

CHANCERY EXECUTION
BILL OF COSTS

9890

No. 9890

Carter Smith,
Complainant

vs. Interstate Trust & Banking
Company, a corp., et al.,

FEES OF REGISTER		Dollars	Cents		
Filing each bill and other papers	\$ 10		40	Brought Forward	\$ 4 20
Issuing each subpoena	50		50	For Receiving, keeping and paying	
Issuing each copy thereof	40		40	out or distributing money, etc.: 1st	
Entering each return thereof	15			\$1,000, 1%, all over \$1,000, and not	
For each order of publication	1 00			over \$5,000, 3-4 of 1%; all over \$5,-	
Issuing Writ of injunction	1 50			000 and not exceeding \$10,000, 1-2 of	
For each copy thereof	50			1%, all over \$10,000 1-4 of 1%.	
Entering each return thereof	15			Receiving, keeping and paying out	
Issuing Writ of Attachment	1 00			money paid into court, etc., 1-2 of	
Entering each return thereof	15			1% of amount received.	
Docketing each case	1 00	1 00		Each notice sent by mail to creditor	15
Entering each appearance	25	25		Filing receipting for and docketing each	
Issuing each decree pro confesso on per ser.	1 00			claim, etc.	25
Issuing each decree pro confesso on publica	1 00			For all entries on subpoena docket, etc.	50
Each order appointing guardian	1 00			For all entries on commission docket,	
Any other order by Register	50	50		etc.	50
Issuing Commission to take testimony	50			Making final record, per 100 words	15
Receiving and filing	10			Certified copy of decree	1 00
Endorsing each package	10			Report of divorce to State Health Office	50
Entering order submitting cause	50	25		(Acts 1915)	
Entering any other order of court	25			TOTAL FEES OF REGISTER	
Noting all testimony	50				8 20
Abstract of cause, etc.	1 00			FEES OF SHERIFF	
Entering each decree	75			Serving and returning subpoena on deft.	\$1 50
For every 100 words over 500	15			Serving and returning subpoena for	
Taking account, etc.	3 00			witness	65
Taking testimony, etc.	15			Levyng attachment	3 00
Each report, 500 words or less	2 50			Entering and returning same	25
For every 100 words over 500	15			Selling property attached	
Amount claimed less than \$500, etc.	2 00			Impaneling Jury	75
Issuing each subpoena	25			Executing Writ of possession	2 50
Witness certificate, each	25			Collecting execution for costs	1 50
Issuing execution, each	75	75		Serving and returning sci. fa., each	65
Entering each return	15	15		Serving and returning notice	65
Taking and approving bond, each	1 00	4 20		Serving and returning writ of injunction	1 50
Making copy of bill, etc.	15			Serving and returning writ of exeat.	1 50
Each notice not otherwise provided for	50			Taking and approving bonds, each	75
Each certificate or affidavit, with seal	50			Collecting money on execution	
Each certificate or affidavit, no seal	25			Making Deed	2 50
Hearing and passing on application, etc.	3 00			Serving and returning application, etc.	1 00
Each settlement with Receiver, etc.	3 00			Serving attachment, contempt of court.	1 50
Examining each voucher of Receiver, etc.	10			TOTAL FEES OF SHERIFF	3 00
Examining each answer, etc.	3 00				
Recording resignation, etc.	75			RECAPITULATION	
Entering each certificate to Supreme Court	50			Register's Fees	8 20
Taking questions and answers, etc.	25			Sheriff's Fees	3 00
For all other ser relating to such proceedings	1 00			Commissioner's Fees	
For services in proceeding to relieve min-				Solicitor's Fees	
ors, etc., same fee as in similar cases.				Witness Fees	
Commission on sales, etc: 1st \$100, 2 per				Guardian Ad Litem	
cent; all over \$100 and not exceeding				Printer's Fees	
\$1,000, 1 1-2 per cent; all over \$1,000,				Trial Tax	3 00
and not exceeding \$20,000, 1 per ct; all				Recording Decree in Probate Court	
over 20,000, 1-4 of 1 per cent					
Sub Total Carried Forward				TOTAL	14 20

The State of Alabama, {
Baldwin County

No. 9890
Circuit Court, In Equity March Term, 1939

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of

Carter Smith Defendant

you cause to be made the sum of \$ 14 20 Dollars,

which Dismissed for want of prosecution Plaintiff

recovered of on the 1 day of Feb 1939

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of

Dollars,

costs o' suit, and have the same to render to the said
and make return of this Writ and the execution thereof, according to law.

Interest from 193 to date of collection.

Witness my hand, this 8 day of March 1939

R.S. Duck Register

No. 9890

~~THE STATE OF ALABAMA~~

Baldwin County.

Circuit Court, In Equity

Carter Smith,

Complainant
vs.

Interstate Trust & Banking
Corp., Respondent

CHANCERY EXECUTION
Fi. Fa.

\$

Total

\$ 14.20

Fec Book Book 4 Page 9890

Execution Docket Book 4 Page 9890
111

Gaillard & Gaillard

Complainant's Solicitor

THE STATE OF ALABAMA

Baldwin County.

ha _____ duly waived _____ right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this 8

day of Mar

193 9

W.R. Stuart

Sheriff

Execution Docket _____ Page _____

Returned 4/24/39 no
property of the Comp found
in Baldwin County -

W.R. Stuart

Sheriff

(D)

The State of Alabama, {
Baldwin County

By virtue of the within execution I have levied _____

LAW OFFICES OF
GAILLARD & GAILLARD

1101-6 MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

S. PALMER GAILLARD
S. PALMER GAILLARD, JR.
WALTER F. GAILLARD

February 9, 1934.

Mrs. Mary A. Stone,
Clerk, Circuit Court,
Bay Minette, Alabama.

Dear Mrs. Stone:

In Re: Carter Smith vs Interstate
Trust & Banking Company

Will you please send us the Court
file in this matter, accepting this letter as our
receipt therefor.

Yours very truly,

GAILLARD & GAILLARD

BY:

S. P. Gaillard Jr
W

Gjr:cg

LAW OFFICES OF
GAILLARD & GAILLARD
1101-6 MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

S. PALMER GAILLARD
S. PALMER GAILLARD, JR.
WALTER F. GAILLARD

February 5th, 1934.

Mrs. Mary Alice Stone, Clerk,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Madam:-

We enclose a motion for a decree pro
confesso against the Interstate Trust and Banking
Company, a corporation. We are sending the decree
to Judge Hare for his signature together with a
copy of this motion.

We also enclose a motion to set aside
the decree pro confesso rendered in the case of
Cottrell vs Hanson.

Thanking you, we are

Yours very truly,

GAILLARD & GAILLARD.

By: 

Gjr:fkq

Enclosures.

CRALLAS & CRALLAS
MONTANA EDITION

BRAND AND REGISTERED
TRADE MARK
MADE IN U.S.A.

1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966 1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025

CRALLAS & CRALLAS
MONTANA EDITION

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MONTANA EDITION

Carter Smith

CRALLAS & CRALLAS
MONTANA EDITION

CRALLAS & CRALLAS
MONTANA EDITION

LAW OFFICES OF
GAILLARD & GAILLARD

1101-6 MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA February 8th, 1934.

S. PALMER GAILLARD
S. PALMER GAILLARD, JR.
WALTER F. GAILLARD

Mrs. Mary A. Stone,
Clerk, Circuit Court,
Bay Minette, Alabama.

Dear Mrs. Stone:

The Judge returned the decree
pro confesso with the suggestion that this
should be entered by you.

Thanking you, we are

Yours very truly,

GAILLARD & GAILLARD

BY:

S. P. Gaillard, Jr.

Gjr:cg

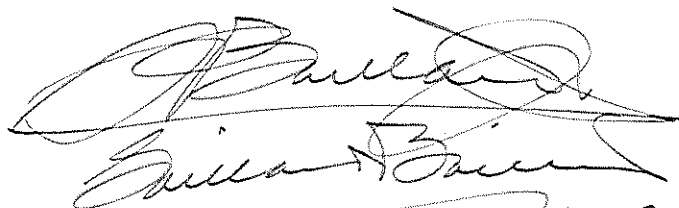
encl.

Feb 21 1937

Mr. Robert Spruck
Register in Chancery
Circuit Court
Baldwin Co Ala

Dear Sir

will you please dismiss
the case of Carter Smith vs.
the Interstate Trust and
Banking Company and Thomas
ocket No. 9898



E. J. Connelley
Attorney for Plaintiff

Carters such
Inter State
as all

Request for
Discussion

CARTER SMITH,

Complainant,

.vs.

INTERSTATE TRUST & BANKING
COMPANY, a Corporation, and
FREDERIC O. MASON, As Trustees,

Respondents.

No. 9890.

IN THE CIRCUIT COURT

BAIDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the respondent Interstate Trust & Banking Company and moves the Court that the decree pro confesso allowed against this respondent granted by the Court on, to-wit, the 3rd day of February, 1934, be set aside and that the respondent Interstate Trust & Banking Company, a corporation, be permitted to file the answer attached hereto, and for grounds of said motion, says:-

That service of process was perfected against the Interstate Trust & Banking Company in this cause on, to-wit the 4th day of January, 1934, that the original notice was turned over to the attorneys for such Bank in the City of New Orleans, and that thereafter within thirty days or on, to-wit, the 16th day of January, 1934, a resolution was adopted by the Directors of the Interstate Trust & Banking Company, a corporation, appointing Charles W. Hogan liquidator of the Interstate Trust & Banking Company, and on, to-wit, the 16th day of January, 1934, J. S. Brock, State Bank Examiner for the State of Louisiana, appointed Charles W. Hogan as liquidator and said appointment was duly confirmed by H. C. Cage, Judge of the District Court of the Parish of Orleans which Court had jurisdiction of the affairs of said Bank by reason of a receivership and pending cause numbered 205,651 on the docket of said Court, that the service of notice in this cause was duly reported to the liquidator of said Bank

and thereafter as promptly as might be an order was given on the 8th day of February 1934, a true copy of which is hereto attached, certified by the Clerk of said Court, directing this cause be answered by the respondent Interstate Trust & Banking Company, or an answer be filed in its behalf and a defense be made to said suit.

That thereafter the undersigned, as attorney, prepared an answer to said complaint, the original of which is hereto attached, and now offers same as a defense to this cause, which defense is a meritorious one and which defense should be heard and passed upon by this Honorable Court.

WHEREFORE movant prays said decree pro confesso be set aside and the permission of the Court be given to file said answer.

Samuel A. Jensen

Sworn to and subscribed before me this 13th day of February, 1934.

George A. Lazzarini
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

I hereby accept service of a copy of the within motion and answer this the 13th day of February, 1934.

Guillermo S. Sula
Solicitor for Complainant.

IN THE CIVIL DISTRICT COURT
IN AND FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

No. 205,651

DIVISION "A"

DOCKET 5

O-R-D-E-R

Let Jasper S. Brock, State Bank Commissioner, petitioner in the above and foregoing petition, be, and he is authorized and empowered, through his Special Agent, O. H. Pittman, and the Liquidator, Charles W. Hogan, to execute a foreclosure deed similar in form to the deed annexed to the foregoing petition as "EXHIBIT A",

And let petitioner be further authorized to plead, answer, demur and defend the suit now pending against the Interstate Trust and Banking Company, in equity, in the Circuit Court of Baldwin County, Alabama, initiated by the filing of the complaint, a copy of which is annexed to the above and foregoing petition, as "EXHIBIT B".

Let petitioner be and he is further authorized to employ correspondent attorneys in Mobile, Alabama or elsewhere as may, in his opinion, be necessary to defend properly the aforesaid suit, the compensation of such attorneys to be hereinafter fixed by petitioner, subject to approval by this Court.

New Orleans, La.,
February 8th, 1934.

(sga) H. b. bage
JUDGE

A TRUE COPY
J. B. Budge
DEPUTY CLERK, CIVIL DISTRICT COURT
PARISH OF ORLEANS,
STATE OF LA.

CARTER SMITH,

Complainant,

.vs.

INTERSTATE TRUST & BANKING
COMPANY, a Corporation, and
FREDERIC O. MASON, As Trustees,

Respondents.

No. 9890

IN THE CIRCUIT COURT

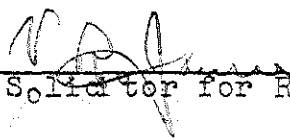
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Comes the Interstate Trust & Banking Company, a corporation, by and through its liquidator and representatives thereto authorized, and files this its answer to the complaint filed against it in the above styled cause, saying:-

1. The allegations of paragraph one are true.
2. The respondent neither admits nor denies the allegations of paragraph two, having no knowledge of same and demands strict proof of such allegations.
3. Answering paragraph three, respondent says the allegations thereof are untrue.
4. Answering paragraph four, respondent neither admits nor denies the allegations of same and demands strict proof of same.
5. Answering paragraph five, respondent says that the conclusions therein alleged are untrue.
6. Answering paragraph six, respondent denies that it has been requested to execute a deed purported to be attached to the complaint, but alleges the fact to be that after default in the trust indenture or mortgage described in said complaint by which the Interstate Trust & Banking Company, a corporation, was named Trustee for the holders of bonds as described in said trust deed,

this complainant made no formal demand on this respondent for the release of any of said land, made no proof to this respondent that the complainant owned any interest in the land, and made no tender to the respondent of any sum whatever for releases as described in the complaint, that the respondent was requested by the holders of the bonds described in the trust indenture or mortgage to declare a default, and that such default was declared, and that on, to-wit, the 18th day of December, 1933, prior to the service of process in this cause, the respondent as trustee foreclosed and sold at public outcry in front of the Court House door in Baldwin County, Alabama all the right, title and interest in the Old Spanish Fort Development Company in the land described in the trust deed or mortgage, that Henry M. Soper became the purchaser at such sale, and this respondent has no interest in said property at this time or at the time of the service of process in this cause.


Solicitor for Respondent.

Filed Feb. 15th 1934

W. A. Stone
Register

RECORDED
W.A.S.

Equ: 19890

Carter Smith

VS

Interstate Trust
&
Banking Co