

IN RE:

LIQUIDATION OF

BALDWIN COUNTY BANK

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND TO
HONORABLE F. W. HARE, JUDGE THEREOF, AND SITTING
IN EQUITY:

Comes your petitioner, O. C. Hall, and respectfully
 shows to the Court and to your Honor as follows:

ONE

That petitioner is over the age of twenty-one years,
 and is now and has at all times heretofore been a bona fide
 resident of Baldwin County, State of Alabama, and was formerly
 cashier of the said Baldwin County Bank, which was operated
 and located at Bay Minette, in said County.

TWO

That between January 1, 1931, and February 1, 1932,
 the Baldwin County Bank was operating and doing business at
 Bay Minette, Baldwin County, Alabama, and that the said O. C.
 Hall was employed by the said Bank as cashier thereof, the
 said Baldwin County Bank then and there being a corporation
 organized under the laws of Alabama.

THREE

That on or about the 27th day of January, 1932,
 the said Baldwin County Bank suspended business and Honorable
 H. H. Montgomery, as Superintendent of Banks for the State of
 Alabama, took charge of the said Bank for the liquidation of
 its business and affairs and still is in charge of the affairs
 of said Bank looking toward its liquidation.

FOUR

That at the time the affairs of said Bank were
 taken charge of by the said H. H. Montgomery, as Superintend-
 ent of Banks for the State of Alabama, the said Bank was in-

debted to this petitioner in the sum of Five Hundred Fifty-five (\$555.00) Dollars for services rendered as cashier of said Bank and attending the Directors' meetings from time to time, and which said account is now due to the petitioner and should be paid by the said H. H. Montgomery, as Superintendent of Banks for the State of Alabama, and who is now in charge of the affairs and assets of said Baldwin County Bank; that an account between the petitioner and the said Baldwin County Bank, showing all items of debits upon which this claim is based, is hereto attached and marked Exhibit "A" and made a part hereof as though fully set out.

FIVE

That on or about May 23, 1932, this petitioner filed an itemized statement of said claim, just as is hereto attached, with the said H. H. Montgomery, as Superintendent of Banks for the State of Alabama, and who was then and there in charge of said Baldwin County Bank for the liquidation of its business and affairs, and that on or about the 23rd day of September, 1932, this petitioner received a letter from the said H. H. Montgomery, as Superintendent of Banks, notifying him that his said claim for Five Hundred Fifty-five (\$555.00) Dollars against the said Baldwin County Bank, operating at Bay Minette, Baldwin County, Alabama, had been rejected, a copy of which letter is hereto attached, marked Exhibit "B" and made a part hereof as though fully set out herein.

Wherefore, the premises considered, this petitioner prays that the said Baldwin County Bank and H. H. Montgomery, as Superintendent of Banks for the State of Alabama, be made party defendant to this petition and that the usual notice be issued to them and each of them, requiring them to come in and plead, answer or demur to this petition within the time required by law and the rules of this Honorable Court.

Petitioner further prays that upon a hearing of this petition, that his claim be allowed and a proper order or

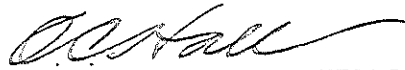
decree be made and entered requiring the dividends be paid to him as they have been and will be paid to other creditors whose claims have been allowed against the said Bank or its estate so that he will receive the same amount of money as he would have received had his claim not been rejected by the Superintendent of Banks.

Petitioner prays for such other, further and general relief as he may be entitled to in the premises.



PETITIONER

FOOT NOTE: The respondents in the above said cause, each separately and severally, are required to answer each paragraph of the foregoing bill of complaint but not under oath, their oath thereto being hereby expressly waived.



PETITIONER


SOLICITORS FOR PETITIONER

EXHIBIT "A"

May 23, 1932

Baldwin County Bank, in Liquidation

to

O. C. Hall

Balance due on salary for 1931,	\$ 1000.00
Less reduction	500.00

Balance due . . .	\$ 500.00
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July 6, 1931, Attending Directors Meeting	\$ 5.00
Aug. 3, 1931, Attending Directors Meeting	5.00
Sept. 8, 1931, Attending Directors Meeting	5.00
Oct. 5, 1931, Attending Directors Meeting	5.00
Nov. 2, 1931, Attending Directors Meeting	5.00
Dec. 1, 1931, Attending Directors Meeting (Special)	5.00
Dec. 7, 1931, Attending Directors Meeting	5.00
Jan. 1, 1932, Attending Directors Meeting (Special)	5.00
Jan. 4, 1932, Attending Directors Meeting	5.00
Jan. 22, 1932, Attending Directors Meeting (Special)	5.00
Jan. 27, 1932, Attending Directors Meeting (Special)	5.00
Total . . .	555.00

EXHIBIT "A"

CLAIM AGAINST BALDWIN COUNTY BANK,
BAY MINETTE, ALA., IN LIQUIDATION

No.	Net Amount
C 2g	\$555.00

Personally appeared before me, the undersigned, a notary public, (1) O. C. Hall and being sworn, deposes and says that the Baldwin County Bank, Bay Minette, Alabama, was at the time that it ceased to carry on a banking business in the usual course on January 27, 1932, and still is indebted to (2) O. C. Hall hereinafter called claimant, in the sum of (3) Five Hundred Fifty-five & No/100 Dollars evidenced by an instrument in writing, a copy of which is hereto attached, and the original of which is herewith presented for verification to A. E. Jackson, as Liquidating Agent, ~~(4) against which the claimant has a right to set off an indebtedness of (4) Dollars due to said Baldwin County Bank, Bay Minette, Alabama, likewise owing at the time said bank ceased to do banking business and evidenced by (5) making the net amount of indebtedness due claimant by said bank (6) Dollars~~ That the said amount is justly due claimant after allowing all set offs and counter claims to which said indebtedness is subject. Affiant has knowledge of the foregoing facts and is authorized to make this affidavit and to present the same for and on behalf of claimant against the estate or assets of the Baldwin County Bank, Bay Minette, Alabama, in the hands of the Superintendent of Banks for the State of Alabama and of A. E. Jackson, as his Liquidating Agent.

(Signed) O. C. Hall

Subscribed and sworn to before me this, the 23rd day of May 1932, as witness my hand and seal of my office.

(Signed) Winnie G. Scarborough
Notary Public, for the State of
Alabama, County of Baldwin.

(Notary Seal)

My commission expires on the 18th day of September, 1934.

NOTE:-Where there are no offsets, blanks should be filled:

- (1) Name of the party making affidavit.
- (2) Person, firm or corporation to whom indebtedness is due.
- (3) Amount of indebtedness Baldwin County Bank, Bay Minette, Ala.
- (A thru 6) Should be erased.

In Cases where there are off sets:

- (1), (2) and (3) should be filled as above.
- (4) Amount of indebtedness to Baldwin County Bank, Bay Minette, Ala., to be off set.
- (5) Kind of instrument (or character of debt) evidencing the amount claimed as off set.
- (6) The net balance due.

Rejected
H. H. Montgomery
Supt. of Banks

EXHIBIT "B"

(Seal of the State
of Alabama)

STATE OF ALABAMA
BANKING DEPARTMENT
Montgomery

H. H. Montgomery,
Superintendent of Banks

September 23, 1932

D. F. Green,
Deputy Supt. of Banks

Mr. O. C. Hall,
Bay Minette, Ala.

Dear Sir:

This is to advise you that I am today rejecting
your claim of \$555.00 filed against the Baldwin County Bank,
Bay Minette, Alabama.

Should you desire to appeal from this ruling you
can do so as provided for under Section 6312 of the Code.

Yours very truly,

(Signed) H. H. Montgomery

Superintendent of Banks

hbm/b

Original

D. C. Kall, Complainant
vs

H. H. Montgomery as
Supt of Banks, & Baldwin
County Bank, a corp.

Recorded
H.

Filed February 14/1933

J. M. Robinson
Register

Gordon Edington & Lugh
attorneys for complainant

O. C. HALL,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA.
vs.)	IN EQUITY.
BALDWIN COUNTY BANK,)	
a corporation, and)	
H. H. MONTGOMERY, as)	
Superintendent of Banks)	
of the State of Alabama,)	
Defendants.)	

Comes the defendant, H. H. Montgomery, as Superintendent of Banks of the State of Alabama, and for answer to the allegations of the plaintiff's bill of complaint, and to each Count thereof, separately and severally, says:

1. He admits the allegation contained in Paragraph ONE.
2. For answer to Paragraph TWO this defendant says that between January 1st, 1931, and January 27th, 1932, the Baldwin County Bank was operating and doing business at Bay Minette, Baldwin County, Alabama, and that the said O. C. Hall was employed by said Bank as Cashier thereof, the said Baldwin County Bank then and there being a corporation organized under the laws of Alabama.
3. For answer to Paragraph THREE, the defendant admits that on the 27th day of January, 1932, the said Baldwin County Bank suspended business, and this defendant, as Superintendent of Banks for the State of Alabama, took charge of the said Bank for the liquidation of its business and affairs, but denies that he is still in charge of the affairs of said Bank looking towards its liquidation; that on the 14th day of October, 1932, this defendant, in compliance with a decree of the Circuit Court of Baldwin County, Alabama, turned over the affairs of the liquidation of said Bank to the officers and directors of the re-organized Baldwin County Bank at Bay Minette, Alabama, and has since that time had nothing to do with the affairs of liquidating the said Bank.

4. This defendant denies all the allegations contained in Paragraph FOUR.

5. The defendant admits the allegation contained in Paragraph FIVE.

6. The defendant denies each and every allegation contained in said bill of complaint, not herein specifically admitted, and demands strict proof thereof.

7. And for further answer to said bill of complaint this defendant says: That under and in accordance with a decree rendered by the Circuit Court of Baldwin County, Alabama, on the 14th day of October, 1932, he, as Superintendent of Banks for the State of Alabama, liquidating the Baldwin County Bank of Bay Minette, Alabama, was authorized and directed to turn over and deliver to the officers and directors selected for the said re-organized Bank all of the assets of every kind and description, book accounts and records of the said Bank; and that the said Directors and officers selected were authorized and directed to re-open the said Baldwin County Bank under its original order, and that in compliance with said decree all of the affairs of said Bank, including all book accounts and records, were turned over to the Directors of the re-organized Baldwin County Bank of Bay Minette, Alabama, and that this defendant has now nothing to do with the operation or liquidation of said Bank.

Beebe + Stace
Attorneys for Defendant, H. H.
Montgomery, as Superintendent of
Banks of the State of Alabama.

Banks of the State of Alabama,
Not returned as authorized by
Attorneys for Defendant, W. W.

Books & Papers

operation or liquidation of said bank.

Alabama, and that the defendant has now nothing to do with the Directors of the re-organized Belknap County Bank of Bell Mirette, closing all book accounts and records, were turned over to the compliance with said decree all of the assets of said bank, in said Belknap County Bank under its original order, and that in and officers selected were authorized and directed to re-open the books and records of the said bank; and that the said Directors Bank all of the assets of every kind and description, book accounts, the officers and directors selected for the said re-organized Alabama, was authorized and directed to turn over and deliver to of Alabama, liquidating the Belknap County Bank of Bell Mirette, day of October, 1933, he, as an agent of the State for the State directed by the Circuit Court of Bell Mirette, Alabama, on the 15th defendant says: That under said decree with a decree now A. and for further order to said bill of complaint this and demands strict proof thereof.

*Filed March 18, 1933
D. W. Richards
Plaintiff*

and in said bill of complaint not herein specifically admitted;

1. The defendant denies that any such allegations contained in said bill.

2. The defendant admits the allegations contained in paragraph FOUR.

4. This defendant denies all the allegations contained in

The State of Alabama, }
Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon BALDWIN COUNTY BANK, a corp.

of BALDWIN County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

O.C.HALL

against said BALDWIN COUNTY BANK, a corp., and H.H.MONTGOMERY, as
Superintendent of Banks of the State of Alabama,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 18th day of

February 193 3

T. W. Richerson Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Original
Need Page #1

SERVE ON _____

Circuit Court of Baldwin County
In Equity

Recorded

No. _____

SUMMONS

O.C. HALL

vs.

BALDWIN COUNTY BANK, a corp.,

and H.H. MONTGOMERY, as super-

intendent of Banks of the

State of Alabama

Gordon, Edington & Leigh

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 18th

day of Feby 1933

W R Stuart

Sheriff

Executed this 18th day of

Feby

1933

by leaving a copy of the within Summons with

Capt. C. S. Thompson

President of Baldwin
County Bank — Defendant

W R Stuart

Sheriff

By _____

Deputy Sheriff

The State of Alabama, }
 Baldwin County

Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon H.H.Montgomery, as superintendent
 of Banks of the State of Alabama,

of Montgomery County, to be and appear before the Judge of the Circuit Court
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O.C.Hall

against said H.H.Montgomery, as superintendent of Banks of the
State of Alabama, and Baldwin County Bank., a corp.,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
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February 193 3

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Original
Docket Page 40

SERVE ON _____

Circuit Court of Baldwin County
In Equity

Recorded
No. _____

SUMMONS

O.C. HALL

vs.

H.H. MONTGOMERY, as superin-
tendent of Banks of the
State of Alabama, and the
Baldwin County Bank, a corp

GORDON, EDINGTON & LEIGH
Solicitor for Complainant

Recorded in Vol _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19 _____

Sheriff

Executed this 20 day of

July

19 33

by leaving a copy of the within Summons with

*H.H. Montgomery as Sup't of Banks
of the State of Alabama*
Defendant

Sam R. Shivers

Sheriff

By *James*

Deputy Sheriff

O. C. HALL,

Plaintiff,

vs.

BALDWIN COUNTY BANK,
a corporation, and
H. H. MONTGOMERY, as
Superintendent of Banks
of the State of Alabama,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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Beche & Stace
Attorneys for Defendant, H. H.
Montgomery, as Superintendent of
Banks of the State of Alabama.

Recorded

O. C. HALL,
Plaintiff,

vs.

BALDWIN COUNTY BANK,
a corporation, ET AL.,
Defendants..

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

ANSWER OF H. H. MONT-
GOMERY, AS SUPERINTENDENT
OF BANKS OF THE STATE OF
ALABAMA.

Filed March 18, 1933

McNicherson
Register