

THE STATE OF ALABAMA }
Montgomery County }
BALDWIN
To any Sheriff of the State of Alabama—GREETING:

You are Hereby Commanded to Summon

Garrett-Swoboda Equipment Company, Inc.
Robertsdale, Alabama

Baldwin County
to appear for the Circuit Court of ~~Montgomery~~, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of

Alabama Machinery & Supply Company, Inc.

And you are hereby commanded to execute this process instanter and make return as required by law.

Witness my hand this 31st day of Dec.

1968
Clerk.

Oliver J. Luck

COMPLAINT

THE STATE OF ALABAMA
Robertsdale
~~Montgomery~~, Alabama
ALABAMA MACHINERY & SUPPLY
COMPANY, INC.

Plaintiff

~~The plaintiff clerk of the Defendant~~

VS.

8486

COUNT I

In the Circuit Court of ~~Montgomery~~
County Baldwin

GARRETT-SWOBODA EQUIPMENT
COMPANY, INC. Term, 19

Defendant

Plaintiff claims of the Defendant the sum of One Thousand Seven Hundred Forty-Five and 20/100 (\$1,745.20) Dollars with interest thereon due on a promissory note made by the Defendant on September 10, 1968 and payable on demand, with interest thereon at the rate of seven (7%) per cent per annum. Plaintiff alleges that demand for payment has been duly made and that said note is now due and unpaid. Plaintiff further claims of the Defendant the sum of Four Hundred Fifty and No/100 (\$450.00) Dollars as a reasonable attorney's fee as provided for by the terms of said note.

COUNT II

Plaintiff claims of the Defendant the following described personal property, to-wit: one International Harvester Model 303C Combine, Serial No. 11719.


Richard C. Lacey

CAPELL, HOWARD, KNABE & COBBS

By: 

Attorneys for Plaintiff, Alabama
Machinery & Supply Company, Inc.

FILED

DEC 31 1968

ALICE J. DUCK

CLERK
REGISTER

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY W. Wilkins
DEPUTY SHERIFF

Received in office **RECEIVED** day of
JAN 10 1969 19
Taylor Wilkins
SHERIFF
Sheriff

Executed by serving a copy
of the within. Summons and Complaint on
Jim Swoboda Jr.
Defendant this the 17 day of
Jan 19 69
on officer in
Garrett & Swoboda Equipment Co
Taylor Wilkins Sheriff
Jim Jr - 1-17-69
947-3795

Robertsdale 50 mi.
attached 1 International
Harvester, Model 303C
Serial # 11719. Neither
party made bond.
Property released to Dept.

Return
No. 8486

ALABAMA MACHINERY & SUPPLY
COMPANY, INC.
vs.
GARRETT-SWOBODA EQUIPMENT
COMPANY, INC.

CIRCUIT COURT
BALDWIN
OF MONTGOMERY COUNTY
Term, 19

SUMMONS AND
COMPLAINT

Filed in office this day of
A. D. 19
Clerk.

John B. Scott, Jr. Plaintiff's Attorney
Capell, Howard, Knabe & Cobbs
P. O. Box 2069
Montgomery, Alabama 36103

THE STATE OF ALABAMA
~~Montgomery~~ County
Baldwin
To the Sheriff of Said County—GREETINGS:
The Plaintiff having given bond and made affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the defendant give bond, payable to the Plaintiff, with security in double value of the property, conditioned that if the Defendant is cast in the suit he will, within thirty days thereafter, deliver the property to the Plaintiff, and pay all costs and damages which may accrue from the detention thereof.
WITNESS my hand this 17 day of Dec.
A. D. 19 69
Alice D. Shuck
Clerk, Circuit Court, ~~Montgomery~~ Baldwin County.

RICHARD C. LACEY

TELEPHONE 928-2373

ATTORNEY AT LAW

FAIRHOPE, ALABAMA 36532

December 27, 1968

Mrs. Alice J. Duck
Circuit Clerk
Circuit Court
Bay Minette, Alabama

RE: Alabama Machinery & Supply Company
vs. Garrett-Swoboda Equipment Co., Inc.

Dear Mrs. Duck:

I am enclosing the original and copy of subject suit. You will notice that there are attachment bonds included with the suit for the Sheriff to take the machinery involved and keep it in his possession. It is my thinking that this could be accomplished simply by having the Sheriff post an attachment notice on the machinery and leave it in its present location. I understand that the machinery is on Mr. Jim Swoboda's farm on the Silverhill-Loxley Highway.

I would appreciate your giving the copy of this letter to the Sheriff in order that he may be informed of my thinking and of the whereabouts of the machinery. Thank you.

Sincerely,

Richard C. Lacey
RICHARD C. LACEY

dt

RCL/dt
encls.

The State of Alabama

#8486

~~MONTGOMERY~~ COUNTY
BALDWIN

Know all Men by these Presents, That we, Alabama Machinery & Supply Company, Inc., as principal, and United States Fidelity & Guaranty Company, as surety,

are held and firmly bound unto Garrett-Swoboda Equipment Company, Inc.

in the sum of Five Hundred and No/100 (\$500.00) -----Dollars,

to be paid to the said Garrett-Swoboda Equipment Company, Inc., its successors

~~Heirs, executors, administrators~~ or assigns; for which payment 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, and firmly, by these presents. Sealed with our seals, and dated this 19th day of December in the year of our Lord, One Thousand Nine Hundred and Sixty-Eight.

The condition of the above obligations is such, that whereas the above bound Alabama Machinery & Supply Company, Inc. on the day of the date hereof, hath obtained at the suit of Alabama Machinery & Supply Company,

Inc. a Summons and Complaint for the recovery of personal chattels in specie against and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession," as required by law in such cases, which Summons and Complaint are returnable to the next term of the Circuit Court of ~~Montgomery~~ Baldwin County for said County and which said endorsement is made upon the Plaintiff entering into this Bond.

Now, if the said Plaintiff shall fail in this suit, and shall pay the Defendant all such costs and damages as it may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

ALABAMA MACHINERY & SUPPLY COMPANY, INC.

By: Paul Raadt (L. S.)
Paul Raadt

UNITED STATES FIDELITY & GUARANTY COMPANY (L. S.)

By: Billy J. Hendon (L. S.)
Billy J. Hendon

ATTORNEY-IN-FACT

Approved this
day of

19

Clerk.

THE STATE OF ALABAMA

~~Montgomery~~ County
Baldwin

Before me, ~~John R. Matthews~~ ^{Baldwin}, Clerk of the Circuit Court of ~~Montgomery~~ County, in and for said County,
personally appeared Paul Raadt who being duly
sworn, deposeth and saith, That the property sued for in the complaint of

Alabama Machinery & Supply Company, Inc. vs. Garrett-Swoboda Equipment
Company, Inc., to-wit: one International Harvester Model 303C Combine,
Serial No. 11719,

belongs to Alabama Machinery & Supply Company, Inc. ~~XXXXX~~

the said Plaintiff.

Sworn to and subscribed before me this

day of *December*

19*50*

Richard C. Bailey
Notary Public

~~Clerk~~

Paul Raadt

DENTINUE BOND AND
AFFIDAVIT

ALABAMA MACHINERY & SUPPLY
COMPANY, INC.

vs.

GARRETT-SWOBODA EQUIPMENT
COMPANY, INC.

BALDWIN
Circuit Court of ~~Montgomery~~
County

Filed in office

day of _____, 19____

Clerk.

P. O. DRAWER AJ

RICHARD C. LACEY

TELEPHONE 936-8873

ATTORNEY AT LAW

FAIRHOPE, ALABAMA 36522

December 27, 1968

Mrs. Alice J. Duck
Circuit Clerk
Circuit Court
Bay Minette, Alabama

RE: Alabama Machinery & Supply Company
vs. Garrett-Swoboda Equipment Co., Inc.

Dear Mrs. Duck:

I am enclosing the original and copy of subject suit. You will notice that there are attachment bonds included with the suit for the Sheriff to take the machinery involved and keep it in his possession. It is my thinking that this could be accomplished simply by having the Sheriff post an attachment notice on the machinery and leave it in its present location. I understand that the machinery is on Mr. Jim Swoboda's farm on the Silverhill-Loxley Highway.

I would appreciate your giving the copy of this letter to the Sheriff in order that he may be informed of my thinking and of the whereabouts of the machinery. Thank you.

Sincerely,

RICHARD C. LACEY

RCL/dt
encls.