

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7431

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CARL W. NOLTING & JAMES Z. HERTZ

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.....

Carl W. Nolting and James E. Hertz....., Defendant.....

by Securities Investment Company of St. Louis, a Corp......

....., Plaintiff.....

Witness my hand this 4th day of April 1967.....

Alvin J. Duck Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

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

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation, Plaintiff,)

vs.

COMPLAINT

CARL W. NOLTING AND JAMES E.)
HERTZ, Defendants.)

The plaintiff, Securities Investment Company of St. Louis, by and through its attorney, Frank L. Bell, brings this its complaint against the defendants, Carl W. Nolting and James E. Hertz, and alleges:

1. That the plaintiff, Securities Investment Company of St. Louis, is a Delaware Corporation duly authorized to transact business in the State of Alabama. The defendants, Carl W. Nolting and James E. Hertz, are citizens of Pensacola, Escambia County, Florida.

2. This Court has jurisdiction in this matter through attachment which has been attained on certain real property located in Baldwin County, Alabama, and which is owned by Carl W. Nolting, James E. Hertz and others as tenants in common.

3. That at the times hereinafter mentioned, the Circuit Court of Escambia County, Florida, was a Court of general jurisdiction, duly created and organized by the laws of that State.

4. That on April 4, 1964, the plaintiff commenced an action in said Court against the defendants by the issuance of summons which was duly and personally served upon said defendants. That thereupon such proceedings were had therein in said Court, that on the 9th day of June, 1966, a judgment for \$54,945.91 was duly given and made by said Court in favor of the plaintiff, and against the defendants, jointly and severally.

5. That no part of said judgment has been paid to this date.

WHEREFORE, plaintiff prays judgment against the defendants in the sum of \$54,945.91 with the interest thereon at the rate of 6 per cent per annum as authorized by law from June 9, 1966, and for their costs of suit incurred herein.

Frank L. Bell

Frank L. Bell
Attorney for Securities Investment
Company of St. Louis
320 South Alcaniz Street
Pensacola, Florida

FILED

APR 4 1967

ALICE L. DICK, CLERK
REGISTER

IN THE CIRCUIT COURT OF ESCAMBIA COUNTY,

FLORIDA. AT LAW.

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
)
Plaintiff,)

vs.

FINAL JUDGMENT

THE AUTO CENTER OF PENSACOLA,)
INC., a corporation, CARL W.)
NOLTING, JAMES E. HERTZ, and)
the Estate of JOE E. DORMAN,)
Deceased,)
)
Defendants.)
-----)

This cause coming on to be heard before the Court pursuant to stipulation of the parties without the intervention of a jury; the Court having considered the evidence along with the briefs and argument of counsel and having made findings of law and facts; and the Court being otherwise fully advised in the premises; it is, therefore,

ORDERED AND ADJUDGED:

1. That the plaintiff, Securities Investment Company of St. Louis, a corporation, have and recover a judgment against the defendants, The Auto Center of Pensacola, Inc., a corporation, Carl W. Nolting, James E. Hertz, and the Estate of Joe E. Dorman, Deceased, jointly and severally, in the amount of \$46,455.57 plus interest of \$7,842.64 and costs of \$647.70, making a total amount of \$54,945.91, for all of which let execution issue.

2. That the various counterclaims of the defendants be and they are hereby denied and dismissed and that as to same the plaintiff will go hence without day.

3. That the findings of law and of facts made by this Court in its order of May 30, 1966, be and they are hereby

incorporated into this final judgment and by reference made a part hereof.

4. Hobart O. Worley, Jr., Administrator Ad Litem for the estate of Joe E. Dorman, Deceased, is hereby awarded a fee of \$100.00 for his services, which sum is included in the costs taxed hereinabove.

DONE AND ORDERED this 9th day of June, 1966, at Pensacola, Florida.

A TRUE COPY OF THE ORIGINAL ON FILE
IN THE CLERK'S OFFICE.
WITNESS MY HAND AND OFFICIAL SEAL
THIS JUN 10 1966

s/Ernest E. Mason

CIRCUIT JUDGE

J. A. FLOWERS
CLERK CIRCUIT COURT
BY Blondie Medd D.C.

IN RECORDED IN
JOE A. FLOWERS, CLERK
CIRCUIT COURT

JUN 10 12 00 PM '66

RECORDED IN
JOE A. FLOWERS, CLERK
CIRCUIT COURT

287763

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

#7431

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
)
Plaintiff,)

vs.

MOTION FOR DEFAULT JUDGMENT

CARL W. NOLTING and JAMES E.)
HERTZ,)
)
Defendants.)

The plaintiff, Securities Investment Company Of St. Louis, by and through its attorney, Frank L. Bell, brings this, its motion for judgment by default against the defendants, Carl W. Nolting and James E. Hertz, and alleges:

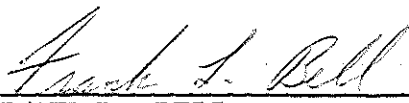
1. That the defendants, Carl W. Nolting and James E. Hertz, are properly before this Court, their real property located in Baldwin County, Alabama, having been attached by writ of attachment issued out of this Court and executed on April 7, 1967; a copy of the complaint having been mailed by U. S. mail, certified return receipt requested to the said Carl W. Nolting and James E. Hertz and a return receipt bearing the signature of Carl W. Nolting having been filed by the Clerk on April 6, 1967; due publication of the attachment notice having been made in the Baldwin Times on May 25, June 1, and June 8, 1967; and copies of that attachment having also been sent by certified mail, return receipt requested to the aforementioned defendants.

2. That 30 days has elapsed since that last publication of notice and no pleading has been filed by either of said defendants.

3. That a judgment was entered by the Circuit Court of Escambia County, Florida, at Pensacola, Florida, on June 9, 1966, against the Auto Center of Pensacola, Florida, Inc., a corporation, Carl W. Nolting and James E. Hertz, and the estate of Joe E. Dorman, deceased, jointly and severally in the total amount of \$54,945.91, an exemplified copy of which judgment has been filed herein.

4. That the plaintiff is entitled to a judgment by default in the amount of \$54,945.91 together with interest since June 9, 1966.

WHEREFORE, the plaintiff prays that this Court will enter a judgment by default against the defendants, Carl W. Nolting and James E. Hertz, jointly and severally in the total amount of \$54,945.91, together with interest since June 9, 1966.


FRANK L. BELL
Attorney at Law
320 South Alcaniz Street
Pensacola, Florida

FILED

JUL 31 1967

ALICE J. DUCK CLERK
REGISTER

IN THE CIRCUIT COURT OF BALDWIN COUNTY

AT LAW

SECURITIES INVESTMENT COMPANY
OF ST. LOUIS, A Corporation, PLAINTIFF

vs.

CARL W. NOLTING and JAMES
E. HERTZ,

DEFENDANTS

WRIT OF ATTACHMENT

THE STATE OF ALABAMA

BALDWIN COUNTY

To any sheriff of the State of Alabama:

Whereas Frank L. Bell as the attorney of Securities Investment Company of St. Louis, a Delaware Corporation, duly authorized to transact business in the State of Alabama, hath complained on oath to me, Reice J. Duck, ^{clerk} Judge of the Circuit Court of said State, that Carl W. Nolting and James E. Hertz are justly indebted to the plaintiff in the sum of \$54,945.91, and the plaintiff having made affidavit as required by law in such cases, you are hereby commanded to attach so much of the estate of Carl W. Nolting and James E. Hertz as will be of value to satisfy the said debt and costs, according to the complaint; and such estate, unless replevied, so to secure that the same may be liable to further proceedings thereon, to be had in the _____ Circuit Court for the County of Baldwin to be held at the Courthouse thereof; when and where you must make known how you have executed this writ.

Witness my hand and official seal this 30 day of

March, 1967.

Returned
4-4-67

(Extra Sheriff Fee)
50¢ recording Levy

Sheriff claims 90 miles at
Ten Cents per mile Total \$ 9.00
TAYLOR WILKINS, Sheriff
BY Carlisle Chidren
DEPUTY SHERIFF

NO 7431

Securities Investment
Corp of St Louis

Received 30 day of Mar 1967
and on _____ day of _____ 19____
I served a copy of the within Attack
on _____
By service on _____

TAYLOR WILKINS, Sheriff

By He 7-12 D. S.
By leaving notice
on front door of
house for attachment
of within described real estate
and tractor with accessory equipment & 1 hammermill
My brother-in-law Nathaniel Henry was needed
in Probate Office
Carlisle Chidren D.S.

05
Carl W. Nething &
James E. Henry
Returned 4 day of April 1967
Not found in my county after diligent search and in-
quiry. Depts no residents
Taylor Wilkins, Sheriff
By Carlisle Chidren
Deputy Sheriff

Seminole

FILED
MAR 30 1967
CLERK
ALICE J. HARRIS

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7431

.....TERM, 19.....

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filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

Carl W. Nolting and James E. Hertz....., Defendant.....

by Securities Investment Company of St. Louis, a Corp......

....., Plaintiff.....

Witness my hand this 4th day of April 1967

Angela Duck Clerk

670

No.

Page,.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

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Plaintiff's Attorney

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Defendant lives at

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vs.

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3. That at the times hereinafter mentioned, the Circuit Court of Escambia County, Florida, was a Court of general jurisdiction, duly created and organized by the laws of that State.

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Frank L. Bell
Attorney for Securities Investment
Company of St. Louis
320 South Alcaniz Street
Pensacola, Florida

FILED

APR 4 1967

ALICE L. DICK, CLERK
REGISTER

IN THE CIRCUIT COURT OF ESCAMBIA COUNTY,
FLORIDA. AT LAW.

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
Plaintiff,)

vs.

FINAL JUDGMENT

THE AUTO CENTER OF PENSACOLA,)
INC., a corporation, CARL W.)
NOLTING, JAMES E. HERTZ, and)
the Estate of JOE E. DORMAN,)
Deceased,)
Defendants.)

This cause coming on to be heard before the Court pursuant to stipulation of the parties without the intervention of a jury; the Court having considered the evidence along with the briefs and argument of counsel and having made findings of law and facts; and the Court being otherwise fully advised in the premises; it is, therefore,

ORDERED AND ADJUDGED:

1. That the plaintiff, Securities Investment Company of St. Louis, a corporation, have and recover a judgment against the defendants, The Auto Center of Pensacola, Inc., a corporation, Carl W. Nolting, James E. Hertz, and the Estate of Joe E. Dorman, Deceased, jointly and severally, in the amount of \$46,455.57 plus interest of \$7,842.64 and costs of \$647.70, making a total amount of \$54,945.91, for all of which let execution issue.

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3. That the findings of law and of facts made by this Court in its order of May 30, 1966, be and they are hereby

incorporated into this final judgment and by reference made a part hereof.

4. Hobart O. Worley, Jr., Administrator Ad Litem for the estate of Joe E. Dorman, Deceased, is hereby awarded a fee of \$100.00 for his services, which sum is included in the costs taxed hereinabove.

DONE AND ORDERED this 9th day of June, 1966, at Pensacola, Florida.

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IN THE CLERK'S OFFICE.
WITNESS MY HAND AND OFFICIAL SEAL
THIS JUN 11 10 1966

s/Ernest E. Mason

CIRCUIT JUDGE

JOHN A. FLOWERS
CLERK CIRCUIT COURT
BY Blonde Meddal D.C.

IN BOOK 291 PAGE 154
JOE A. FLOWERS, CLERK
CIRCUIT COURT

JUN 10 12 00 PM '66

RECORDED IN
CLERK'S OFFICE
PENSACOLA CO. FLA. ON

287763

Frank L. Bell

Attorney At Law

320 SOUTH ALCANIZ STREET
PENSACOLA, FLORIDA 32501

AREA CODE 904
TELEPHONE 433-3141

July 14, 1967

Honorable Telfair J. Mashburn
Circuit Judge
Baldwin County Courthouse
Bayminette, Alabama

Re: Securities Investment Company of
St. Louis vs. Carl W. Nolting and
James E. Hertz

Dear Judge Mashburn:

I am writing you to ask that you enter a default and if possible a judgment by default in favor of Securities Investment Company of St. Louis and against Carl W. Nolting and James E. Hertz, in the amount of \$54,945.91 plus interest and costs. A true copy of this final judgment is contained in your Court file as well as an affidavit by the Vice President of Securities Investment Company of St. Louis in proof of said judgment.

Your Clerk, Mrs. Alice J. Duck, has been courteous enough to inform me that both defendants have been served copies of the complaint, by certified mail, although James E. Hertz has failed to accept his copy. She also informs me that both defendants have been served copies of the publication notice by certified mail but that James E. Hertz failed to claim his certified letter.

After this judgment is entered, I would like to acquire title to what ever interest Messrs. Hertz and Nolting own in the property which we have attached. We understand that the proper procedure for doing this is to sell the property which they own at public sale.

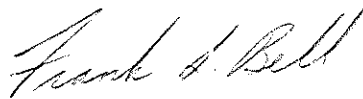
This property is owned by Messrs. Hertz and Nolting as tenants in common with five other Pensacola businessmen. We have no reason to think that Messrs. Hertz and Nolting will come up with a cash payment for the fair market value of their interest in the attached property, and therefore, want to acquire whatever title they own so that when the remaining five partners decide to sell this property, our judgment will be paid.

Honorable Telfair J. Mashburn
Page Two
July 14, 1967

Mrs. Dusenbury advises me that I should call you at 8:30 Tuesday morning, July 18, 1967, to inquire as to the proper procedure in this situation. I will do so then and look forward to talking with you.

I have associated with me Charles C. Sherrill, of Shell, Fleming & Davis. Although he is not licensed to practice in the State of Alabama, I would like to have him drive over to enter what ever pleading and proof you deem necessary, if possible. Please advise me accordingly.

Yours sincerely,



FRANK L. BELL

FLB:alp

cc: Alice J. Duck, Clerk
Circuit Court
Baldwin County
Bayminette, Alabama

L. L. Aymard, Branch Manager
Securities Investment Co. of St. Louis
500 West Garden Street
Pensacola, Florida

Charles C. Sherrill
Attorney at Law
Post Office Box 1030
Pensacola, Florida

THURSTON A. SHELL
FLETCHER FLEMING
ROLLIN D. DAVIS, JR.
M. J. MENGE
CHARLES C. SHERRILL

SHELL, FLEMING & DAVIS
ATTORNEYS AT LAW
PENSACOLA, FLORIDA
32502

309 FIRST BANK BUILDING
POST OFFICE BOX 1030
TELEPHONE 433-2157
AREA CODE 904

March 31, 1967

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: #7431 Securities Investment Company of
St. Louis vs. Carl W. Nolting and James E.
Hertz

Dear Mrs. Duck:

Enclosed please find an original complaint with two
copies which we would appreciate your filing for us. Would you
please serve a copy of the complaint on each of the defendants in
this action. Mr. Nolting's copy can be mailed to Carl W. Nolting,
A. G. Edwards & Sons, 48 East Garden Street, Pensacola, Florida.
Mr. Hertz's copy can be mailed to him in care of James E. Hertz,
Fisher-Hepner, Empire Building, Pensacola, Florida.

We thank you very much for your assistance in this
matter.

Yours sincerely,

SHELL, FLEMING & DAVIS

By



CCS:nc

Encls.

CC: Mr. Frank L. Bell
Attorney at Law
320 S. Alcaniz Street
Pensacola, Florida

ATTACHMENT NOTICE

The State of Alabama, {
Baldwin County

No. 7431

CIRCUIT COURT

Term, 19 67

SECURITIES INVESTMENT CO. OF

ST. LOUIS

PLAINTIFFS

vs.

CARL W. NOLTING and JAMES E.

HERTZ

DEFENDANTS

ATTACHMENT

WHEREAS SECURITIES INVESTMENT COMPANY OF ST. LOUIS

as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 30th
day of March 19 67, against the estate of the said defendant CARL W. NOLTING
and JAMES E. HERTZ

which Attachment has been levied upon the following described real property

as the property of the said defendant, to-wit:
Northeast 1/4 of Section 24; the south 1/2 of the south 1/2;
the northwest 1/4 of the southeast 1/4 and the northeast 1/4
of the southwest 1/4 of Section 13, Township 6 South, Range 5
east; together with tractor with accessory equipment; one
hammermill now located on said premises.

and whereas, it appears that the said CARL W. NOLTING and JAMES E. HERTZ

Defendants as aforesaid are non-resident of the State of Alabama both of said

Defendants being residents of Pensacola, Florida, in Escambia County

NOW, THEREFORE, the said Defendants, Carl W. Nolting and James E. Hertz

wherever they may reside are hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 23 day of May, 19 67

Wm. J. French, Clerk

No _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

Plaintiffs

vs.

Defendants

NOTICE TO NON-RESIDENTS
OF ATTACHMENT

Issued _____, 19 _____

Clerk.

96 17
56

Frank L. Bell

Attorney At Law
320 SOUTH ALCANIZ STREET
PENSACOLA, FLORIDA 32501

AREA CODE 904
TELEPHONE 433-3141

July 14, 1967

Honorable Telfair J. Mashburn
Circuit Judge
Baldwin County Courthouse
Bayminette, Alabama

Re: Securities Investment Company of
St. Louis vs. Carl W. Nolting and
James E. Hertz

Dear Judge Mashburn:

I am writing you to ask that you enter a default and if possible a judgment by default in favor of Securities Investment Company of St. Louis and against Carl W. Nolting and James E. Hertz, in the amount of \$54,945.91 plus interest and costs. A true copy of this final judgment is contained in your Court file as well as an affidavit by the Vice President of Securities Investment Company of St. Louis in proof of said judgment.

Your Clerk, Mrs. Alice J. Duck, has been courteous enough to inform me that both defendants have been served copies of the complaint, by certified mail, although James E. Hertz has failed to accept his copy. She also informs me that both defendants have been served copies of the publication notice by certified mail but that James E. Hertz failed to claim his certified letter.

After this judgment is entered, I would like to acquire title to what ever interest Messrs. Hertz and Nolting own in the property which we have attached. We understand that the proper procedure for doing this is to sell the property which they own at public sale.

This property is owned by Messrs. Hertz and Nolting as tenants in common with five other Pensacola businessmen. We have no reason to think that Messrs. Hertz and Nolting will come up with a cash payment for the fair market value of their interest in the attached property, and therefore, want to acquire whatever title they own so that when the remaining five partners decide to sell this property, our judgment will be paid.

Honorable Telfair J. Mashburn
Page Two
July 14, 1967

Mrs. Dusenbury advises me that I should call you at 8:30 Tuesday morning, July 18, 1967, to inquire as to the proper procedure in this situation. I will do so then and look forward to talking with you.

I have associated with me Charles C. Sherrill, of Shell, Fleming & Davis. Although he is not licensed to practice in the State of Alabama, I would like to have him drive over to enter what ever pleading and proof you deem necessary, if possible. Please advise me accordingly.

Yours sincerely,



FRANK L. BELL

FLB:alp

cc: Alice J. Duck, Clerk
Circuit Court
Baldwin County
Bayminette, Alabama

L. L. Aymard, Branch Manager
Securities Investment Co. of St. Louis
500 West Garden Street
Pensacola, Florida

Charles C. Sherrill
Attorney at Law
Post Office Box 1030
Pensacola, Florida

Frank L. Bell

Attorney At Law
320 SOUTH ALCANIZ STREET
PENSACOLA, FLORIDA 32501

AREA CODE 904
TELEPHONE 433-3141

July 26, 1967

Honorable Telfair J. Mashburn
Circuit Judge
Baldwin County Courthouse
Bay Minette, Alabama

Re: Securities Investment Company of
St. Louis vs. Nolting and Hertz

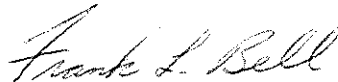
Dear Judge Mashburn:

Enclosed please find a motion for default judgment and a default judgment which I have drafted for your convenience in entering judgment against Carl W. Nolting and James E. Hertz, in the above styled cause. My associate, Charles C. Sherrill, informs me that you will be able to enter this judgment provided we send over the motion for default and the details as to the exact amount of the judgment we want entered. I enclose a draft of the final judgment for your convenience. If you do enter it, I would appreciate your returning to me the remaining copies duly certified by your Clerk.

We also enclose an exemplified copy of the final judgment entered by the Circuit Court of Escambia County, Florida, on June 9, 1966, in total amount of \$54,945.91. In Florida, a final judgment bears interest from the date of its entry at six (6) per cent per annum.

I thank you for your assistance in this matter and stand ready to answer any questions you might have. Both Mr. Sherrill and I want to commend your most courteous and cooperative secretary, Clerk and Assistant Clerk. I look forward to hearing from you soon.

Yours sincerely,



FRANK L. BELL

FLB:alp
Enclosures

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

#7431

SECURITIES INVESTMENT COMPANY
OF ST. LOUIS, a corporation,

Plaintiff,

vs.

MOTION FOR DEFAULT JUDGMENT

CARL W. NOLTING and JAMES E.
HERTZ,

Defendants.

The plaintiff, Securities Investment Company Of St. Louis, by and through its attorney, Frank L. Bell, brings this, its motion for judgment by default against the defendants, Carl W. Nolting and James E. Hertz, and alleges:

1. That the defendants, Carl W. Nolting and James E. Hertz, are properly before this Court, their real property located in Baldwin County, Alabama, having been attached by writ of attachment issued out of this Court and executed on April 7, 1967; a copy of the complaint having been mailed by U. S. mail, certified return receipt requested to the said Carl W. Nolting and James E. Hertz and a return receipt bearing the signature of Carl W. Nolting having been filed by the Clerk on April 6, 1967; due publication of the attachment notice having been made in the Baldwin Times on May 25, June 1, and June 8, 1967; and copies of that attachment having also been sent by certified mail, return receipt requested to the aforementioned defendants.

2. That 30 days has elapsed since that last publication of notice and no pleading has been filed by either of said defendants.

3. That a judgment was entered by the Circuit Court of Escambia County, Florida, at Pensacola, Florida, on June 9, 1966, against the Auto Center of Pensacola, Florida, Inc., a corporation, Carl W. Nolting and James E. Hertz, and the estate of Joe E. Dorman, deceased, jointly and severally in the total amount of \$54,945.91, an exemplified copy of which judgment has been filed herein.

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FRANK L. BELL
Attorney at Law
320 South Alcaniz Street
Pensacola, Florida

IN THE CIRCUIT COURT OF
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AT LAW.

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Plaintiff,)

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2. That 30 days has elapsed since that last publication of notice and no pleading has been filed by either of said defendants.

3. That a judgment was entered by the Circuit Court of Escambia County, Florida, at Pensacola, Florida, on June 9, 1966, against the Auto Center of Pensacola, Florida, Inc., a corporation, Carl W. Nolting and James E. Hertz, and the estate of Joe E. Dorman, deceased, jointly and severally in the total amount of \$54,945.91, an exemplified copy of which judgment has been filed herein.

4. That the plaintiff is entitled to a judgment by default in the amount of \$54,945.91 together with interest since June 9, 1966.

WHEREFORE, the plaintiff prays that this Court will enter a judgment by default against the defendants, Carl W. Nolting and James E. Hertz, jointly and severally in the total amount of \$54,945.91, together with interest since June 9, 1966.

FRANK L. BELL
Attorney at Law
320 South Alcaniz Street
Pensacola, Florida

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

#7431

SECURITIES INVESTMENT COMPANY
OF ST. LOUIS, a corporation,

Plaintiff,

vs.

MOTION FOR DEFAULT JUDGMENT

CARL W. NOLTING and JAMES E.
HERTZ,

Defendants.

The plaintiff, Securities Investment Company Of St. Louis, by and through its attorney, Frank L. Bell, brings this, its motion for judgment by default against the defendants, Carl W. Nolting and James E. Hertz, and alleges:

1. That the defendants, Carl W. Nolting and James E. Hertz, are properly before this Court, their real property located in Baldwin County, Alabama, having been attached by writ of attachment issued out of this Court and executed on April 7, 1967; a copy of the complaint having been mailed by U. S. mail, certified return receipt requested to the said Carl W. Nolting and James E. Hertz and a return receipt bearing the signature of Carl W. Nolting having been filed by the Clerk on April 6, 1967; due publication of the attachment notice having been made in the Baldwin Times on May 25, June 1, and June 8, 1967; and copies of that attachment having also been sent by certified mail, return receipt requested to the aforementioned defendants.

2. That 30 days has elapsed since that last publication of notice and no pleading has been filed by either of said defendants.

3. That a judgment was entered by the Circuit Court of Escambia County, Florida, at Pensacola, Florida, on June 9, 1966, against the Auto Center of Pensacola, Florida, Inc., a corporation, Carl W. Nolting and James E. Hertz, and the estate of Joe E. Dorman, deceased, jointly and severally in the total amount of \$54,945.91, an exemplified copy of which judgment has been filed herein.

4. That the plaintiff is entitled to a judgment by default in the amount of \$54,945.91 together with interest since June 9, 1966.

WHEREFORE, the plaintiff prays that this Court will enter a judgment by default against the defendants, Carl W. Nolting and James E. Hertz, jointly and severally in the total amount of \$54,945.91, together with interest since June 9, 1966.

FRANK L. BELL
Attorney at Law
320 South Alcaniz Street
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

#7431

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
Plaintiff,)

vs.

MOTION FOR DEFAULT JUDGMENT

CARL W. NOLTING and JAMES E.)
HERTZ,)
Defendants.)

The plaintiff, Securities Investment Company Of St. Louis, by and through its attorney, Frank L. Bell, brings this, its motion for judgment by default against the defendants, Carl W. Nolting and James E. Hertz, and alleges:

1. That the defendants, Carl W. Nolting and James E. Hertz, are properly before this Court, their real property located in Baldwin County, Alabama, having been attached by writ of attachment issued out of this Court and executed on April 7, 1967; a copy of the complaint having been mailed by U. S. mail, certified return receipt requested to the said Carl W. Nolting and James E. Hertz and a return receipt bearing the signature of Carl W. Nolting having been filed by the Clerk on April 6, 1967; due publication of the attachment notice having been made in the Baldwin Times on May 25, June 1, and June 8, 1967; and copies of that attachment having also been sent by certified mail, return receipt requested to the aforementioned defendants.

2. That 30 days has elapsed since that last publication of notice and no pleading has been filed by either of said defendants.

Notice of Levy on Real Estate

Securities Investment Corp. of Plaintiff,
St. Louis, A Corp.

vs.

Baldwin County Circuit Court

Carl W. Nolting & James E. Defendant
Hertz

To Harry Doline Judge of Probate, Baldwin County, Alabama:

Notice is hereby given that under a Writ of Attachment
issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property
of said Defendants, described as follows, viz:

Northeast 1/4 of Section 24: the south 1/2 of the south

1/2: the northwest 1/4 of the southeast 1/4 and the

northeast 1/4 of the southwest 1/4 of Section 13, Town-

ship 6 south, range 5 east; ~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~XXXXXXXXXX~~

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

MAR 30 1967 3:30 PM

and that no tax was collected. Recorded in List End

Book 6
Page 211 Harry Doline
Judge of Probate

By [Signature]

The above described Real Estate being in Baldwin County, Alabama

Given under my hand this 30th day of March 19 67

[Signature]
Sheriff of Baldwin County, Alabama

no. 7431

STATE OF MISSOURI

COUNTY OF CITY

AFFIDAVIT

Before me the undersigned authority personally appeared this date, W. L. Marietta, who being by me duly cautioned and sworn deposes and says:

1. That he is Vice President of Securities Investment Company of St. Louis, a Delaware Corporation which has been duly authorized to transact business in the State of Alabama.
2. That on the 9th day of June, 1966, a final judgment, a copy of which is attached hereto, was entered by the Circuit Court of Escambia County, Florida, in favor of Securities Investment Company of St. Louis and against the Auto Center of Pensacola, Inc., Carl W. Nolting, James E. Hertz and the Estate of Joe E. Dorman, Deceased, in the amount of \$54,945.91.
3. That said judgment is now valid, subsisting, unstayed and unsatisfied.
4. That the defendants, Carl W. Nolting and James E. Hertz, are residents of Pensacola, Escambia County, Florida.
5. That the aforesaid defendants do not have sufficient property within the State of their residence, Florida, from which to satisfy the said judgment debt in favor of Securities Investment Company of St. Louis in the amount of \$54,945.91.
6. That the said defendants, Carl W. Nolting and James E. Hertz, own title as tenants in common along with James M. Kobacker, Ivan Harris, Jr., Samuel D. Gillespie, Lawrence B. Frey, Jr. and Matilda Sargent to the following described real property:

Northeast 1/4 of Section 24; the south 1/2 of the south 1/2; the northwest 1/4 of the southeast 1/4 and the northeast 1/4 of the southwest 1/4 of Section 13, Township 6 South, Range 5 east; together with tractor with accessory equipment; one hammermill now located on said premises.

Colony

STATE OF MISSOURI
COUNTY OF ST. LOUIS

March, 1967.

Notary Public

My commission expires: My Commission Expires 3-22-68

MAY 20 1967


After I took care
of the other

IN THE CIRCUIT COURT OF ESCAMBIA COUNTY, FLORIDA

I, J. A. Flowers, Clerk of the Circuit Court of Escambia County, Florida, and keeper of the records and seal thereof, do hereby certify that the document attached is a true copy of FINAL JUDGMENT in the case of Securities Investment Company of St. Louis, vs, The Auto Center of Pensacola, Inc., etal.


filed and recorded in the said Circuit Court of Escambia County, Florida, on the 9th day of June, 1966; said Final Judgment being recorded in Official Records Book 291, page 153-154 of the public records of Escambia County, Florida.

IN TESTIMONY WHEREOF, I have hereunto signed my name and affixed the seal of said Court this _____ day of July, 1967.


CLERK OF THE CIRCUIT COURT OF
ESCAMBIA COUNTY, STATE OF FLORIDA

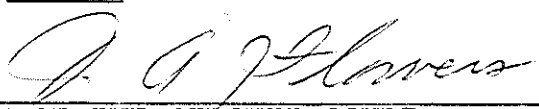
I, Ernest E. Mason, Judge of the Circuit Court of Escambia County, Florida, do hereby certify that J. A. Flowers, whose name is above written and subscribed, is and was at the date thereof, and that the above certificate by him made and his attestation on record thereof is in due form of law.

This 18 day of July, 1967.


JUDGE OF THE CIRCUIT COURT OF
ESCAMBIA COUNTY, STATE OF FLORIDA

I, J. A. Flowers, Clerk of the Circuit Court of Escambia County, Florida, and keeper of the seal thereof, do certify that the Honorable Ernest E. Mason, whose name is within written and subscribed, was on the 9th day of June, 1966, and is now Judge of the said Court, and duly holds that office according to the laws of the State of Florida; and that I am well acquainted with his handwriting and official signature and know and certify the same within written to be his.

IN TESTIMONY WHEREOF, I hereby sign and affix the seal of said Court at the City of Pensacola, in said State and County, this the _____ day of July, 1967.


CLERK OF THE CIRCUIT COURT
ESCAMBIA COUNTY, STATE OF FLORIDA

IN THE CIRCUIT COURT OF ESCAMBIA COUNTY,
FLORIDA. AT LAW.

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
Plaintiff,)

vs.

FINAL JUDGMENT

THE AUTO CENTER OF PENSACOLA,)
INC., a corporation, CARL W.)
NOLTING, JAMES E. HERTZ, and)
the Estate of JOE E. DORMAN,)
Deceased,)
Defendants.)

This cause coming on to be heard before the Court pursuant to stipulation of the parties without the intervention of a jury; the Court having considered the evidence along with the briefs and argument of counsel and having made findings of law and facts; and the Court being otherwise fully advised in the premises; it is, therefore,

ORDERED AND ADJUDGED:

1. That the plaintiff, Securities Investment Company of St. Louis, a corporation, have and recover a judgment against the defendants, The Auto Center of Pensacola, Inc., a corporation, Carl W. Nolting, James E. Hertz, and the Estate of Joe E. Dorman, Deceased, jointly and severally, in the amount of \$46,455.57 plus interest of \$7,842.64 and costs of \$647.70, making a total amount of \$54,945.91, for all of which let execution issue.

2. That the various counterclaims of the defendants be and they are hereby denied and dismissed and that as to same the plaintiff will go hence without day.

3. That the findings of law and of facts made by this Court in its order of May 30, 1966, be and they are hereby

incorporated into this final judgment and by reference made a part hereof.

4. Hobart O. Worley, Jr., Administrator Ad Litem for the estate of Joe E. Dorman, Deceased, is hereby awarded a fee of \$100.00 for his services, which sum is included in the costs taxed hereinabove.

DONE AND ORDERED this 9th day of June, 1966, at Pensacola, Florida.

s/Ernest E. Mason

CIRCUIT JUDGE

287763

RECORDED IN
CLERK'S RECORDS OF
1 CO. FLA. ON

JUN 10 12 00 PM '66

IN DEPT. OF
JULY 1, 1966
CIRCUIT COURT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

#7431

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
)
 Plaintiff,)

vs.

DEFAULT JUDGMENT

CARL W. NOLTING and JAMES E.)
HERTZ,)
)
 Defendants.)

This matter having come on to be heard upon the motion of the plaintiff, Securities Investment Company of St. Louis, a corporation, for final judgment by default; it appearing that both defendants are before this court, and that this Court has jurisdiction of this matter; that a default has been previously entered against said defendants by the Clerk of this Court; that an exemplified copy of the final judgment entered in the Circuit Court of Escambia County, at Pensacola, Florida, has been entered in this case; and it appearing that the plaintiff is entitled to a judgment by default against the said defendants, and the Court being otherwise fully advised in the premises; it is therefore,

ORDERED AND ADJUDGED that the plaintiff, Securities Investment Company of St. Louis, have and recover a judgment against the defendants, Carl W. Nolting and James E. Hertz, jointly and severally, in the amount of \$54,945.91 together with interest since June 9, 1966, for all of which let execution issue.

IT IS FURTHER ORDERED AND ADJUDGED that this Court retain jurisdiction to order a public sale of the interests of the said defendants in that certain property which is the subject matter of this suit and which property was subjected to a writ of attachment

executed on April 7, 1967, and is more particularly described as follows:

The N. E. 1/4 of Section 24; the South 1/2 of the South 1/2; the N. W. 1/4 of the S. E. 1/4 and the N. E. 1/4 of the S. W. 1/4 of Section 13, Township 6 South, Range 5 East; together with tractor and accessory equipment; one hammermill located on said premises;

said sale to be held in compliance with all the procedural requirements provided by the laws of Alabama and the rules of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that this Court retain jurisdiction to administer such other relief as this Court deems just and mete.

DONE AND ORDERED in Bay Minette, Baldwin County, Alabama, this 31st day of July, 1967.

Julius H. Maskeburn
CIRCUIT JUDGE

FILED

JUL 31 1967

ALICE J. DUCK CLERK
REGISTER

ATTACHMENT NOTICE

The State of Alabama, {
Baldwin County

No. 7431

CIRCUIT COURT

Term, 19 67

SECURITIES INVESTMENT CO. OF

ST. LOUIS

PLAINTIFFS

vs.

CARL W. NOLTING and JAMES E.

HERTZ

DEFENDANTS

ATTACHMENT

WHEREAS SECURITIES INVESTMENT COMPANY OF ST. LOUIS

as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 30th
day of March 19 67, against the estate of the said defendant CARL W. NOLTING
and JAMES E. HERTZ

which Attachment has been levied upon the following described real property

as the property of the said defendant, to-wit:

Northeast 1/4 of Section 24; the south 1/2 of the south 1/2;
the northwest 1/4 of the southeast 1/4 and the northeast 1/4
of the southwest 1/4 of Section 13, Township 6 South, Range 5
east; together with tractor with accessory equipment; one
hammermill now located on said premises.

and whereas, it appears that the said CARL W. NOLTING and JAMES E. HERTZ

Defendants as aforesaid are non-resident of the State of Alabama both of said

Defendants being residents of Pensacola, Florida, in Escambia County

NOW, THEREFORE, the said Defendants, Carl W. Nolting and James E. Hertz

wherever they may reside are hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 23 day of May, 19 67

William J. Smith, Clerk