

PHONES

OFFICE 968-4611  
RES. 968-4951  
RES. 949-6421  
AREA 205

# Frances G. Mallory Agency

GULF SHORES, ALABAMA 36542

P. O. DRAWER 258

May 8, 1967

INSURANCE

★

REAL ESTATE  
SALES

★

BAY - BEACH - LAGOON  
RIVER PROPERTIES

★

MORTGAGE  
FINANCING

★

COTTAGE  
RENTALS

★

PROPERTY  
MANAGEMENT

★

ACREAGE  
FARMS

★

COMMERCIAL  
PROPERTIES

★

HOMES

Hon. M. R. Howell  
Justice of the Peace  
Precinct Fourteen  
Foley, Alabama 36535

Re: Brown's Building Supply Vs. Frances G. Mallory

Dear Judge Howell:

I hand you herewith executed Appeal Bond which has been signed by myself and two property owners of Baldwin County, Alabama. Please note that I am demanding Trial by Jury in this matter.

Yours very truly,

*Frances G. Mallory*  
Frances G. Mallory

FGM:eo

"IF WE DON'T HAVE IT, WE WILL FIND IT FOR YOU."



DEMURRER

BROWN'S BUILDING SUPPLY,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
FRANCES G. MALLORY,	X	CASE NO: 7512
Defendant.	X	

Comes now the Defendant, in the above styled cause, and files Demurrers to the Plaintiff's Bill of Complaint, and for grounds thereof, says:

1.

That the Complaint fails to allege that Brown's Building Supply is a Corporation, Individual or a partnership.

2.

The Complaint does not state a cause of action.

3.

The Complaint fails to allege that this indebtedness is due and unpaid.

4.

The Complaint fails to allege the date the indebtedness was created.

WILTERS & BRANTLEY

BY: *Gay I. Wilter*  
Attorneys for the Defendant

**FILED**

NOV 16 1967

**ALICE J. DUCK** CLERK  
REGISTER

BROWN'S BUILDING SUPPLY,	X	
		IN THE CIRCUIT COURT OF
Plaintiff,	X	
		BALDWIN COUNTY, ALABAMA
vs.	X	
		AT LAW
FRANCES G. MALLORY,	X	
		CASE NO. 7512
Defendant.	X	

Now comes the Defendant and for special plea to the Complaint, says that the Plaintiff ought not to have and recover in this action because of the engagement of the debt sued on is a promise to answer for the debt, default, or miscarriage of another, and said contract is evidence by writing filed by the Defendant and expressing the consideration.

Frances G. Mallory  
Frances G. Mallory

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Frances G. Mallory, who after being by me, first duly sworn, deposes and says: That she has read the foregoing and that the facts contained therein are true and correct.

Frances G. Mallory  
Frances G. Mallory

Sworn to and subscribed before me on this the 1st, day of December, 1967.

R.O. Burgess  
Notary Public,

**FILED**

DEC 4 1967

**ALICE J. DUCK** CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING CO. - BAY MINETTE, ALA.

The State Of Alabama  
Baldwin County

IN THE JUSTICE COURT OF

M. R. Howell

To Any Lawful Officer of Said County, Greetings:

Summon

Frances H. Mallory

to appear before me on or before the 29 day of April 1967, next, at my office

in Toley at 1030 Ave Baldwin County, Alabama, to answer the complaint of

Brown's Building Supply

and then and there make a return of this summons.

Issued the 17th day of April 1967

M. R. Howell

Justice of the Peace

COMPLAINT

Brown's Building Supply  
Plaintiff

VS.

Frances H. Mallory  
Defendant

The Plaintiff claims of the Defendant the sum of \$48.36 Dollars  
Forty Eight & 36/100 Dollars for  
Building Supplies sold to said  
Defendant

Brown Building Supply  
By Louise Brown  
213

Ex 4-24-67

Executed by personal service and notice of

Garnishment Frances B. Mallory

No. 7512

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STATE OF ALABAMA

Baldwin County

In the Justice Court of

M. R. Sorrell  
April 29th Term, 1967

SUMMONS AND COMPLAINT

this 24 day of April 1967

Taylor Wilkins Constable

By J. M. Eastburn D. C.  
Duluth Shores, Ala

Brown Building  
Supply Plaintiff  
Vs.

Frances B. Mallory  
Defendant

The Defendant is hereby notified that  
Writ of Garnishment has been served on

J. P.

Location: \_\_\_\_\_

Sheriff claims 28 miles  
Ten Cents per mile Total \$ 2.80  
BY J. M. Eastburn Sheriff  
DEPUTY SHERIFF

**THE STATE OF ALABAMA,**  
**Baldwin County**

KNOW ALL MEN BY THESE PRESENTS:

That we, Frances G. Mallory  
 are held and firmly bound unto Brown Building Supply  
 in the sum of \$1500 DOLLARS,

for the payment of which, 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. But upon condition, that if the above bound

Frances G. Mallory shall prosecute to effect an appeal by him taken this day  
 to the next term of the Circuit Court of Baldwin Co from a judgment  
 rendered against him in favor of said Brown Building Supply  
 by M. R. Howell, a Justice of the Peace for said County, for the  
 sum of \$48.36 Dollars, debt

in said appeal, shall pay such judgment, both as to debt and costs as may be rendered against him by the  
 said Frances G. Mallory, then in either  
 of said events, this obligation to be void, otherwise to remain in full force and effect.

Given under our hands and seals, this the 6th day of May, 1927

Approved:

M. R. Howell

J. P.

Frances G. Mallory (L.S.)  
Elizabeth L. Stacey (L.S.)  
John I. Green (L.S.)

Defendant Demands Trial by Jury -

Frances G. Mallory

No. \_\_\_\_\_

Page \_\_\_\_\_

THE STATE OF ALABAMA,  
Baldwin County

APPEAL BOND

JUSTICE COURT OF

*M. H. Horrell*

*Brown's Building Supply*  
Plaintiff

*Francis E. Mallory*  
Defendant

FILED

MAY 10 1951

Filed this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
CLERK  
REGISTER

Baldwin

County, Ala.

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COST	
	Grown Building Supply Co. V. S. Francis B. Malloy	Serving for \$48.36 Building Supplies sold to said Defendant in 1967 Court Cost \$6.90	Justice's Fees Issuing Summons..... \$ 50 Issuing..... Alias Summons..... 50 Issuing..... Subpoena... for each witness.. 15 Issuing..... Execution and Taxing Cost... 50 Issuing..... Summons to Garnishee and taking answer..... 50 Issuing..... Attachment Writ..... 50 Attachment Bond and Affidavit..... 1 50 Garnishment Bond and Affidavit..... 50 ..... Appeal or Certiorari, including Bond 1 00 ..... Bond..... 50 Administering Oath and certifying same... 50 ..... Certificate not otherwise provided for 25 Docketing Cause..... 10 Judgment on Forthcoming Stay or Replevin Bond..... 50 Judgment on Summary Proceeding..... 75 Issuing..... Venire Facias..... 50 Transcript of Proceeding..... 50 Attending Trial or Right of Property..... 1 00 Sci. Fa. or notice in nature thereof..... 50 Making Return of Certiorari..... 50 ..... Notice to Defendant..... 15 Release..... 25	50 1.00 1.00
		DISPOSITION OF CASE		
	Bond and Affidavit Filed			
	Summons and Complaint Issued Ret. May 6th 1967			
	Ret. Executed By J. M. Eastburn			
	Judgment rendered in favor of Plaintiff & against said Defendant for \$48.36 and Court Cost \$6.90. Wit for Plaintiff, Jim J. Brown and Andy Wenzel			
	Defendant demands trial by Jury			
	Bond \$150.00			
	M. R. Howell J.P.			
			CONSTABLE'S FEES Civil Cases Serving..... Summons..... 1 00 Serving..... Summons on each Witness.. 25 Serving..... Garnishment..... 25 Levying Execution under \$50.00..... 1 00 Levying Attachment under \$50.00..... 1 00 Making Money, 3 per cent. not less than.. 75 Serving Notice, etc. on each party therein.. 25 Serving Sci. Fa. or other like Notices..... 50 Taking Bail or other Bond..... 50 Keeping Property Levied on..... 25	1.50 2.80
			WITNESS' FEES ..... Witness..... Days..... 50	
			Garnishee's Fee.....	