

127

GARNETT L. CHISENHALL,	X	
d/b/a CHISENHALL		
AGRICULTURAL SERVICE,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
JOHN KAISER d/b/a JOHN	X	CASE NO. 8263
KAISER & SONS,	X	
Defendant.	X	

AMENDED BILL OF COMPLAINT

Comes now the Plaintiff in the above styled cause and amends his Bill of Complaint by making Roger J. Kaiser a Defendant, and by adding count 2. to the Bill of Complaint:


STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Roger J. Kaiser, 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 Garnett L. Chisenhall, d/b/a Chisenhall Agricultural Service.

Witness my hand, this the 11 day of July, 1969.



 Alice J. Duck, Clerk

GARNETT L. CHISENHALL,	X	
d/b/a CHISENHALL		
AGRICULTURAL SERVICE,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW
JOHN KAISER d/b/a JOHN	X	CASE NO. 8263
KAISER & SONS, and ROGER J.	X	
KAISER,	X	
Defendants.	X	
	2.	

That on the 24th day of February, 1967, the Defendant John Kaiser d/b/a John Kaiser & Sons, for value received, executed

and delivered to the Plaintiff his promissory note and promised to pay to the order of the Plaintiff, the sum of FOUR THOUSAND TWENTY-EIGHT AND 60/100 (\$4,028.60) DOLLARS, on the 1st day of July, 1967, with interest at the rate of eight per cent (8%) per annum from the date of maturity until paid.

The Defendant, Roger J. Kaiser, endorsed the said note and agreed to guarantee the payment thereof.

That the note matured on the 1st day of July, 1967, and was presented to the Defendant, John Kaiser d/b/a John Kaiser & Sons, for payment; the payment thereof was demanded, but the same was not paid; and that due notice thereof was given to the Defendant, Roger J. Kaiser.

By the terms and provisions of said note, the Defendant waived all rights of exemptions as to the indebtedness and demand, notice and protest of the same and further agreed to pay a reasonable attorneys fee for the collection of the same, which attorneys fee the Plaintiff alleges to be \$1,200.00, and which he herewith claims.

Plaintiff further avers that the full amount of the note and indebtedness, interest and attorneys fee is now due and unpaid.

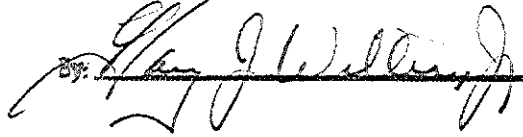
WILTERS & BRANTLEY

BY: 
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11 day of July 1967, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

BY: 

FILED

JUL 11 1969

ALICE J. DUCK CLERK
REGISTER

No. 8263

Barnett L. Chisenhall
dba Chisenhall
Agricultural Service
Plaintiff

v.

John Kaiser dba John
Kaiser & Sons, and
Roger J. Kaiser,
Defendants

Dee Dee Farm Eq.
Care Truck Co.

Received 11 day of July 1969
and on 23 day of June 1969
I served a copy of the within Subpoena Complainant's
on Roger J. Kaiser

By service on _____

Sheriff claims 72 miles at _____
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY W. J. Wilkins
DEPUTY SHERIFF
TAYLOR WILKINS, Sheriff
By W. J. Wilkins D. S.
B-14
Foley

no. 8263

Garnett L. Chismhall
dba Chisenhall
Agricultural Service
Plaintiff

v.

John Kaiser dba John
Kaiser & Sons, and
Roger J. Kaiser,
Defendants

Deeice Form Eq.
Case Tracker Co.

Received 11 day of July 1969
and on 23 day of July 1969
I served a copy of the within Amended Complaint
on Roger J. Kaiser

By service on _____

Sheriff claims 72 miles at 7:20
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Atty. General D.S.
DEPUTY SHERIFF
Atty. General

GARNETT L. CHISNHALL, d/b/a
CHESENHALL AGRICULTURE
SERVICE

Plaintiff,

vs.

ROGER J. KAISER, ET AL,

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

8263

TO ROGER J. KAISER:

Take notice, that, whereas, the Plaintiff in the above styled cause has requested, in writing, the undersigned, as Clerk of said Court, to issue notice to you, as Defendant, in the above styled cause, and in the judgment therein, requiring you to file a statement, in writing, under oath, of all your assets, as provided in Code of Alabama of 1958, as amended, Title 7, Section 903, and has filed said request, in writing, in this cause with the undersigned as Clerk of this Court, and it appearing from said request, and the record in said cause, that an execution was returned on the judgment in this cause on the 13th day of July, 1972, endorsed "no property found", by the Sheriff of Baldwin County, Alabama, and that you reside in the State of Alabama.

NOW, THEREFORE, you are hereby requested, within thirty days from the service hereof, to file in this Court, a statement, in writing, under oath, of all your assets, including money, choses in action, notes, bonds, and accounts, and all other property, real, personal or mixed, or any interest therein, with a detailed description of the same, the located and reasonable value of each item thereof, together with a detailed list or statement, of any and all liens, mortgages or encumbrance thereon showing the amount due upon each, and the owner or holder of such liens, encumbrances or mortgages.

Witness my hand this 13th day of July, 1972.

Eunice B. Blackmon
Eunice B. Blackmon, Clerk

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to serve the Following Notice upon the above named Roger J. Kaiser and make due return of your said service and of this notice.

Eunice B. Blackmon
Clerk

received 14 day of July 1972
and on 17 day of July 1972
I served a copy of the writ of Writ of Habeas Corpus
on Roger J. Kaiser

By service on _____

TAYLOR WILKINS, Sheriff

Barbara Johnson

Sherriff's Office 72 miles at
Non Cents per mile Total \$ 72.00
TAYLOR WILKINS, Sheriff
Barbara Johnson
DEPUTY SHERIFF

Case #8263

GARNETT L. CHISNHALL, d/b/a
CHESENHALL AGRICULTURE SERVICE

VS:

ROGER J. KAISER

RECEIVED

JUL 14 1972

TAYLOR WILKINS
SHERIFF

Writ of Discovery

Deft. address: Elberta, Alabama

Wilters & Brantley

GARNETT L. CHISENHALL, d/b/a
CHISENHALL AGRICULTURE
SERVICE

Plaintiff,

vs.

ROGER J. KAISER, ET AL,

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8263

Upon consideration of the Petition filed herein by
the above named defendant on the 26th day of October, 1972,
praying that the said Defendant be cited as for a contempt, it
is,

ORDERED, ADJUDGED and DECREED by the Court that the
said Roger J. Kaiser, do be and appear before the Court on the
9th day of November, 1972., at 10:30 A.M. and show
cause, if any he has, why he should not be held in contempt
for willfully refusing to file said statement of assets, as
required by law.

Let a copy of said Petition and this Decree be served
upon the said Defendant.

Dated this the 26th day of October, 1972.

Telfair J. Mashburn
Telfair J. Mashburn, Circuit Judge

FILED

OCT 26 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

GARNETT L. CHISENHALL, d/b/a
CHISENHALL AGRICULTURE
SERVICE

Plaintiff,

vs.

ROGER J. KAISER, ET AL,
Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8263

Now comes the Plaintiff in the above styled cause and shows that on, towit, July 13, 1972, a notice was issued out of this Honorable Court by the Clerk thereof requiring the above named defendant to file a statement of his assets as required by Code of Alabama, Title 7, Section 903; that said notice was duly and personally served on the said defendant on the 17th day of July, 1972; that the said defendant has willfully refused to file such statement.

THE PREMISES CONSIDERED, the Plaintiff petitions the Court that the said Roger J. Kaiser be cited for contempt of Court and that he be required to appear before the Court, at a time and place to be fixed to show cause, if any he has, why he should not be held in contempt of Court for willfully refusing to file such statement of assets.

And Petitioner will ever pray.

WILTERS & BRANTLEY

BY: *Harry J. Wilters Jr.*
Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned authority, Harry J. Wilters, Jr., who is the attorney of record for the Plaintiff, and who after first being duly sworn, deposes and says that he has read the foregoing petition and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

Harry J. Wilters Jr.
Sworn to and subscribed before me on this the 26th day of October, 1972.

FILED

OCT 26 1972

Amelia G. Perkins
Notary Public,

Received 27 day of Oct 1972
and on 24 day of Oct 1972
I served a copy of the within Motion & Order
on Roger J. Kaiser

By service on _____

TAYLOR WILKINS, Sheriff
Deputy Sheriff

Sheriff's claim 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Deputy Sheriff
DEPUTY SHERIFF

8263
Garnett L. Chisenhall
Holla - Chisenhall
Agriculture Service

vs.
Roger J. Kaiser et al
Foley

Motion & Order

FILED
OCT 26 1972
EUNICE B. BLACKMON CIRCUIT CLERK
RECEIVED
OCT 27 1972
TAYLOR WILKINS
Walter + Branchby
Attorney for Ptg.
Foley -

FILED

OCT 26 1972

CLERK OF DISTRICT COURT

Received 27 day of Oct, 1972
and on 24 day of Oct, 1972
I served a copy of the within Motion & Order
on Roger J. Kaiser

Ex service on _____
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

8263
Garnett L. Chisenhall
Holla - Chisenhall
Agriculture Service
vs.
Roger J. Kaiser et al
Foley
Motion & Order
FILED
OCT 26 1972
EUNICE B. BLACKMON CIRCUIT CLERK
RECEIVED
OCT 27 1972
TAYLOR WILKINS
Walter + Branchy
Attorney for Ptg.
Foley

FILED

OCT 26 1972

CLERK OF DISTRICT COURT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons John Kaiser d/b/a John Kaiser and Sons, 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 Garnett L. Chisenhall, d/b/a Chisenhall Agricultural Service.

Witness my hand, this the 12 day of August, 1968.

Alice J. Duck
Clerk,

GARNETT L. CHISENHALL, d/b/a
CHISENHALL AGRICULTURAL
SERVICE,

Plaintiff,

vs.

JOHN KAISER d/b/a JOHN
KAISER & SONS,

Defendant.

X

X

X

X

X

X

X

1.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8263

The Plaintiff claims of the Defendant, John Kaiser d/b/a John Kaiser & Sons, the sum of FOUR THOUSAND TWENTY-EIGHT AND 6/100 (\$4,028.60) DOLLARS, due by promissory note made by him on the 24th day of February, 1967, and payable on the 1st day of July, 1967, with interest thereon.

WILTERS & BRANTLEY

BY: Harry J. Wilters, Jr.

Defendants address is:

Foley, Alabama

FILED

AUG 12 1968

Alice J. Duck

CLERK
REGISTER

VOL

63 PAGE 584

24:8-20-68

Received 13 day of Aug 1968
on 20th day of August 1968
gived a copy of the within D & C
John Kaiser
service on John Kaiser & Son

BY M. Eastburn
Elberta, Ala
Sheriff claims 84 miles
Ten Court Road
TAYLOR TOWNSHIP
BY Eastburn

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CASE NO. 8263

GARNETT L. CHISENHALL, d/b/a
CHISENHALL AGRICULTURAL
SERVICE,

Plaintiff,

vs.

JOHN KAISER d/b/a JOHN
KAISER & SONS,

Defendant.

SUMMONS AND COMPLAINT

WILTERS & BRANTLEY
Attorneys at Law
Bay Minette, Alabama

AUG 12 1968

ALICE J. DUCK CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8263

GARNETT L. CHISENHALL, d/b/a
CHISENHALL AGRICULTURAL
SERVICE,

Plaintiff,

vs.

JOHN KAISER d/b/a JOHN
KAISER & SONS,

Defendant.

SUMMONS AND COMPLAINT

WILTERS & BRANTLEY
Attorneys at Law
Bay Minette, Alabama

AUG 12 1968

ALICE J. DUCK CLERK
REGISTER

ved 13 day of Aug 19 68
at 20 day of August 1968
red a copy of the within D & C
John Kaiser
service on John Kaiser

BY M. Eastman
Chert, Ala

Sheriff claims 84 miles
Ten Courts with Total 84
TAYLOR Chert, Ala
BY Eastman

GARNETT L. CHISENHALL, d/b/a
CHISENHALL AGRICULTURAL SERVICE,
PLAINTIFF,

VS:

JOHN KAISER d/b/a JOHN KAISER
& SONS,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8263


A N S W E R

Comes the Defendant, JOHN KAISER, d/b/a JOHN KAISER
& SONS, and denies that they are indebted to the Plaintiff in
the amount of FOUR THOUSAND TWENTY-EIGHT & 6/100 DOLLARS
(\$4,028.06), or any other amount.

ATTORNEY FOR THE DEFENDANT


Forest A. Christian

Defendant demands trial by Jury.


Forest A. Christian, attorney for
Defendant.

FILED

SEP 19 1968

ALICE J. DUCK CLERK
REGISTER

GARNETT L. CHISENHALL,
d/b/a CHISENHALL
AGRICULTURAL SERVICE,

PLAINTIFF,

VS:

JOHN KAISER, d/b/a JOHN
KAISER & SONS, and ROGER
J. KAISER,

DEFENDANTS.

X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8263


A N S W E R

Comes the Defendant, ROGER J. KAISER, and
denies that he is indebted to the Plaintiff in the
amount of FOUR THOUSAND TWENTY-EIGHT & 6/100 DOLLARS
(\$4,028.06), or any other amount.

ATTORNEY FOR THE DEFENDANT


Forest A. Christian

Defendant demands trial by jury.


Forest A. Christian, Attorney for
Defendant.

FILED

JUL 23 1969

ALICE J. DUCK CLERK
REGISTER

FOREST A. CHRISTIAN

ATTORNEY AT LAW

P. O. DRAWER 190

AREA CODE 205 - PHONE 943-2201

FOLEY, ALABAMA 36535

December 4, 1972

Mr. John Kaiser
Elberta, Alabama

Re: Garnett L. Chisenhall
Vs: John Kaiser, E/b/a John
Kaiser & Sons, Case #8263

Dear Mr. Kaiser:

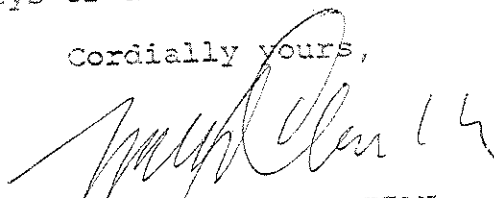
I see on the non-jury court docket, this case which is set
for Monday, December 11.

This is an old case and as I recall you requested me to file
a plain in this case two or three years ago which I did without
charge as a courtesy to you.

It was understood that since I had recently had a heart
operation I would not defend you in this case and that you
were either going to pay it off or were going to have other
attorneys handle it.

The judge has
if something needs to be done with it to protect your interest,
you should see your attorneys or at least let me know.

Cordially yours,


FOREST A. CHRISTIAN

GARNETT L. CHISNHALL, d/b/a
CHESENHALL AGRICULTURE
SERVICE

Plaintiff,

vs.

ROGER J. KAISER, ET AL,

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

8263

TO THE CLERK OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

WHEREAS, in the above entitled cause the Plaintiff did recover a judgment against Roger J. Kaiser, on the 17th day of March, 1970, for the sum of FIVE THOUSAND FOUR HUNDRED EIGHTY EIGHT AND 60/100 (\$5,488.60) DOLLARS, besides the cost of said cause;

WHEREAS execution was issued on said judgment against the said Roger J. Kaiser, on the 17th day of May, 1970, and that on the 13 day of July, 1972, the said execution was returned with the endorsement thereon "no property found"; and said judgment remains unpaid and unsatisfied; now therefore,

This is to request you as Clerk of the said Circuit Court of Baldwin County, Alabama, to issue a notice to the said Roger J. Kaiser, requiring him to file in this Honorable Court, within thirty days from the service of such notice a statement in writing, under oath, of all the assets of the said Roger J. Kaiser, including money, choses in action, notes, bonds, and accounts, and all other property, real, personal or mixed, or any interest therein, with a detailed description of the same, the location, and reasonable value of each item thereof, together with a detailed statement of any and all liens, mortgages, or encumbrances thereon, showing the amounts due upon each, and the owner or holder of such liens, encumbrances or mortgages.

The said Roger J. Kaiser, resides at Elberta, Alabama.

Dated this the 13th day of July, 1972.

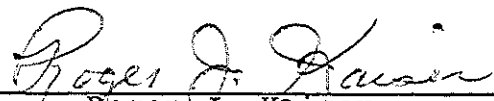
WILTERS & BRANTLEY

BY: Gay Wilters Jr

GARNETT L. CHISENHALL, d/b/a)	
CHISENHALL AGRICULTURE)	
SERVICE,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
vs.)	AT LAW
)	
ROGER J. KAISER, ET AL,)	CASE NO. 8263
)	
Defendant.)	

Comes the Defendant, Roger J. Kaiser, and files this itemized statement of his assets as required by the Plaintiff's request and the order issued by the Clerk of the Circuit Court of Baldwin County, Alabama, on the 13th day of July, 1972.

1. Lots 27 and 28, Block 6 of the Lavina Hilty Marr Addition to the Town of Elberta, according to a plat recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 3, page 96. Encumbered by first mortgage to the First Mortgage Company, Tuscaloosa, Alabama, with approximate unpaid balance of \$12,000. Also encumbered by second mortgage to D. R. Coley, Jr., recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 538, page 452, with approximate unpaid balance of \$60,000.
2. Inventory, equipment, trucks, stock and parts used in connection with the operation of the Defendant's business, Dixie Power Equipment Co., encumbered by the mortgage to D. R. Coley, Jr. referred to above.
3. 19⁶⁹~~71~~ Ford LTD automobile which is used in the business of Dixie Power Equipment Co. and encumbered by the mortgage to D. R. Coley, Jr. referred to above.
4. Checking account in the Farmers and Merchants Bank, Foley, Alabama, in the joint names of Roger J. Kaiser and Janie Kaiser, with an average balance of approximately \$200.



 Roger J. Kaiser

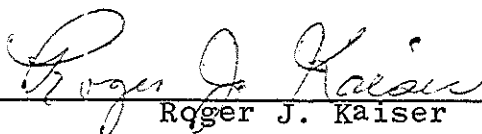
STATE OF ALABAMA
 BALDWIN COUNTY

Before me, the undersigned authority, personally appeared
 ROGER J. KAISER, who being by me first duly and legally sworn,

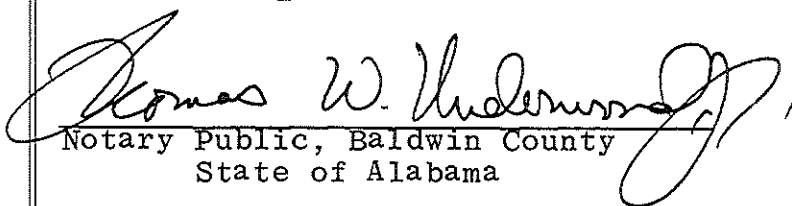
FILED
 NOV 13 1972

EUNICE B. BLACKMON
 CIRCUIT CLERK

deposes and says that the facts and averments contained in the foregoing statement of assets are true and correct according to the best of his knowledge, information and belief.

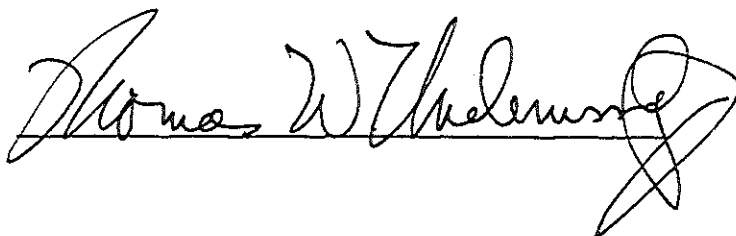

Roger J. Kaiser

Sworn to and subscribed before me
on this 10th day of November, 1972.


Notary Public, Baldwin County
State of Alabama

CERTIFICATE OF SERVICE *th*

I do hereby certify that I have on this 10
day of Nov, 1972, served a
copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same
by United States mail, properly addressed, and
first class postage prepaid.



FILED
NOV 13 1972
EUNICE B. BLACKMON CIRCUIT
CLERK

CHASON & UNDERWOOD

Attorneys at Law

CECIL G. CHASON
THOMAS W. UNDERWOOD, JR.

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

November 10, 1972

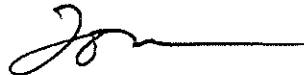
Ms. Eunice B. Blackmon
Clerk of Court
Bay Minette, Alabama

Re: Chisenhall vs. Kaiser, et al,
Case No. 8263

Dear Eunice:

Enclosed is verified, itemized statement of the
assets of Roger J. Kaiser, Defendant in the case mentioned
above.

Sincerely yours,



T. W. Underwood, Jr.

TWU, Jr/jc
Enc.



\$ 4,028.60

Foley, Ala.

FEB 24 1967

19

July 1, 1967 - - - - - after date, without grace We promise to pay

to the order of Chisenhall Agricultural Service, Foley, Ala. - - - - -

Four Thousand Twenty Eight & 60/ 100 - - - - - Dollars

for value received, with interest at 8 per cent. per annum from Maturity
until paid.

~~PAYABLE AT FARMERS AND MERCHANTS BANK, FOLEY, ALA.~~

The parties to this instrument, whether maker, endorser, surety or guarantor, each for himself, hereby severally agrees to pay this note and waives as to this debt, or any renewal thereof, all right to exemption under the constitution and laws of Alabama, or any other State, as to personal property and they each severally agree to pay all costs of collecting or securing, or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise, and maker, endorser, surety or guarantor, of this note severally waives demand, presentment, protest, notice of protest, suit and all other requirements necessary to hold them, and they agree that time of payment may be extended without notice to them of such extension. The Bank at which this note is payable is hereby authorized to apply on or after maturity to the payment of this debt any funds in said bank belonging to the maker, surety, endorser, guarantor, or any one of them.

JOHN KAISER & SONS

Seal

Due 7/1/67

Seal

The endorsers of this note agree to pay all cost of collection, including a reasonable attorney's fee, whether costs are incurred by suit against any one or more of the makers or endorsers, or otherwise; and each endorser expressly waives all right to claim exemptions under the Constitution and Laws of the State of Alabama, or any of these United States, as to this debt should this note not be paid at maturity. Presentment for payment, notice and protest and all steps necessary to bind each endorser hereon on the non-payment of this note are hereby waived by each endorser. Time for payment may be extended without notice. The said Farmers and Merchants Bank, Foley, Ala., is hereby authorized by each surety and endorser hereof to apply on or after maturity to the payment of this debt any funds belonging to any endorser on this note.

Roger J. Kaiser

ENDORSEMENT OF INTEREST PAYMENTS

JUL 3 - 1967	\$ 26.87	to	8-1-	1967
AUG 16 1967	\$ 26.87	to	9-1-	1967
SEP 5 - 1967	\$ 26.87	to	10-1-	1967
_____ 19	\$ _____	to	_____ 19	_____
_____ 19	\$ _____	to	_____ 19	_____
_____ 19	\$ _____	to	_____ 19	_____
_____ 19	\$ _____	to	_____ 19	_____
_____ 19	\$ _____	to	_____ 19	_____