

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

James V. Duck
Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in said county, of said State, personally appeared before me, Ed C. Neimeyer, who being duly sworn says that he is the owner of Western Auto Associate Store of Fairhope Alabama, and that he has personal knowledge of the facts herein stated, and that the attached account is a true and correct statement of the account owed by J. D. Stewart of Fairhope Alabama.

Sworn to and subscribed before me on this the

29th

day of

July

, 1957

Raymond S. Doney
Notary Public, Baldwin County
Alabama

ED C. NEIMEYER, dba/ WESTERN
AUTO ASSOCIATE STORE

PLAINTIFF,

VS.

J. D. STEWARD.

DEFENDANT

IN THE CIRCUIT COURT OF
BALSWIN COUNTY, ALABAMA
AT LAW.

ON ACCOUNT

FROM THE LAW OFFICES OF
JOHN V. DUCK
FAIRHOPE, ALABAMA

FROM THE LAW OFFICES OF
JOHN V. DUCK
FAIRHOPE, ALABAMA

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No.

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon J. D. Stewart

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. D. Steward, Defendant

by Ed C. Neimeyer dba/ Western Auto Associate Store

Plaintiff.....

Witness my hand this 30 day of July 1957

Clerk

Ed C. Neimeyer d/b/a
Western Auto Associate
Store

Plaintiff

Vs

J. D. Stewart

Defendant


and

City of Fairhope
Alabama

Garnishee

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 3301 7/2

Whereas heretofore on to wit February 19, 1958, an exemption was filed against that certain garnishment against the Defendant in said cause, by the Defendant and whereas the Garnishee is still withholding money from the check of the Defendant and whereas the Attorney for the Plaintiff has attached to the page in the Docket Book, a note to dismiss said garnishment, the Defendant moves this Honorable Court to require the Garnishee to pay the money withheld by the Garnishee into court, for repayment to the Defendant and to be instructed not to withhold any more money from the pay of the Defendant.


Attorney for the Defendant

Ed C. Neimeyer d/b/a
Western Auto Associate
Store

Plaintiff

vs

J. D. Stewart

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

No. 3301 $\frac{1}{2}$

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA:

Comes the City of Fairhope, Garnishee, in the above styled
cause and respectively moves this Honorable Court to set aside its
judgment heretofore rendered in said cause and as grounds therefor,
says:

FIRST:

That heretofore, on to-wit, the 7th day of February,
1958, the Defendant in said cause entered into a separate agreement
with the garnishee in the above styled cause, a copy of which said
agreement, marked "Exhibit A", is attached hereto and made a part
hereof, whereby the said Defendant agreed to pay over to the said
garnishee, for the use of the plaintiff in said cause, the amount
of \$10.00 weekley, which said amount, by said agreement, was to be
withheld by the said garnishee from the weekley paycheck of the said
Defendant.

SECOND:

That heretofore, on to-wit, February 19, 1958, the Defendant
in said cause filed a claim of exemptions under the said garnishment
proceedings, which said claim of exemptions was filed after the
separate and distinct agreement between the said Defendant and the
said garnishee and which said claim of exemptions was filed after
the plaintiff in the above styled cause had agreed to withdraw his
writ of garnishment in the above styled cause upon the said Defendant's
entering into the aforementioned agreement.

THIRD:

That the said garnishee has, as said amounts were being withheld from the Defendant's paycheck, at the said Defendant's directions and agreement, paid over the said sums to the plaintiff in this cause and that the garnishee does not now hold any part of the said moneys.

WHEREFORE, petitioner prays that this Honorable Court will set aside the judgment aforesaid, dated June 7, 1958, and hold the same for naught, and will dismiss the said garnishment proceeding.

This the 18th day of June, 1958.

BEEBE & SWEARINGEN

BY:

J. B. Swearingen
Attorneys for Garnishee

"EXHIBIT A"

February 7, 1958

City Clerk
City of Fairhope, Alabama

This is your authority to withhold from my pay each week the amount of \$10.00 to apply to Western Auto bill until the amount of \$143.13 has been paid.

J. D. Stewart

J. D. Stewart

Garnishment on 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, 1957, of the Circuit Court of Baldwin County,
to-wit: On the 9th day of October, 1957 being a regular day of
said term, Ed C. Niemeyer, d/b/a Western Auto Associate Store
recovered judgment against J. D. Stewart

for the sum of One Hundred Forty Three & 13/100 (\$143.13) dollars, and cost of suit,
and affidavit having been made by Ed C. Niemeyer
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

The City of Fairhope, Alabama

has or is believed to have in their possession, or under their control money
or effects belonging to said defendant J. D. Stewart or that City of Fairhope is, or
is believed to be indebted to said defendant J. D. Stewart 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 The City of Fairhope,
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 Monday in A. D. 1958,
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
J. D. Stewart and whether City of Fairhope not be indebted in future to said defendant
J. D. Stewart contract then existing, and whether by a contract then existing City of Fairhope
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 City of Fairhope not in its possession or under its control money or
effects belonging to the defendant J. D. Stewart

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

Witness, ALICE J. DUCK, Clerk of said Court, this day of A. D., 1958

Issued day of A. D., 1958

ATTEST:

Alice J. Duck, Clerk.

State of Alabama
BALDWIN COUNTY

TO J. D. Stewart, Defendant.....

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

Ed C. Niemeyer d/b/a Western Auto Associate Store, Plaintiff.....

versus J. D. Stewart, Defendant.....

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

City of Fairhope, Alabama

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 15.....

day of 15 January, 1958.....

Deice J. White
Clerk of the Circuit Court.

AFFIDAVIT

STATE OF ALABAMA

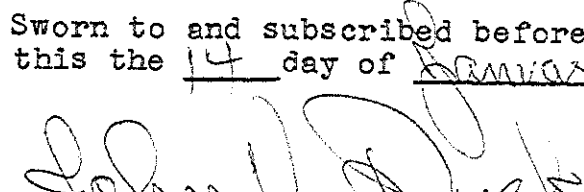
BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared Ed. C. Niemeyer, who, after being by me first duly and legally sworn, deposes and says:

That he is the owner of the Western Auto Associate Store of Fairhope, Alabama and such owner is duly authorized to make this affidavit for and on behalf of the said Western Auto Associate Store; that J. D. Stewart is indebted to the Western Auto Associate Store, in the sum of One Hundred Forty Three and 13/100 (\$143.13) Dollars, which was obtained by judgement in the Circuit Court of Baldwin County, Alabama, on the 9th day of October, 1957, against the said J. D. Stewart, and that he believes that the process of garnishment against the City of Fairhope, Alabama, is necessary to obtain satisfaction of the said indebtedness, and that the said City of Fairhope is supposed to be indebted to or have effects of the said defendant in its possession or under its control.


Ed. Niemeyer

Sworn to and subscribed before me on
this the 14 day of January, 1958.


Notary Public, Baldwin County,
Alabama.

ED C. NEIMEYER, dba WESTERN
AUTO ASSOCIATE STORE,

PLAINTIFF

VS

J. D. STEWART

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Now comes the Defendant in the above styled cause, and claims his exemptions of \$2,000 Real Estate, \$1,000 Personal Property, Wearing Apparel, Pictures, Books ect., as well as other exemptions allowed him under Alabama Law, against that certain garnishment against the Defendant in the above styled cause with the City of Fairhope Garnishee.


Attorney for the Defendant.

ED C. NEIMEYER, dba WESTERN
AUTO ASSOCIATE STORE,

PLAINTIFF

VS
J. D. STEWART

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Now comes the Defendant in the above styled cause, and claims his exemptions of \$2,000 Real Estate, \$1,000 Personal Property, Wearing Apparel, Pictures, Books ect., as well as other exemptions allowed him under Alabama Law, against that certain garnishment against the Defendant in the above styled cause with the City of Fairhope Garnishee.


Attorney for the Defendant.

Ed C. Neimeyer d/b/a
Western Auto Associate
Store

Plaintiff

Vs

J. D. Stewart

Defendant

City of Fairhope, Alabama

Garnishee

In the Circuit Court of
Baldwin County, Alabama
At Law. No. _____

Comes now the Defendant, by his Attorney and files a motion to require the Garnishee to pay the money withheld from the pay of the Defendant into the Court and it being shown by the Defendant that he has filed an exemption against said judgment and garnishment.

It appearing to the Court that the Defendant is entitled to the relief prayed for,

It is therefore ORDERED, ADJUDGED AND DECREED that the Garnishee, the City of Fairhope, Alabama pay all moneys withheld from the pay of the Defendant during the pendency of the said Garnishment, to the Clerk of the said Court, to be repaid to the Defendant.

Dated this 7 day of June 1958

Robert M. Hill
Circuit Judge

SUMMONS AND COMPLAINT

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CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

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J. D. Steward

, Defendant

by Ed C. Neimeyer dba/ Western Auto Associate Store

, Plaintiff.....

Witness my hand this 30 day of July 1957

Arce J. Duck, Clerk