

J. M. FRANKLIN

TREASURER  
OF BALDWIN COUNTY  
BAY MINETTE, ALABAMA

May 14th 1935

3

State of Alabama )

Baldwin County )

Bank of Fairhope

v-s } Garnishment on Judgement

Mike C. Busbee.

Answering the above garnishment beg to state that I as treasurer of Baldwin county have no funds belonging to the said Mike C. Busbee at the time of service of Garnishment or, at the time of makeing this my answer, or at any time interveneing the time of service of garnishment and makeing answer, and ~~as follows~~ as far as I know Baldwin county will be indebted to him in the future by contract now existing.

I am not in possession or have under my control any money or effects belonging to the defendant Mike C. Busbee.

*J. M. Franklin*  
Treas Baldwin County Alabama

No 3  
Civil ~~Case~~  
Disposed of

Bank of Fairhope  
vs

Mike C. Beecher

---

answer of Garnishee

---

Filed May 14, 1935  
Robert S. Black  
Clerk

THE STATE OF ALABAMA,  
COUNTY OF BALDWIN ...

(  
\*  
)

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MIKE C. BUZBEE, 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 BANK OF FAIRHOPE, a corporation.

Witness my hand this 17<sup>th</sup> day of Nov.,

1933.

W. A. Stone  
Clerk.

BANK OF FAIRHOPE, a  
corporation,

Plaintiff.

-vs-

MIKE C. BUZBEE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA. AT LAW.

CASE NUMBER \_\_\_\_\_

COMPLAINT.

Count one. The plaintiff claims of the defendant ONE HUNDRED SEVENTY-SEVEN and 50/100 DOLLARS due by a promissory note made by him on to wit the thirtieth day of January 1932, and payable on the thirtieth day of April, 1932, which sum of money together with the interest thereon since maturity is still due and unpaid.

Plaintiff further shows that as part of the consideration of this transaction the defendant waived all rights of exemption as against any process that may issue for the collection of said note and further agreed to pay an attorneys fee for the collection thereof, which the plaintiff now claims in the further sum of THIRTY-FIVE and no/100 DOLLARS.

Count two. The plaintiff claims of the defendant the following personal property, viz:

One planer purchased with the proceeds of this note made by Crescent Machine Co., Letonia Ohio.

All of the cattle he then owned being thirty head more or less, together with all increase.

with the value of the hire or use thereof during the detention, viz., from the thirtieth day of April, 1932.

*Clifford S. Rinsland*  
ATTORNEY FOR PLAINTIFF.

The defendant lives:

R. F. D. Daphne, Alabama.

NO. 3

RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

BANK OF FAIRHOPE,  
a corporation,

Plaintiff.

VS

Mike C. Buzbee,

Defendant.

THE SUMMONS & COMPLAINT

FILED 7<sup>th</sup> Nov., 1933.

W. A. Stone  
Clerk.

Executed 13<sup>th</sup> December 1933  
by serving copy of within Summons and  
Complaint on

Mike C. Buzbee

W. R. Stuart Sheriff

By \_\_\_\_\_ Deputy Sheriff

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, <sup>Robert S. Duck</sup>~~T. W. RICHMONSON~~, Clerk of the Circuit Court in and for Baldwin County and State aforesaid Elliott G. Rickarby,

who being duly sworn, on oath says, that a regular January Term

of the Circuit Court of Baldwin County, to-wit: on the January

1935

~~1935~~, The Bank of Fairhope,

recovered a judgment against Mike C. Buzbee

for the sum of

One Hundred and Sixty Dollars,

besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

First National Bank of Mobile,

supposed to be indebted to or have effects of the said Mike C. Buzbee

in its possession, or under its control, and that he believes process of

Garnishment against said First National Bank,

is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 15th

day of May A. D. 1935

Robert S. Duck  
Clerk.

Elliott G. Rickarby

No.

3

## CIRCUIT COURT

The Bank of Fairhope

VS.

Mike C. Euzbee,

First National Bank of

Mobile,

Garnishee

## AFFIDAVIT

Filed in Office,

May 15

19

37

Robert S. Duck

Clerk.

Gill Printing Co., Mobile, Ala.

# GARNISHMENT ON JUDGMENT

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

TERM, 1925

To Any Sheriff of the State of Alabama—Greeting:

WHEREAS, At a regular January Term, 1925, of the Circuit Court of Baldwin County, to-wit: On the 30<sup>th</sup> day of January, 1925, being a regular day of said term

recovered judgment against

for the sum of Two hundred and sixty Dollars, and cost of suit, and affidavit having been made by Elliot S. Rinkley attorney for plaintiff that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named persons or corporations, viz:

the County of Baldwin (Mr. Franklin Treasurer)  
has or is believed to have in its possession, or under its control money or effects belonging to said defendant or that it is, or  
is believed to be indebted to said defendant or to be liable to them, or to one of them on a  
contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

You are Therefore Hereby Commanded to Summon

J. M. Franklin as Treasurer of Baldwin County  
to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in the City of Bay Minette, on the 31<sup>st</sup> Monday in August A. D. 1925, then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the time making his answer, or at any time intervening the time of serving the garnishment and making the answer it was indebted to said defendant and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing it is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether he has not in his possession or under his control money or effects belonging to the defendant Wish La Bugbee

Herein fail not, and have you then and there this Writ.

Witness, Robert S. Deuch T. W. RICHESON, Clerk of said Court, this thirteenth

day of May A. D. 1925

Issued 13<sup>th</sup> day of May A. D. 1925

ATTEST:

Robert S. Deuch Clerk.



~~RECEIVED~~  
Arch  
Circuit Court, Baldwin County

No. 3

*Banc of Fairhope*

VS. } GARNISHMENT ON JUDGMENT

*Mike Le Buzz bee*

Issued 13<sup>th</sup> day of May 1923

Returnable 19 day of Aug 1923

Attorney.

~~RECEIVED~~  
Executed by  
Serving a Copy of  
the Within writ  
on ~~Jas~~ M Franklin  
Baldwin County  
Treasurer  
M H Wilkins - Sheriff  
By DS

# GARNISHMENT ON JUDGMENT

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

TERM, 192

To Any Sheriff of the State of Alabama—Greeting:

WHEREAS, At a regular January Term, 1927, of the Circuit Court of Baldwin County, to-wit: On the 15th day of January, 1927 being a regular day of said term.

recovered judgment against

Bank of Fairhope  
Mike La Rue  
for the sum of One hundred and sixty Dollars, and cost of suit, and affidavit having been made by C. G. Richardson, attorney for plaintiff that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named persons or corporations, viz:

Baldwin County Bank  
has or is believed to have in its possession, or under its control money or effects belonging to said defendant or that it is, or is believed to be indebted to said defendant or to be liable to them, or to one of them on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

You are Therefore Hereby Commanded to Summon the

Baldwin County Bank  
to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in the City of Bay Minette, on the Monday in within thirty days from service of this writ A. D. 1927 then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the time making its answer, or at any time intervening the time of serving the garnishment and making the answer it was indebted to said defendant and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing it is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether has not in its possession or under its control money or effects belonging to the defendant Mike La Rue

Herein fail not, and have you then and there this Writ.

Witness, T. W. Richardson, Clerk of said Court, this 15th day of May A. D. 1927

Issued 15th day of May A. D. 1927

ATTEST:

Richard S. O'Neil Clerk.

Rec'd in office  
5/15/35

Executed May 15 1935  
by James L. Wilkins  
on Frank Holmes  
Cashier Baldwin  
County Bank  
M. Wilkins Sheriff  
By A. Van Luster Deputy Sheriff

RECORDED

Black

Circuit Court, Baldwin County

No. 3

Bank of Fairhope

VS. } GARNISHMENT ON JUDGMENT

Miss C. Bugher

Issued 15 day of May 1927 ✓

Returnable        day of        192      

Attorney.

THE STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded that of the goods and chattels, lands and tenements of MIKE C. BUZBEE, you cause to be made the sum of Two Hundred, thirty-two and 10/100 Dollars, which THE BANK OF FAIRHOPE recovered of him on the 30th day of January, 1934, by the judgment of the CIRCUIT COURT, held for the County of Baldwin, besides Twelve & 41/100 Dollars, costs of suit. Against this execution there is no exemption of personal property.

You are further commanded to seize and deliver to said Bank of Fairhope the following personal property, viz: One Crescent Machine Company Planing Machine and thirty head of cattle with their increase being all of the cattle owned by the said defendant, MIKE C. BUZBEE, which the said Bank of Fairhope by the judgment aforesaid recovered of the said Mike C. Buzbee, if the same can be had; if not you are hereby commanded that of the goods and chattels, land and tenements of the said Mike C. Buzbee you cause to be made the sum of Two Hundred and Sixty Dollars, the alternate value of the personal property, viz: Fifty Dollars for said Planing Machine and Seven Dollars per head for the cattle. Also the further sum of Twenty-five Dollars for the detention of the property by the said defendant together with the costs of suit aforesaid; and to make return of this writ and the execution thereof according to law.

Witness my hand, this the third day of March, 1934.

*M. A. Stone*  
Clerk Circuit Court.

THE STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded that of the goods and chattels, lands and tenements of MIKE C. BUZBEE, you cause to be made the sum of Two Hundred, thirty-two and 10/100 Dollars, which THE BANK OF FAIRHOPE recovered of him on the 30th day of January, 1934, by the judgment of the CIRCUIT COURT, held for the County of Baldwin, besides Twelve and 41/100 Dollars costs of suit. Against this execution there is no exemption of personal property.

You are further commanded to seize and deliver to said Bank of Fairhope the following personal property, viz; One Crescent Machine Company Planing Machine and thirty head of cattle with their increase being all of the cattle owned by the said defendant, MIKE C. BUZBEE, which the said Bank of Fairhope by the judgment aforesaid recovered of the said Mike C. Buzbee, if the same can be had; if not you are hereby commanded that of the goods and chattels, land and tenements of the said Mike C. Buzbee you cause to be made the sum of Two Hundred and Sixty Dollars, the alternate value of ther personal property, viz; Fifty Dollars for said Planing Machine and Seven Dollars per head for the cattle. Also the further sum of Twenty-five Dollars for the detention of the property by the said defendant together with the costs of suit aforesaid; and to make return of this writ and the execution thereof according to law.

Witness my hand, this the 23<sup>rd</sup> day of Jan. 1934.

*Robert S. Duck*

Clerk Circuit Court

Alias

no 3

BANK OF FAIRHOPE

VS

MIKE C. BUZBEE

EXECUTION

Civil Book 2 Page 603

Ex Book 4 Page 259

Filed June 27

BANK OF FAIRHOPE

Plaintiff

LAW

vs

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA

MIKE C. BUZBEE

Defendant

January 30th, 1934: This day came the parties by their attorneys and the Defendant says nothing in bar or preclusion of the Plaintiff's claim. It is hereby considered by the Court that the Plaintiff Bank of Fairhope do have and recover of and from the said Defendant Mike C. Buzbee the sum of Two Hundred, thirty-two Dollars and 10/100, the amount of its claim and also the further sum of \$ , its costs in this behalf expended, for which execution may issue, and against this judgment and the execution to be issued thereon there is now exemption of personal property.

It is further considered by the Court that the Plaintiff Bank of Fairhope do have and recover from the Defendant Mike C. Buzbee the Crescent Machine Company Planing Machine described in the complaint or the alternate value thereof, towit fifty dollars and thirty head of cattle with their increase being all the cattle owned by said Defendant or their alternate value of seven dollars each and the further sum of twenty-five dollars damages for the detention of same for which execution may issue. It is further ordered by the Court that if the Defendant fails to deliver said planer and cattle on demand by the Sheriff, the Sheriff is required to take possession of said property and deliver it to the Plaintiff.

Done at Bay Minette this thirtieth day of January, 1934.

  
Judge.

Civil No 3

RECORDED

BANK OF FAIRHOPE

vs

MIKE C. BUZBEE

JUDGMENT NIL DICET.

*Filed for judgment 1/11/27  
J. W. Adams  
Clerk*



LAW OFFICES  
ELLIOTT G. RICKARBY  
BANK BUILDING  
FAIRHOPE, ALABAMA

June 26, 1934

Mrs. Mary S. Stone  
Clerk Circuit Court  
Bay Minette, Ala.

Dear Mrs. Stone:

BANK OF FAIRHOPE VS BUZBEE: With this I am handing you the writ of execution which I was not able to prepare until this morning as the file describing the personal property is in my Fairhope office. Please sign this and put it in the hands of Mr. Stuart without delay. I have explained the circumstances to him.

You will note that the judgment in this case is on a mortgage note aided by <sup>a</sup> /count in detinue. The alternate value of the property given as security is ~~the~~ greater than the amount of the note. If the defendant will pay cash he can settle for \$232.10 with interest from January 30 and costs, but if he does not pay up we ask for the alternate value of the property pledged, to which we are entitled under the judgment. You might explain this to Mr. Stuart that he will know definitely how much he is to collect.

Very truly yours,

*Elliott G. Rickarby*

EGR:J

1014

*Follow*

6/26/34

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, R. D. Duncanson, Clerk of the Circuit Court in and for Baldwin County and State aforesaid Elliott B. Rinsley

who being duly sworn, on oath says, that a regular \_\_\_\_\_ Term

of the Circuit Court of Baldwin County, to-wit: on the 30<sup>th</sup> day of January

1924, The Bank of Fairhope

recovered a judgment against Wish L. Burbee for the sum of Two hundred and sixty dollars and for the sum of Twelve and 4/10

Dollars, besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

County of Baldwin

supposed to be indebted to or have effects of the said Wish L. Burbee

in its possession, or under its control, and that he believes process of

Garnishment against said County of Baldwin, Treasurer of said County is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 13<sup>th</sup>

day of May A. D. 1924

Robert D. Duncanson  
Clerk.

Elliott B. Rinsley

No.

3

# CIRCUIT COURT

RECORDED

RECORDED

Book  
7-288

VS.

## AFFIDAVIT

Filed in Office,

May 13

1935

Robert S. Huch

Clerk.

Gill Printing Co., Mobile, Ala.

# Circuit Court, Baldwin County

VS.

PLAINTIFF

DEFENDANT

## BILL OF COST

### CLERK'S FEES

Issuing Summons and Complaint	\$1 25
Copies of same, when over 200 words, 15c per 100	30
Issuing Alias Summons and Complaint	1 25
Entering Sheriff's Return on Summons and Complaint	20
Docketing Cause 25c. Ent. Appearance, 20c	45
Subpoena for Witness	30
Making Certificate of Judgment	50
Filing	10
Trial and Incidents	75
Entering Judgment, or copy of same	30
Order for Continuance	10
Issuing Execution	50
Docketing Execution	25
Issuing copy of same	50
Entering Sheriff's Return on Execution, 15c per hundred words	20
Final Record, 15c per hundred words	30
Order for Alias Summons and Complaint	30
Order to Dismiss Cause	30
Order to Set Aside Dismissal	30
Order Overruling Motion to Set Aside Dismissal	75
Order Granting New Trial	30
Order Overruling Motion for New Trial	30
Order Overruling Motion for Continuance	30
Order Overruling Motion to Set Aside Default	30
Order for Notice to Non-Resident Defendant	30
Issuing Notice for Publication and Copy 20c per hundred words	30
Order to Give Security for Costs	30
Order to Give Additional Bond	30
Order to Execute Writ of Inquiry	30
Order of Sale in Attachment	30
Order for Leave to Amend Complaint	30
Order for Leave to Amend Pleas	30
Order for Leave to Amend Writ of Process	30
Order for Attachment for Witness	30
Filing Deposition	10
Issuing Commission to Take Deposition	75
Issuing copy of same, per hundred words	15
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50
Endorsing each Pet. Deposition Opened	10
Taking Bond in Garnishment on Summons	75
Summons to Garnishee	50
Copies of same, 20c per hundred words	20
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50
Filing Attachment	10
Issuing Attachment Writ and Taking Bond	1 00
Issuing Copies of Attachment Writ, 15c per hundred words	15
Filing Certiorari and Entering Return	75
Taking Certiorari Bond and Filing Same	75
Issuing Writ of Certiorari	75
Issuing copies of same, 15c per 100 words	75
Issuing Writ of Scieri Facias, or Notice in Nature of	75
Issuing copies of same, 15c per 100 words	75
Taking Supersedeas Bond and Filing same	75
Taking Appeal Bond and Filing same	75

### TOTAL FORWARDED

### AMOUNT BROUGHT FORWARD

Transcript to Supreme Court, 15c per hundred words	
Copies, 5c per hundred words	
Citation to Appellee in Appeal, 20c per hundred words	
Certificate with Seal, 50c. Without Seal	25
Witness Certificate	25
Taking Bond Not Above Mentioned	75
Entering Order of Court not above named	30
Administering Oath	25
Taking Bond for Costs of Non-Resident Plaintiff	75
Copy of any paper not above named, 15c per hundred words	
Filing Writ of Prohibition and Entering Return	15
Issuing Writ of Prohibition	75
Issuing copies of same, 15c per 100 words	
Filing Mandamus and Entering Return	15
Issuing Writ of Mandamus	75
Issuing copies of same, 15c per 100 words	
Total Clerk's Fees	

### SHERIFF'S FEES

Serving and Returning Summons	\$1 50
Serving and Returning Subpoenas	65
Collecting Execution for Costs	1 50
Serving and Returning Sci. Fa. Notice, etc.	65
Executing Writ of Possession	2 50
Levying Attachment	3 00
Entering and Returning Attachment	25
Entering and Returning Execution	25
Summoning and Returning Garnishee	1 50
Taking and Approving Garnishee Bond	75
Serving and Returning Writs	1 50
Serving and Returning Summons on Forcible Entry	1 00
Executing Writ of Restitution in such cases	2 00
Taking and Approving Bonds of Every Kind	1 00
Taking and Approving Claim Bond	1 00
Taking and Approving Forthcoming Bond	1 00
Taking and Approving Bail Bond	1 00
Taking and Approving Plaintiff's Detinue Bond	1 00
Taking and Approving Defendant's Detinue Bond	1 00
Making Deed	2 50
Serving Attachment for Contempt of Court	1 50
Collecting Money on Execution	
Empanelling Jury	75
Sheriff's Commission for Property Sold under Attachment	
Seizing Personal Property on Writ of Detinue	3 00
Total Sheriff's Fees	

### RECAPITULATION

Judgment	
Interest	
Clerk's Fees	
Sheriff's Fees	
Justice's Fees	
Constable's Fees	
Witnesses' Fees	
Commissioners' Fees	
Printer's Fees	
Stenographer's Fees	5 00
Answer of Garnishee	
Trial Tax	3 00
Total	\$

Received payment this ..... day of ..... 193 .....

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

**ALIAS.**

STATE OF ALABAMA:  
BALDWIN COUNTY :

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded that of the goods and chattels, lands and tenements of MIKE C. BUZBEE You cause to be made the sum of Two Hundred, thirty-two and 10/100 Dollars which the BANK OF FAIRHOPE recovered of him on the 30th day of January, 1934 by the Judgment of the CIRCUIT COURT, held for the County of Baldwin, besides Twelve and 40/100 Dollars, costs of suit. AGAINST THIS EXECUTION THERE IS NO EXEMPTION OF PERSONAL PROPERTY.

YOU ARE FURTHER COMMANDED to seize and deliver to the said Bank of Fairhope the following personal property, viz.: one CRESCENT MACHINE COMPANY PLANING MACHINE and THIRTY HEAD OF CATTLE WITH THEIR INCREASE, BEING all the cattle owned by the defendant, Mike C. Buzbee which the said Bank of Fairhope by the judgment aforesaid recovered of the said Mike C. Buzbee, if the same can be had; if not, you are hereby commanded that of the goods and chattels, lands and tenements of the said Mike C. Buzbee you cause to be made the sum of TWO HUNDRED AND SIXTY DOLLARS, the alternate value of the personal property, viz, Fifty Dollars for said planing machine and seven dollars per head for the cattle. ALSO the further sum of TWENTY-FIVE DOLLARS for the detention of said property by the defendant, together with the costs of suit aforesaid; and to make return of this writ and the execution thereof according to law.

WITNESS MY HAND this the thirtieth day of January, 1935.

Clerk Circuit Court.

(COPY)

3  
RECORDED  
7-287-288

BANK OF FAIRHOPE,  
Plaintiff,

vs

MIKE C. BUZBEE,  
Defendant.

ALIAS WRIT OF EXECUTION  
AND  
ORDER OF SEIZURE IN DETINUE.

Filed January 30 1933  
Robert L. Welch  
clerk

BANK OF FAIRHOPE,

Plaintiff,

-VS-

MIKE C. BUZBEE,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the Defendant in the above styled cause and demurs to the Complaint, and to each and every count thereof, and as grounds therefor, says:-

FIRST:

That said Complaint does not state a cause of action.

*Hubert H. H. H.*  
Attorneys for Defendant.



770 3

**RECORDED**  
**DEMURRER.**

BANK OF FAIRHOPE,

Plaintiff,

-VS-

MIKE C. BUZBEE,

Defendant,

IN THE CIRCUIT COURT-LAW SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

Filed Dec 18<sup>th</sup>, 1953  
My A. Starn  
Clerk.

LAW OFFICES  
HYBART, HEARD  
& CHASON  
BAY MINETTE, ALABAMA

Copy to Reckard