

MOTION TO STAY

FIRST NATIONAL BANK OF BAY MINETTE,
a National Banking Association.

Plaintiff

Vs

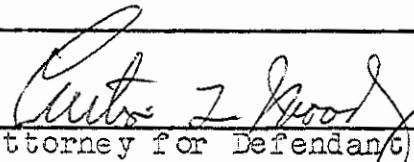
Dan R. Middleton.

Defendant

:
:
In The Circuit Court
:
Of
:
Baldwin County, Alabama
:
At Law
:
No 7601
:

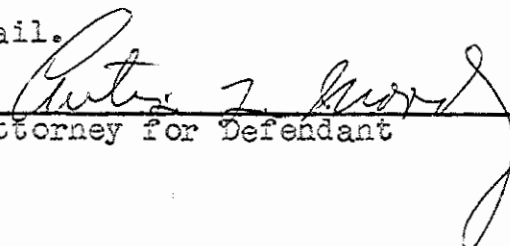
Now comes defendant in the above styled cause, and would show unto this court that he has on the 13th day of December 1967 filed in the United States District Court for the Southern Division of Alabama in Mobile, Alabama his petition praying that said court adjudge him to be a bankrupt, and said cause is now pending in said Court.

WHEREFORE defendant prays that this cause be stayed in this court during the pendency of said cause in said United States District Court.



Attorney for Defendant

I certify that I have mailed a copy of the foregoing motion to Owens & Patton, attorneys for plaintiff Bay Minette, Alabama this 14th day of December 1967. U.S. mail.



Attorney for Defendant

FILED

DEC 16 1967

ALICE J. DUCK CLERK
REGISTER

FIRST NATIONAL BANK OF BAY MINETTE, X
A National Banking Association X

Plaintiff X

vs X

DAN R. MIDDLETON X

Defendant X

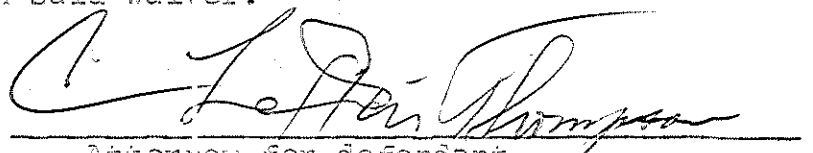
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 7601

Comes the defendant in the above styled cause and demurs to the complaint filed in said cause and for demurrer shows as follows:

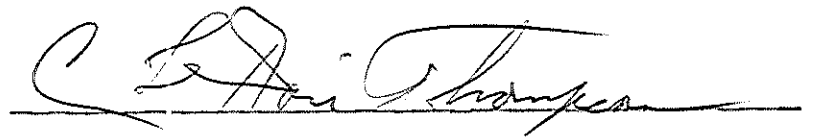
1. That said complaint fails to state a cause of action.
2. That Count one of said complaint fails to state a cause of action.
3. That Count Two of said complaint fails to state a cause of action.
4. That said defendant could not waive his homestead rights under the laws of the State of Alabama without said defendant's wife joining in said waiver.


Attorney for defendant.

Defendant demands trial by jury.


Attorney for defendant.

I hereby certify that I have this 9th day of August, 1967, served a copy of the foregoing on Honorable Walter S. Patton, Attorney at Law, by depositing copy of same in the U. S. Mail postage prepaid to his address in Bay Minette, Alabama.



FILED

AUG 9 1967

ALICE J. DUCK CLERK
REGISTER

FIRST NATIONAL BANK OF BAY MINETTE,)
A National Banking Association,)

Plaintiff,)

vs.)

DAN R. MIDDLETON,)

Defendant.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

COUNT ONE:

7601

The Plaintiff claims of the Defendant the sum of TWO THOUSAND ONE HUNDRED SIXTY-NINE AND 19/100 DOLLARS (\$2169.19), the balance due by Promissory Note made by him on March 15, 1965, in the original amount of \$5,049.00, and payable in 36 monthly installments, there being 35 equal monthly installments of \$141.00 each and one final installment of \$114.00, commencing on the 25th day of April, 1965, with an installment payable on the 25th day of each successive month thereafter, with interest thereon at the rate of 8% per annum, from April 25, 1967, the date of default by Defendant; Plaintiff further alleges that in and by the terms of said note the failure to pay any installment accelerated the balance due under said note, and that said Defendant defaulted in his obligation to pay the installments as set out hereinabove.

Plaintiff further alleges that in and by the terms of said note, the Defendant waived all rights of homestead under the Laws of the State of Alabama, and Plaintiff claims the benefit of said waiver.

Plaintiff further alleges that in and by the terms of said note the Defendant agreed to pay all costs of collection, including a reasonable attorney's fee, and Plaintiff claims the further and additional sum of \$325.00 as a reasonable attorney's fee in the premises.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of TWO THOUSAND SIX HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$2686.00), the balance due by Promissory Note made by him on January 24,

1966, in the original amount of \$4,054.00, and payable in 36 monthly installments, there being 35 equal monthly installments of \$114.00 and one final installment of \$64.00, commencing on February 25, 1966 with an installment payable on the 25th day of each successive month thereafter, with interest thereon at the rate of 8% per annum, from April 25, 1967, the date of default by Defendant; Plaintiff further alleges that in and by the terms of said note the failure to pay any installment accelerated the balance due under said note, and that said Defendant defaulted in his obligation to pay the installments as set out hereinabove.

Plaintiff further alleges that in and by the terms of said note, the Defendant waived all rights of homestead under the Laws of the State of Alabama, and Plaintiff claims the benefit of said waiver.

Plaintiff further alleges that in and by the terms of said note the Defendant agreed to pay all costs of collection, including a reasonable attorney's fee, and Plaintiff claims the further and additional sum of \$400.00 as a reasonable attorney's fee in the premises.

OWENS AND PATTON

By:  
Attorneys for Plaintiff.

FILED
JUL 7 1967
ALICE L. DICK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No.

.....TERM, 19...67..

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon DAN R. MIDDLETON

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.....

..... DAN R. MIDDLETON Defendant.....

by FIRST NATIONAL BANK OF BAY MINETTE, a National Banking.....

..... Association Plaintiff.....

Witness my hand this 7th day of July 19...67..

..... *Alice J. Luck* Clerk

Ex 7-7-67

VOL

65

PAGE

38

No. 7601

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

FIRST NATIONAL BANK OF BAY
MINETTE, a national banking
association

Plaintiffs

vs.

DAN R. MIDDLETON

Defendants

SUMMONS AND COMPLAINT

Filed FILED 19.....

JUL 7 1967

Clerk

ALICE A. DICK, CLERK
REGISTER

OWENS & PATTON

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Magnolia Springs, Alabama.....

Received In Office

JUL 7 1967

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this July 12, 1967

by leaving a copy with

Dan R. Middleton

Sheriff claims 84 miles at

Two cents per mile for 84

TAYLOR WILKINS

BY J. C. Eastman

DEPUTY SHERIFF

Taylor Wilkins Sheriff

J. C. Eastman Deputy Sheriff

Magnolia Springs, Ala.