

LEVY

STATE OF ALABAMA.
COUNTY OF MOBILE

South Baldwin Bank vs M. J. Rester, Jr., et al.

Received on January 21, 1969 and on February 21, 1969

I executed within by levying on all of the right, title and interest of the defendant, _____

T. J. Rester, Jr.

in and to the following described real property situated, lying and being in the city of Mobile

County of Mobile, State of Alabama, to-wit:

From the intersection of SE r/w line of U S Hwy 90 & E bdry of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sect 9 T6S R2W, then S 51 deg 37 Min W alg SE r/w of US Hwy 90 a dist. of 1936.12 Ft to pt of beg of ppty herein desc. then S 0 deg 23 Min E a dist of 700 ft to a pt. then S 51 deg 37 Min W a dist of 700 ft to a pt on E/L of a 60 Ft r/w for a proposed rd. then N 0 deg 23 min W alg said E/L a dist of 700 ft to a pt on SE r/w of U S Hwy 90, then N 51 deg 37 min E alg said Hwy a dist of 700 ft to a pt of beg.

Undivided 1/2 interest in the foll:

S $\frac{1}{2}$ of NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ & S $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sect 24, T5S R3W

Parcel A-Lots 1-2-4 & 5 Resub of Lot 6 Blk 4 Neeses 1st Add to Whistler Mbk 10 P 45
1-5 Rm Dwg on Lot 2

Parcel C-Cong at SW Cor of Lot 30 in Bel Air run N 62 ft to Pt then in E-ly Dir to Pt then S-ly 62 ft to pt then W-ly 30 ft to pt of beg being part & Parcel of Lot 30 Bel-Air Mbk 8 P 510

Parcel D-Lot 8 Cleavelands 4th Add to Saraland Sub Mbk 4 P 544

1-4 Rm House

Lots 4 & 5 Cleavelands 4th Add to Saraland Sub Mbk 4 P 544

1-Fr Cafe Bldg Bondstone Front & Side

1-6 Rm Fr. Hse Duplex

1-5 Rm Bondstone & Fr Hse

1-4 Rm Hse

1-Fr Fruit Stand on Lot 3

Parcel E-Lot 6 Edgewater Sub Mbk 8 P 31

Lot 8 Edgewater Sub Mbk 8 P 31

Lot 32 Edgewater Sub Mbk 8 P 31

Lot 33 Edgewater Sub Mbk 8 P 31

Lot 70 Edgewater Sub Mbk 8 P 31

Parcel A-1 Lot 8 Blk H Craftmore Acres Mbk 10 P 259.

NOTICE TO DEFENDANT

Baldwin Co. Circuit Ct.
No. 8260STATE OF ALABAMA }
COUNTY OF MOBILE }

South Baldwin Bank vs T. J. Rester, Jr., et al.

To T. J. Rester, Jr. ---- 3000 Bryant St., Mobile, Ala.You will please take notice that I did on the 21 day of February, 1969levy execution, which was issued from the CircuitCourt of Baldwin County, Alabama, in favor of South Baldwin Bank

and against you, on all of your right, title and interest in and to the following described real estate with the improvements thereon, in the said County and State, to-wit:

From the intersection of SE r/w line of U S Hwy 90 & E bdry of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sect 9 T6S R2W, then S 51 deg 37 Min W alg SE r/w of US Hwy 90 a dist. of 1936.12 Ft to pt of beg of ppty herein desc. then S 0 deg 23 Min E a dist of 700 ft to a pt. then S 51 deg 37 Min W a dist of 700 ft to a pt on E/L of a 60 Ft r/w for a proposed rd, then N 0 deg 23 min W alg said E/L a dist of 700 ft to a pt on SE r/w of U S Hwy 90, then N 51 deg 37 min E alg said Hwy a dist of 700 ft to a pt of beg.

Undivided 1/2 interest in the foll:

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ & S $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sect 24, T5S R3W

Parcel A-Lots 1-2-4 & 5 Resub of Lot 6 Blk 4 Neeses 1st Add to Whistler Mbk 10 P 45

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Lot 32 Edgewater Sub Mbk 8 P 31

Lot 33 Edgewater Sub Mbk 8 P 31

Lot 70 Edgewater Sub Mbk 8 P 31

Parcel A-1 Lot 8 Blk H Craftmore Acres Mbk 10 P 259.

SHERIFF'S SALE Baldwin Co. Circuit Ct. #8260

STATE OF ALABAMA,
COUNTY OF MOBILE

South Baldwin Bank vs T. J. Rester, Jr., et al

Under and by virtue of a Writ of Fieri Facias issued out of the _____ Circuit
 Baldwin
 Court of Mobile County in the above styled case, I will proceed to sell to the highest and best bidder,
 for cash, on April 21, 1969

at the hour of 12 o'clock noon, at _____ courthouse door

all the right, title and interest of T. J. Rester, Jr.

in and to the following described _____ real _____ property, to-wit:

From the intersection of SE r/w line of U S Hwy 90 & E bdry of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sect 9 T6S R2W, then S 51 deg 37 Min W alg SE r/w of US Hwy 90 a dist. of 1936.12 Ft to pt of beg of ppty herein desc. then S 0 deg 23 Min E a dist of 700 ft to a pt. then S 51 deg 37 Min W a dist of 700 ft to a pt on E/L of a 60 Ft r/w for a proposed rd. then N 0 deg 23 min W alg said E/L a dist of 700 ft to a pt on SE r/w of U S Hwy 90, then N 51 deg 37 min E alg said Hwy a dist of 700 ft to a pt of beg.

Undivided 1/2 interest in the foll:

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ & S $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sect 24, T5S R3W

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1-5 Rm Bondstone & Fr Hse

1-4 Rm Hse

1-Fr Fruit Stand on Lot 3

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Lot 8 Edgewater Sub Mbk 8 P 31

Lot 32 Edgewater Sub Mbk 8 P 31

Lot 33 Edgewater Sub Mbk 8 P 31

Lot 70 Edgewater Sub Mbk 8 P 31

Parcel A-1 Lot 8 Blk H Craftmore Acres Mbk 10 P 31

So sold subject to existing liens, if any

No. 8260

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon T. J. Rester, Jr., and Eduardo Johnson to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of South Baldwin Bank, a corporation.

WITNESS my hand this 9 day of August, 1968.

Dee L. Smith
Clerk

The address of T. J. Rester, Jr., is as follows: Office, 205 Government Street; Residence, 3000 Bryant Road, Mobile, Alabama.

The address of Eduardo Johnson is Spanish Fort, Alabama.

* * * * *

SOUTH BALDWIN BANK,)	
a corporation,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA
)	
T. J. RESTER, JR., and)	AT LAW
EDUARDO JOHNSON,)	
)	#8260
Defendants.)	


C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendants SIX THOUSAND DOLLARS (\$6,000.00) due by promissory note executed by the defendant, T. J. Rester, Jr., on March 31, 1967, and payable to the order of the defendant, Eduardo Johnson, ninety days after March 31, 1967, with interest at seven percent (7%) per annum from March 31, 1967, which note was before delivery thereof endorsed by the defendant, Eduardo Johnson to the plaintiff. Plaintiff avers that the defendant, T. J. Rester, Jr., has paid the interest on the said note until March 10, 1968. Plaintiff further avers that in and by the said note, and as a part thereof, and by the endorsement thereof, the defendant, Eduardo Johnson, agreed in writing to waive demand,

protest, and notice of protest, and all requirements necessary to hold him liable as endorser of said note.

Plaintiff avers that in and by the terms of the said note and the endorsement thereon, the defendant, T. J. Rester, Jr., and the defendant, Eduardo Johnson, agreed to pay all costs of collecting, or securing, or attempting to collect or secure the said note, including a reasonable attorney's fee, which fee the plaintiff avers to be Nine Hundred Dollars (\$900.00) and which it herewith claims.


Attorney for Plaintiff

FILED

AUG 9 1968

ALICE J. DUCK CLERK
RECORDED

RECEIVED

AUG 9 1968

TAYLOR WILKINS
SHERIFF

RECEIVED
AUG 12 3 17 PM '68

AUG 12 3 17 PM '68

BY

Received 12 Day of Aug 1968
at 20 Day of Aug 1968
I served a Copy of the within S. A. C.
to J. Rester Jr.

by service on

RAY D. BENDIS, CLERK

J. Rester Jr. D.S.

~~W. Jackson~~ Co. Do. 4932
Civil #8260

South Baldwin Bank,
A Corporation

vs:
2nd Ind
T. J. Rester, Jr., &
Eduardo Johnson

1 Summons
2 Complaint

Office - 205 Government St.
Res - 3000 Bryant Road.

PROWERS

Received 9 day of Aug 1968
and on 2 day of Sept 1968
I served a copy of the within S. A. C.
on Eduardo Johnson

By service on Gibson
Daphne
TAYLOR WILKINS, Sheriff
By Ray Randall D.S.

Sheriff claims 54 miles at
Ten Cents per mile Total \$ 5.40
TAYLOR WILKINS, Sheriff
BY Randall
DEPUTY SHERIFF

SOUTH BALDWIN BANK,
A Corporation,

Plaintiff,

vs.

T. J. RESTER, JR., and
EDUARDO JOHNSON,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO.8260

DEMURRER

Comes now the Defendant, Edwardo Johnson, by his attorneys, and demurs to the Complaint heretofore filed against him and assigns, separately and severally, the following separate and several grounds and support thereof:

1. The Complaint fails to state a cause of action.
2. The allegations of the Complaint are conclusions of the pleader.
3. For aught that appears from the allegations of the Complaint the amount therein sued for is not now due and payable.
4. For aught that appears from the allegations of the Complaint this Defendant is not liable for the payment of the amount allegedly due under said note.
5. The Complaint fails to allege the amount originally due and payable under said note.
6. For aught that appears from the allegations of the Complaint the note therein sued on was in an amount greater than \$6,000.00

Respectfully submitted,

CHASON, STONE & CHASON

By: 

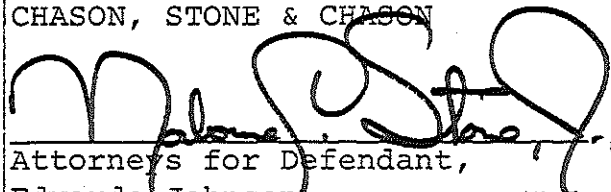
Attorneys for Defendant,
Edwardo Johnson

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 20 day of Sept, 1968.

The Defendant, Edwardo Johnson, respectfully demands a trial of this cause by a jury.

CHASON, STONE & CHASON


Attorneys for Defendant,
Edwardo Johnson

VOL

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SEP 20 1968

FILED
ALICE J. DICK
CLERK
REGISTER

SOUTH BALDWIN BANK,
A Corporation,

Plaintiff

T. J. RESTER, JR., and
EDUARDO JOHNSON,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW
NO. 8260

* * * * *

DEMURRER

* * * * *

FILED

SEP 20 1968

ALICE J. DUCK
CLERK
REGISTER
CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA