ALABAMA
VS	Ø	AT LAW
L. B. MYERS	Ø	
DEFENDANT	Ø	

The above motion coming on this day to be heard, the Court upon consideration of same, together with the return of the Sheriff upon the writ of attachment mentioned in said motion, is of the opinion that said property is perishable and that it is to the interests of the parties to this cause that the property levied on by the Sheriff be sold without delay. It is therefore,

Considered, ordered and adjudged that the Sheriff of Baldwin County be and he is hereby directed to sell the said potatoes at auction, after giving notice to the time, place and terms of sale by publishing a notice at the Court House door for one day before set sale.

Done this the 13th day of June, 1957.

Robert M. Hall
JUDGE

FILED

JUN 13 1957

ALICE I. DUCK, Clerk

MOTION TO SELL PERISHABLE GOODS

TALTON O'FARRELL	Ø	IN THE CIRCUIT COURT
PLAINTIFF	Ø	OF BALDWIN COUNTY, ALABAMA
VS	Ø	AT LAW
L. B. MYERS	Ø	
DEFENDANT	Ø	

Comes now the Plaintiff in the above styled cause and shows unto the court that in pursuance of writ of attachment issued herein on, to-wit, the 12th day of June, 1957, the Honorable Taylor Wilkins, Sheriff of said County, has heretofore returned said writ of attachment as having been executed by a levy upon, among other things, a van truck load of Irish potatoes which are now located in the City of Bay Minette; that the same is highly perishable in nature and unless sold immediately will greatly depreciate in value and will become worthless, and that, if said property so levied upon is kept until an order of sale after judgment rendered is made, said property will greatly depreciate and become worthless.

Wherefore, said plaintiff moves the Court to make and enter an order directing the Sheriff of Baldwin County, Alabama, to sell said potatoes immediately.

Winters & Brantley

BY: Tolbert M. Brantley
Attorneys for the Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Louise J. Scarborough, a Notary Public in and for said state and county, personally appeared Tolbert M. Brantley, known to me, who being by me first duly sworn, deposes and says that he is one of the attorneys for the plaintiff in the above entitled cause and knows the contents of the foregoing motion; that the matters and things therein stated are true, according to the best of affiant's knowledge, information, and belief.

Tolbert M. Brantley

Sworn to and subscribed before me this 13 day of June, 1957.

Louise J. Scarborough
Notary Public

FILED
JUN 13 1957
ALICE J. DUCK, Clerk

ATTACHMENT

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Talton O'Farrell

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that

L. B. Meyers

is justly indebted to the Plaintiff Talton O'Farrell

in the sum of Five thousand and six hundred Dollars, and

Talton O'Farrell

having made affidavit and given bond as required by law, in such cases, you are hereby commanded to attach so much of the estate of

L. B. Meyers, particularly two international deisel tractors and two

attached vans. Lien No 28 4/3 323

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said County, on 3rd Monday of July 1957 next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 12th day of June A. D., 1957.

Alice J. Duck Clerk.

This writ is issued without bond.

out of State

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, _____

_____, of the County of Baldwin _____

are held and firmly bound unto _____

in the sum of _____ Dollars, to

be paid to the said _____ heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the _____ day of _____, 194_____

The Condition of this Obligation is such:

That whereas, the above bounden _____

_____ ha____, on the day of the date hereof, prayed an Attachment at the suit of _____

_____ against the estate of above named _____

for the sum of _____ Dollars, and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said _____

should prosecute said Attachment to effect, and pay the said Defendant all such damages as _____ may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)

Approved, this _____ day of _____, 194_____

_____, Clerk