

McDERMOTT & SLEPIAN  
ATTORNEYS AT LAW  
211 NORTH CONCEPTION STREET  
MOBILE, ALABAMA  
36601

WILLIAM H. McDERMOTT  
RONALD P. SLEPIAN  
EDWARD B. McDERMOTT  
BRAXTON L. KITTRELL, JR.

MAILING ADDRESS:  
POST OFFICE DRAWER 2025  
PHONE 432-1671

October 16, 1969

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County, Alabama  
Baldwin County Court House  
Bay Minette, Alabama 36507

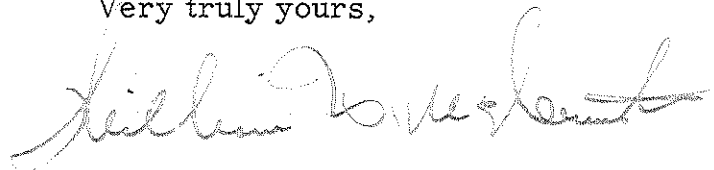
In re: Linden -vs- Howell  
Circuit Court No. 79, 73 (1/2)

Dear Mrs. Duck:

We enclose herewith a motion to dismiss the writ of garnishment now pending against South Baldwin Development Corporation, Inc. We would appreciate it if you would have this motion filed and if the order could be entered discharging said garnishee.

With every good wish, I am,

Very truly yours,



William H. McDermott  
For the Firm

WHMcD:gs  
cc: Mr. Louis E. Braswell

McDERMOTT & SLEPIAN  
ATTORNEYS AT LAW  
211 NORTH CONCEPTION STREET  
MOBILE, ALABAMA

WILLIAM H. McDERMOTT  
RONALD P. SLEPIAN  
THOMAS E. BRYANT, JR.  
EDWARD B. McDERMOTT  
BRAXTON L. KITTRELL, JR.

36601

MAILING ADDRESS:  
POST OFFICE DRAWER 2025  
PHONE 432-1671

June 12, 1969

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Court House  
Bay Minette, Alabama 36507

MO. 7973 1/2

In re: Donald C. Linden and Harry Linden  
vs: James Howell  
Circuit Court No. 7973, At law

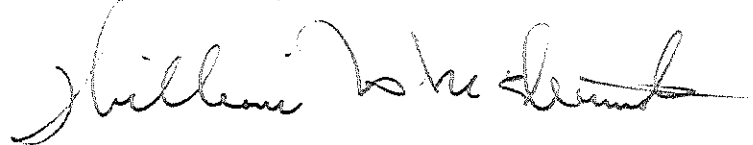
Dear Mrs. Duck:

I have signed the enclosed affidavit for garnishment on judgment and have asked Mr. Harry Linden to file it today.

I would appreciate it if this matter can be processed today and delivered to the office of Sheriff Wilkins in order that service of process may be obtained upon the officers of South Baldwin Development Corporation, Inc. as soon as possible.

With every good personal wish, I am,

Very truly yours,



William H. McDermott  
For the Firm

WHMcD:gs  
Enclosures  
cc: Sheriff Taylor Wilkins

FILED

JUN 12 1969

ALICE J. DUCK CLERK  
REGISTER

DONALD C. LINDEN and  
HARRY LINDEN,

Plaintiffs

vs.

JAMES HOWELL,

Defendant

Garnishee:

SOUTH BALDWIN DEVELOPMENT  
CORPORATION, INC.

: IN THE CIRCUIT COURT OF

: BALDWIN COUNTY,

: ALABAMA

:

:

:

AT LAW

:

: CASE NO. 7973(1/2)

:

ANSWER OF GARNISHEE

Comes now the garnishee, South Baldwin Development Corporation, Inc., and for answer to the writ of garnishment served upon it on, to-wit, June 12, 1969, says upon oath, by and through its duly authorized agent who has knowledge of the facts stated herein, that it was not indebted to the defendant at the time of the service of the garnishment; that it is not indebted to the defendant at the time of the making of this answer; that it has not been indebted to the defendant at any intervening time; that it will not be indebted in the future to the defendant by a contract existing at any of said times; that it is not liable to the defendant by a contract existing at any of said times 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 that it does not have in its possession or under its control any money or effects belonging to the defendant. The garnishee,

having fully answered, prays to be discharged with its reasonable costs incurred or expended.

SOUTH BALDWIN DEVELOPMENT CORPORATION, INC.

BY: James J. Jurkiewicz  
Its

STATE OF ALABAMA :  
COUNTY OF BALDWIN:

Before me, the undersigned authority in and for said County in said State, personally appeared James J. Jurkiewicz, who, being by me first duly sworn, doth depose and say that he is the duly authorized agent of the garnishee to make this answer, that he has knowledge of the facts stated in this answer, and that the facts stated in this answer are true and correct.

James J. Jurkiewicz  
Subscribed and sworn to before me on this the 25 day of July, 1969.

James J. Jurkiewicz  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA  
My Commission Expires 4/6/71.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing answer has been served upon the attorney for the plaintiff, William H. McDermott, by mailing it to him at his office in Mobile, Alabama, postage prepaid, on this the 25 day of July, 1969.

James J. Jurkiewicz

FILED

JUL 28 1969

ALICE J. DUCK  
CLERK  
REGISTER

DONALD C. LINDEN and	:	IN THE CIRCUIT COURT OF
HARRY LINDEN,	:	
	:	BALDWIN COUNTY,
Plaintiffs	:	
	:	ALABAMA
vs.	:	
	:	
JAMES HOWELL,	:	
	:	
Defendant	:	
	:	
Garnishee:	:	AT LAW
	:	
SOUTH BALDWIN DEVELOPMENT	:	CASE NO. 7973(1/2)
CORPORATION, INC.	:	

MOTION TO DISMISS GARNISHMENT  
AND DISCHARGE GARNISHEE

Come now the plaintiffs by and through their attorney and move the court to dismiss the garnishment heretofore filed against South Baldwin Development Corporation, Inc., garnishee, and to discharge the garnishee, and in support of this motion the plaintiffs aver that the garnishee has filed a sworn answer denying indebtedness to the defendant.

FILED

OCT 17 1969

*Richard B. Henderson*  
Attorney for the plaintiffs

AUG 11 1969

ORDER

The foregoing motion having been considered by the Court, it is hereby Considered, Ordered, Adjudged and Decreed that the motion to dismiss the garnishment be and the same hereby is granted and that the motion to discharge the garnishee be and the same hereby is granted.

Done at Bay Minette, Alabama, on this the 17<sup>th</sup> day of ~~October~~ September, 1969.

FILED

OCT 17 1969

*John A. Madsen*  
CIRCUIT JUDGE

AUG 11 1969

DONALD C. LINDEN and	:	IN THE CIRCUIT COURT OF
HARRY LINDEN,	:	BALDWIN COUNTY,
Plaintiffs	:	ALABAMA
vs.	:	
JAMES HOWELL,	:	
Defendant	:	
Garnishee:	:	AT LAW
SOUTH BALDWIN DEVELOPMENT	:	CASE NO. 7973(1/2)
CORPORATION, INC.	:	

ANSWER OF GARNISHEE

Comes now the garnishee, South Baldwin Development Corporation, Inc., and for answer to the writ of garnishment served upon it on, to-wit, June 12, 1969, says upon oath, by and through its duly authorized agent who has knowledge of the facts stated herein, that it was not indebted to the defendant at the time of the service of the garnishment; that it is not indebted to the defendant at the time of the making of this answer; that it has not been indebted to the defendant at any intervening time; that it will not be indebted in the future to the defendant by a contract existing at any of said times; that it is not liable to the defendant by a contract existing at any of said times 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 that it does not have in its possession or under its control any money or effects belonging to the defendant. The garnishee,

having fully answered, prays to be discharged with its reasonable costs incurred or expended.

SOUTH BALDWIN DEVELOPMENT CORPORATION, INC.

BY: 

Its \_\_\_\_\_

STATE OF ALABAMA :  
COUNTY OF BALDWIN:

Before me, the undersigned authority in and for said County in said State, personally appeared James J. Jurkiewicz, who, being by me first duly sworn, doth depose and say that he is the duly authorized agent of the garnishee to make this answer, that he has knowledge of the facts stated in this answer, and that the facts stated in this answer are true and correct.

  
James J. Jurkiewicz

Subscribed and sworn to before me on this the 25 day of July, 1969.

  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

My Commission Expires 4/6/71.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing answer has been served upon the attorney for the plaintiff, William H. McDermott, by mailing it to him at his office in Mobile, Alabama, postage prepaid, on this the 25th day of July, 1969.

  
James J. Jurkiewicz

FILED

JUL 28 1969


ALICE J. DUCK CLERK  
REGISTER

STATE OF ALABAMA : : IN THE CIRCUIT COURT OF  
COUNTY OF BALDWIN: : BALDWIN COUNTY, ALABAMA  
: : Case No. 7973, At law

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon SOUTH BALDWIN  
DEVELOPMENT CORPORATION, INC., a corporation, care of Mr. James  
Jurkiewicz or Mr. William G. Sanders, to appear and answer, plead or  
demur to the garnishment on judgment filed in this court within thirty (30)  
days from the service hereof by DONALD C. LINDEN and HARRY M.  
LINDEN, Plaintiffs in this case, who have recovered judgment against  
JAMES HOWELL, Defendant.

WITNESS my hand this 17 day of June, 1969.

  
Clerk, Circuit Court, Baldwin County, Alabama



720.7973 1/2

Donald C. Linder  
et al

vs

James Houill  
South Builders  
Development Corp  
Barnstable

FILED

JUN 12 1969

ALICE J. DUCK CLERK  
REGISTER

Wm H. McDemeth

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, 19....., of the Circuit Court of Baldwin County, to-wit: On the 27th day of May, 1969, being a regular day of said term, DONALD C. LINDEN & HARRY M. LINDEN

recovered judgment against James Howell

\$6,180.00 (of which the sum of \$690.24 has been paid leaving a balance for the sum of due on said judgment of \$5,489.76 Dollars, and cost of suit, and affidavit having been made by William H. McDermott that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, vis:

SOUTH BALDWIN DEVELOPMENT CORPORATION, INC.

c/o Mr. James Jurkiewicz, Summerdale, Alabama, or at the office of said Corporation, in Foley, Ala.

has or is believed to have in its possession, or under its control money or effects belonging to said defendant James Howell or that it is, or is believed to be indebted to said defendant is or 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 SOUTH BALDWIN DEVELOPMENT CORPORATION, Inc.,

to file an answer in duplicate to the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, within 30 days from the service of the garnishment, or at the making answer, or at any time intervening the time of serving the garnishment, and making the answer it was indebted to said defendant James Howell and whether it will not be indebted in future to said defendant James Howell by a contract then existing, and whether by a contract then existing it 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 it has not in its possession or under control money or effects belonging to the defendant James Howell

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

Witness, ALICE J. DUCK, Clerk of said Court, this 12th day of June, A. D., 1969

Issued 12th day of June, A. D., 1969

ATTEST:

Alice J. Duck Clerk.

TAYLOR WILKINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, CLAIM \$1.50 EACH  
FOR SERVING ~~\$~~ PROCESS(ES) AND  
TRAVEL EXPENSE ON EACH OF \$7.20  
PROCESS(ES) OR A TOTAL OF \$~~16.70~~  
~~\$7.70~~ \$7.20

Received 12 day of June 1969  
and on 12 day of June 1969  
I served a copy of the within Writ  
on South Baldwin Development Corp. dba

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Charlotte Johnson O. S.

CIRCUIT COURT, BALDWIN COUNTY

No. 7973 1/2

DONALD C. LINDEN & HARRY M. LINDEN,  
Plaintiff

VS. } GARNISHMENT ON JUDGMENT

JAMES HOWELL,  
Defendant

serve:  
SOUTH BALDWIN DEVELOPMENT CORPORATION, INC.  
(see address inside)

Issued 12th day of June 1969

Returnable        day of        19      

Edward H. McDermott

Attorney

## STATE OF ALABAMA

Baldwin County

TO James Howell....., Defendant.....:YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of..  
Donald C. Linden and Harry M. Linden....., Plaintiff.....,versus James Howell....., Defendant.....,

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

...SOUTH BALDWIN DEVELOPMENT CORPORATION, INC., A CORP......

have.. been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the .....  
12<sup>th</sup> day of ..... June ..... 19...69.Bevilacqua  
.....  
Clerk of the Circuit Court.

M.F.

VOL

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TAYLOR WILKINS, SHERIFF OF BALDWIN

COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR SERVING ~~100~~ PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$7.20

PROCESS(ES) OR A TOTAL OF \$14.40

Returned 13 day of June 1969  
Not found in my county after diligent search and in-  
quiry as to James Howell  
Taylor Wilkins, Sheriff

By C. H. Caldwell  
Deputy Sheriff

Received 12 day of June 1969

and on      day of      19    

I served a copy of the within Notice

on James Howell

By service on     

TAYLOR WILKINS, Sheriff

By      D. S.

To be served on  
James Howell  
Taylor Wilkins

7973  $\frac{1}{2}$

# NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

TO

JAMES HOWELL

DONALD C. LINDEN & HARRY M. LINDEN

Plaintiff....

VS.

JAMES HOWELL

Defendant....

William H. McDermott

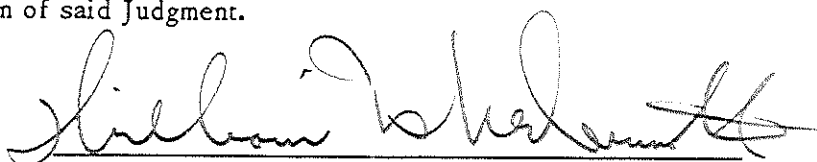
70-19736  
AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT

CC LAW 12-2M-9 67

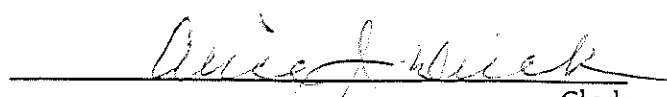
THE STATE OF ALABAMA }  
Baldwin MOBILE COUNTY

CIRCUIT COURT

Alice J. Duck  
Personally appeared before me, ~~John F. Mandeville~~, Clerk of the Circuit Court in and for ~~Mobile~~ Baldwin County and State aforesaid William H. McDermott  
who being duly sworn, on oath says, that on the 27th day of May, 19 68  
in the Circuit Court of ~~Mobile~~ Baldwin County, in Case No. 7973 The Plaintiffs Donald C.  
Linden and Harry M. Linden  
recovered a judgment against James Howell  
the Defendant, whose address  
is Foley, Alabama, to the best of affiant's knowledge, information and belief  
for the sum of \$6,180.00 (of which the sum of \$690.24 has been paid, leaving a balance due on said judgment of \$5,489.76---  
Dollars, besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect; that South Baldwin Development Corporation, Inc.  
whose address is c/o Mr. James Jurkiewicz, Summerdale, Alabama, or at the office of  
said corporation in Foley, Alabama  
is supposed to be indebted to or have effects of the said James Howell  
in its possession or under its  
control, and that he believes process of Garnishment against the said South Baldwin Development Corporation, Inc.  
is necessary to obtain satisfaction of said Judgment.

  
William H. McDermott

Sworn to and subscribed this 12th  
day of June A.D., 19 69...

  
Clerk

Service of process on South Baldwin Development Corporation, Inc. may also be had upon Mr. William G. Sanders, an officer of said corporation at Foley, Alabama.

No.....

**CIRCUIT COURT**

vs.

**AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT**

Filed in Office,

19.....

Clerk.

DONALD C. LINDEN and  
MARY M. LINDEN

Plaintiffs

-VS-

JAMES HOWELL

Defendant

Ø IN THE CIRCUIT COURT OF  
Ø BALDWIN COUNTY, ALABAMA  
Ø CIVIL CASE NO. 7973½  
Ø  
Ø  
Ø

ANSWER OF GARNISHEE

KENNETH COOPER

Comes now Kenneth Cooper, one of the Garnishees in above-styled cause, and for answer to the Writ of Garnishment on Judgment, pursuant to Title 7, Section 1011, Code of Alabama, Re-compiled 1958, as amended, and saith as follows:

1. He has no effects nor money, in his possession, nor under his control, which belong to the defendant James Howell, nor in which the said defendant has, or may have, any interest whatsoever, now or in the future.

2. He is not indebted to the defendant James Howell or liable to him on any 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.

3. He has not been indebted to the defendant, James Howell, within 30 days from the service of this garnishment, or at the time intervening the time of service of this garnishment and the making of this answer; neither has he ever been indebted to the defendant James Howell.



4. He is not now in any manner, by contract or otherwise, indebted to the defendant James Howell.

Having fully answered said garnishment, your garnishee Kenneth Cooper, prays to be hence dismissed, with his reasonable costs for making this answer.

Kenneth Cooper  
GARNISHEE, KENNETH COOPER

Sworn to and subscribed before me this 14 day of September,

1973.

My Commission Expires:

3-26-75

Amy B. Gunn  
NOTARY PUBLIC  
STATE OF ALABAMA

#### CERTIFICATE OF MAILING

I hereby certify that I have this date served a copy of the above and foregoing Answer of Garnishee on Honorable Braxton L. Kittrell, Jr., Post Office Drawer 2025, Mobile, Alabama 36601, by placing a copy of same in the United States Mail, postage prepaid and addressed to his regular mailing address.

This 14<sup>th</sup> day of September, 1973.

Kenneth Cooper  
GARNISHEE, KENNETH COOPER  
Post Office Box 1000  
Bay Minette, Alabama 36507

FILED

SEP 14 1973

EUNICE B. BLACKMON CIRCUIT CLERK