


2266

STATE OF ALABAMA §
BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS;

WE COMMAND YOU that you summon S. S. BAGGETT to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction, within thirty days after service of summons, and there to plead, answer or demur, without oath to a bill of complaint lately exhibited by ERIE GREEN and further to do and perform what the said Judge shall order and direct in that behalf, and this you shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon to our said Court immediately upon execution thereof.

WITNESS, ALICE J. DUCK, Register of said Court, this the 4th day of April, 1949.


Register

ERIE GREEN	§	IN THE CIRCUIT COURT
COMPLAINANT	§	OF BALDWIN COUNTY, ALABAMA
VS.	§	IN EQUITY:
S. S. BAGGETT	§	
RESPONDENT	§	

TO THE HONORABLE TELFAIR J. MASHEURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, SITTING;

Come your Complainant, ERIE GREEN, complaining against S. S. BAGGETT, and shows unto your Honor as follows:

1.

That your plaintiff is over the age of 21 years and a resident of Baldwin County, Alabama, and that the Respondent is over the age of 21 years and is a resident of Baldwin County, Alabama.

2.

Your Complainant avers that on to-wit: February 20th, 1948, your Complainant obtained a loan from the Respondent in the amount of \$450.00 which money was received by Complainant's attorney, Hon. W. C. Beebe who on instructions from your Complainant disbursed \$400.00 and who kept \$50.00 as payment on a fee, of \$75.00, owed said attorney by your Complainant.

3.

That Complainant was required by said Respondent to execute a mortgage on your Complainant's property as security for said loan and a note in the amount of \$540.00 payable \$15.00 per month, said

mortgage and note being made to said Respondent.

4

Your Complainant further avers that she paid certain sums from time to time on said loan but she has lost or mislaid her receipts for such payments, however, the Respondent recognized her payments to the amount of \$113.00.

5

That on to-wit: March 28, 1949, demand was made on your Complainant for the sum of \$484.60 by Hon. W.C. Beebee as attorney for said Respondent.

6

That your Complainant, through her attorney, C. LeNoir Thompson, tendered the sum of \$364.00, unpaid principal plus \$1.83 unpaid interest, however, said tender was refused.

7

Your Complainant further avers that on to-wit: March 31, 1948, your Respondent began foreclosure proceedings against Complainant's property aforesaid, by publishing notice of said foreclosure in the Baldwin Times, a weekly newspaper, published in Bay Minette, Baldwin County, Alabama.

PRAYER FOR PROCESS

Your Complainant prays that the usual process of this Honorable Court issue to the Respondent, requiring him to appear and answer, plead to or demur to the Bill

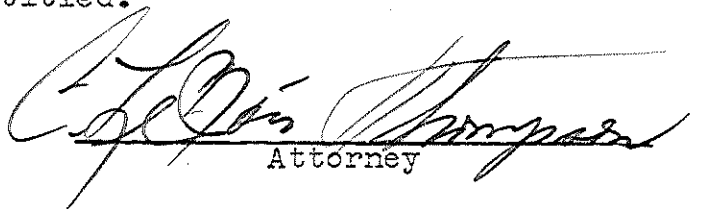
of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your Complainant further prays that your Honor will determine a time and place, as set forth in Title 7, Section 1054, 1940 Code of Alabama, for hearing on this complaint for injunctive process against said Respondent enjoining him from further advertising a foreclosure of said property, pending the determination of the rights of the parties to this cause before this Honorable Court.

PRAYER

Your Complainant is this day paying the sum of \$365.77 into Court and petitions your Honor to determine the just amount due and payable to said Respondent which sum your Complainant is ready, willing, and able to pay in lawful money. Your Complainant accordingly petitions this Honorable Court to ascertain the amount of interest due since the said \$90.00, an amount included in said mortgage over and above the \$450.00 principal borrowed, exceeds the maximum interest of eight percent allowed by law. Your Complainant further prays that the Respondent be ordered to cease foreclosure proceedings pending this adjudication and your Complainant prays that on final adjudication of the Court, the cancellation of said mortgage together with such other of further equitable relief as this Honorable Court shall grant, and to which your Complainant may be equitably entitled.


Attorney

STATE OF ALABAMA 0
BALDWIN COUNTY 1

Before me, _____, a Notary

Public in and for said State and County, personally appeared, Erie Green, being duly sworn deposes and says that she is the plaintiff in the above styled cause, that she has knowledge of the facts in the foregoing complaint and that said facts are true and correct to the best of her knowledge information and belief.

Erie Green

Subscribed and sworn to before me by

Erie Green
as witness my hand and official seal
on this the 5 day of April, 1949.

C. L. Davis Thompson

STATE OF ALABAMA
BALDWIN COUNTY

ERIE GREEN

COMPLAINANT

VS

S.S. BAGGETT

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY:

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

Upon consideration of the within bill filed this day,
on motion of the complainant, it is

Ordered, adjudged and decreed that this cause be set
for hearing upon the motion for a preliminary injunction
at Chambers on the 29th day of April, 1949. Let due
notice issue to the defendant.

Done this the 8th day of April, 1949.

Telfair J. Mashburn Jr.
Circuit Judge

W 2066

Received in Sheriff's Office
this 9 day of April, 1949
TAYLOR WILKINS, Sheriff

Executed 4-14-49

By serving copy of the
within summons
complaint on
S. S. Baggett
Taylor Wilkins Sheriff
47 Hall
D-5.

Eric Green
vs.
S. S. Baggett
ORDERED AND DECREED THAT THIS CASE BE SET
ON MOTION OF THE COMPLAINANT, IT IS
ORDERED THAT THE COMPLAINANT
FORFEITING UPON THE MOTION
STATED HEREON THE
FORFEITURE OF THE
DO NOT ISSUE THE
RECORDED

Filed 4-8-49
Miss French
Register

IN THE CIRCUIT COURT OF

BRADLEY COUNTY, ALABAMA

9766
IN COUNTY:

JUDGE OF THE

STATE OF ALABAMA 0
BALDWIN COUNTY 0

ERIE GREEN 0

COMPLAINANT 0

VS 0

S.S. BAGGETT 0

RESPONDENT 0

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY:

TO THE HONORABLE TELFAIR J. MASHEBURN JR., JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Upon consideration of the within bill filed this day,
on motion of the complainant, it is

Ordered, adjudged and decreed that this cause be set
for hearing upon the motion for a preliminary injunction
at Chambers on the _____ day of April, 1949. Let due
notice issue to the defendant.

Done this the _____ day of April, 1949.

Circuit Judge

70 2266

CITIZENS AND

Erie Green

VS.

S. S. Baggett

Motion for Judgment

Filed 4-8-49

C. L. Thompson
J. J. Mackinnon

CITIZENS AND
MOTION FOR JUDGMENT
IN THE CIRCUIT COURT OF THE
STATE OF VIRGINIA
COUNTY OF SPOTSYLDEN
VS.
S. S. BAGGETT
RESPONDENT

TO THE COURT AND THE
JURY
THE PETITIONER
HEREBY REQUESTS THAT
YOU GRANT HIM
THE FOLLOWING
RELIEF:

THE COURT

THE COURT
THE COURT