

RICHARD C. LACEY
Attorney-At-Law
FAIRHOPE, ALABAMA 36532

June 25, 1969

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

RE: MELVIN JOHNSON vs. A. C. and Hazel Michael

Dear Mrs. Duck:

Enclosed please find the answer in subject case.

Sincerely,


RICHARD C. LACEY

RCL/dt

RICHARD C. LACEY
Attorney-At-Law
FAIRHOPE, ALABAMA 36532


June 30, 1969

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

RE: Melvin Johnson vs. A. C. Michael & Hazel Michael

Dear Mrs. Duck:

Please file enclosed amended answer in subject case.

Sincerely,

RICHARD C. LACEY

By:dt

RCL/dt

8761

January 12, 1970

Hon. Taylor Wilkins
Sheriff
Baldwin County
Bay Minette, Alabama 36507

RE: Melvin Johnson vs. A. C. & Hazel Michael
Case No. 8761

Dear Sheriff Wilkins:

If you will check the docket sheet on this case you will find that the case was tried and the verdict rendered for the Defendants. This being the case the cost would properly be levied against the Plaintiff--Melvin Johnson who was represented by Mrs. Phyllis Nesbit.

Sincerely,

RICHARD C. LACEY

RCL/at

cc: Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Phyllis Nesbit
Attorney at Law
Robertsdale, Alabama

MELVIN JOHNSON

Plaintiff

VS.

A. C. MICHAEL and
HAZEL MICHAEL

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8761

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

1.

The Plaintiff claims of the Defendants the sum of TWO HUNDRED DOLLARS (\$200.00) as damages for this, that heretofore on to-wit: The 10th day of March, 1969, the Defendants did cause to be issued out of the Circuit Court of Baldwin County, Alabama, an attachment against the Plaintiff on the ground that Melvin Johnson owed the Defendant, A. C. Michael, for goods and chattels. And that the Defendants did at the time execute an attachment bond with Hazel Michael, as surety, in favor of this Plaintiff in the sum of \$502.84, a copy of such bond is hereto attached as Exhibit "A" and made a part hereof. The Plaintiff says that said bond was breached in this; that said attachment was levied on the following personal property: A 1964 Chevrolet Two-Door, Tag No. 2A24310, which was seized by the Sheriff. That said attachment suit has terminated and that the said Defendant, A. C. Michael; Plaintiff, in said suit, took a non-suit and Plaintiff avers that said attachment was wrongfully sued out in this, that there was no statutory ground for the issuance for the writ of attachment and that the Plaintiff, Melvin Johnson, did not owe A. C. Michael for goods and chattels. And the Plaintiff avers that as the proximate cause of said wrongful suing out of said attachment, he was put to much expense in making a replevy bond, incurring reasonable and necessary attorney's fee in defending said attachment suit, his position as policeman for the Town of Daphne was put in jeopardy and he lost much time and expense in attending Court.

And Plaintiff avers that the ground upon which said attachment was issued was false, and its issuance as procured without actual cause on the part of the Defendants for believing said alleged ground to be true. Hence this suit.

WILTERS, BRANDLEY & NESBIT

BY:

Attorneys for Plaintiff

FILED

JUN 18 1969

ALICE J. DUCK CLERK
REGISTER

VOL

62 PAGE 337

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, A. C. Michael, Hazel Michael

....., of the County of Baldwin

are held and firmly bound unto Melvin Johnson

in the sum of Five Hundred and Two And 84/100 (\$502.84) Dollars, to

be paid to the said Melvin Johnson
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, firmly by these presents.

Sealed with our seals and dated the day of, 19

The Condition of this Obligation is such:

That whereas, the above bounden A. C. Michael, Hazel Michael

..... ha.VE on the day of the date
hereof, prayed an Attachment at the suit of A. C. Michael

..... against the estate of above named
Melvin Johnson

for the sum of Five Hundred and Two And 84/100 (\$502.84) Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said A. C. Michael

should prosecute said Attachment to effect, and pay the said Defendant all such damages as
may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be
void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now,
or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

A. C. Michael (Seal)

Hazel Michael (Seal)

..... (Seal)

..... (Seal)

Approved, this 10 day of March, 19 68

W. J. Duke, Clerk

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, the undersigned Notary Public, in and for said County, personally appeared _____ Michael _____ who, being duly sworn, on oath said that _____ Johnson _____

_____ A. C. Michael _____ is justly indebted to _____ Dollars.

_____ which said amount is justly due after allowing all just assets and discounts, and that the said _____ is due and owing for merchandise, goods and chattels owed by _____ Melvin Johnson to A. C. Michael _____

_____ and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other _____ improper motive.

Subscribed and sworn to before me this _____ day of March, 1969

No. 8611 Page _____

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT
At Bay Minette, Ala.

_____ A. C. Michael _____
to

_____ Melvin Johnson _____

ATTACHMENT BOND AND AFFIDAVIT

FILED

Filed March 19, 1969 _____ day

_____ of _____ Clerk

_____ Attorney

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon A. C. Michael and Hazel Michael

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.....

A. C. Michael and Hazel Michael

..... Defendant^s.....

by Melvin Johnson

....., Plaintiff.....

Witness my hand this..... day of..... 19 69

Clerk

VOL

02 PAGE 340

Ex
6-23-69

No. 8761

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Melvin Johnson

Plaintiffs

vs.

A. C. Michael and Hazel Michael
Defendants

SUMMONS AND COMPLAINT

FILED

Filed

JUN 18 1969

Clerk

ALICE J. BUCK

CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT

BY:

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Daphne, Alabama

RECEIVED

Received In Office
JUN 18 1969

19.....

Sheriff

I have executed this summons

this

June 23 1969

by leaving a copy with

A. C. Michael
Hazel Michael

Sheriff claims 108 miles at

Ten Cents per mile Total \$ 10.80

TAYLOR WILKINS, Sheriff

BY

Randall
DEPUTY SHERIFF

Sheriff

Deputy Sheriff

Daphne

MELVIN JOHNSON,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
VS.)	AT LAW
A. C. MICHAEL and)	CASE NO. _____
HAZEL MICHAEL,)	
Defendants)	

Comes now the Defendant in the above styled cause and files this his answer to said Bill of Complaint and each and every count thereof:

I

Not guilty.

II

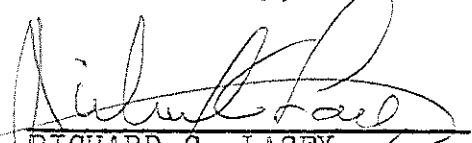
The Complaint fails to state a cause of action.

III

The Defendant as a defence to said Bill of Complaint saith that the Plaintiff agreed in open Court in the presence of his attorney, that he did owe Defendant, Hazel Michael a sum of money which the Plaintiff is now paying to the Defendant through his attorney for the Plaintiff, Phyllis S. Nesbit. Defendant's attorney learned just prior to trial that the money owed by Melvin Johnson was to the Estate of Leonard Clyde Darden, Deceased through the Executrix of which is Hazel Michael formerly known as Hazel Darden and the Defendant avers that Defendant's attorney would have amended the cause to show the proper parties Plaintiff at the time of the trial but that Plaintiff's attorney agreed to a non-suit provided Defendant, Hazel Michael agreed to lower the figure initially sued for by Defendant in the former action.

IV

Defendant saith that the agreement to non-suit was made in good faith by Defendant and that all matters at issue were extinguished in the agreement made by the Plaintiff through his attorney Phyllis S. Nesbit and Defendant's attorney, Richard C. Lacey.


 RICHARD C. LACEY
 Attorney for Defendant

I do hereby certify that I have on this 25th day of June, 1969, served a copy of the foregoing pleading on Phyllis S. Nesbit Attorney at Law, Robertsdale, Alabama to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.


RICHARD C. LACEY

FILED

JUN 26 1969

ALICE J. DUCK CLERK
REGISTER

MELVIN JOHNSON,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
VS.)	AT LAW
A. C. MICHAEL and)	CASE NO. <u>8761</u>
HAZEL MICHAEL,)	
Defendants)	

Comes now the Defendant in the above styled cause and files this his amended answer to said Bill of Complaint and each and every count thereof:

I

Not guilty.

II

The general issue.

III

The Defendant as a defence to said Bill of Complaint saith that the Plaintiff agreed in open Court in the presence of his attorney, that he did owe Defendant, Hazel Michael, a sum of money which the Plaintiff is now paying to the Defendant through his attorney, for the Plaintiff, Phyllis S. Nesbit. Defendant's attorney learned just prior to trial that the money owed by Melvin Johnson was to the Estate of Leonard Clyde Darden, Deceased through the Executrix of which is Hazel Michael formerly known as Hazel Darden and the Defendant avers that the Defendant's attorney would have amended the cause to show the proper parties Plaintiff at the time of the trial but that Plaintiff's attorney agreed to a non-suit provided Defendant, Hazel Michael agreed to lower the figure initially sued for by Defendant in the former action.

IV

Defendant saith that the agreement to non-suit was made in good faith by Defendant and that all matters at issue were estinguished in the agreement made by the Plaintiff through his attorney, Phyllis S. Nesbit and Defendant's attorney, Richard C. Lacey.

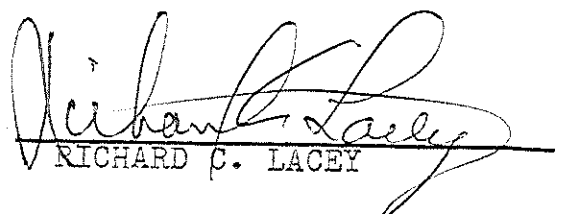
FILED

JUL 2 1969


ALICE

VOL

62 PAGE 343


RICHARD C. LACEY

I do hereby certify that I have on this 30th day of June, 1969, served a copy of the foregoing pleading on Phyllis S. Nesbit Attorney at Law, Robertsdale, Alabama to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.


RICHARD C. LACEY