

HENRY JONES,
Plaintiff,

VS

W. D. STAPLETON,
LELIA STAPLETON,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Civil Non-Jury
No. 52

Judgment in the Circuit Court of
Baldwin County, Alabama, Rendered the 20th
day of August, 1934, for \$1059.32
Costs -- -- -- -- -- \$ 10. 05

HONORABLE BEN F. McMILLAN, JR.,
Attorney for Plaintiff --

I, M. A. Stone, Clerk of the Circuit Court of Baldwin County,
State of Alabama, hereby certify that on the 20th day of August, 1934,
it being a day of the regular term of the Circuit Court of Baldwin
County, Alabama, the said Plaintiff in the above entitled cause, then
pending in the said Court, recovered a judgment against the Defendant,
W. D. Stapleton, for One Thousand, fifty-nine and 32/100 (\$1059.32)
Dollars; together with the cost of the said cause, amounting to Ten
and 05/100 (\$10.05) Dollars, and that the name of the attorneys for
the Plaintiff in said cause is B. F. McMillan, Jr.,

WITNESS my hand and seal of the said Circuit Court of Baldwin
County, this the 23rd day of August, A. D. 1934.

M. A. Stone
Clerk of the Circuit Court of
Baldwin County, Alabama.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, M. A. Stone, Clerk of the Circuit Court of Baldwin County,
Alabama, do hereby certify that the foregoing is a true, complete and
correct copy of the Certificate of Judgment rendered in the Circuit
Court of said County on the date first above written in the case of
Henry Jones vs. W. D. Stapleton and Leila Stapleton, as the same appears
of record in this Court.

IN WITNESS WHEREOF, I have hereunto set my hand as such Clerk
and affixed the Seal of this Court on this the 24 day of August,
1934.

M. A. Stone
Clerk of the Circuit Court of
Baldwin County, Alabama,

(SEAL)

HENRY JONES,

Plaintiff,

-VS-

W. D. STAPLETON & LEILA
STAPLETON,

Defendants.

IN THE CIRCUIT COURT-AT LAW

STATE OF ALABAMA

BALDWIN COUNTY.

Now come the Defendants and jointly and severally file this Demurrer to the Complaint in this cause, and assign as grounds therefor:-

1st. That it does not state a cause of action.

2nd. For aught appearing Mrs. Leila Stapleton joined in said Deed solely for the purpose of conveying whatever homestead or dower interest she might have had in and to said property.

3rd. That it is an effort on the part of the Plaintiff to require Mrs. Stapleton to become a surety for her husband.

4th. There is no averment that any part of said consideration flowed to Mrs. Leila Stapleton.

5th. For aught appearing W. D. Stapleton was seized of an indefeasible estate in fee simple in and to said premises.

6th. For aught appearing Mrs. Leila Stapleton was seized of an indefeasible estate in fee simple in and to said premises.

By Hubert, Head & Rason
Attorneys for Defendants.

DEMURRER.

HENRY JONES,

Plaintiff,

-vs-

W. D. STAPLETON & LILLA
STAPLETON,

Defendants.

IN THE CIRCUIT COURT AT LAW
STATE OF ALABAMA
BALDWIN COUNTY.

Filed August 16, 1934

W. B. Stone
Clerk.

Copy to Mr. J. B. Stone
August 16, 1934

W. B. Stone

HENRY JONES,

Plaintiff,

vs

W. D. STAPLETON & LEILA
STAPLETON,

Defendants.

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IN THE CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

AT LAW.

No. _____

COUNT 1. Plaintiff claims of defendants Eight Hundred and 00/100 (\$800.00) dollars, with interest thereon from to-wit; July 7th, 1930, damages for breach of the covenant in a deed executed by them to Hicks Jones on to-wit; July 7th, 1930, by which deed defendants, for valuable consideration, conveyed to said Hicks Jones that certain land in Baldwin County, Alabama, described as the Northeast quarter of the Northeast quarter of Section 26, in Township 2 South of Range 3 East, and plaintiff says that in said deed and as part thereof, the defendants covenanted and agreed that Grantors were seized in fee simple of said premises, had the right to sell and convey the same; that said premises were free from encumbrances and that they would warrant and defend the same to the said Hicks Jones, his heirs and assigns against the lawful claims of all persons whomsoever. And plaintiff says that the covenants in said deed were broken by defendants in this: The Grantors were not at the time of the execution and delivery of said deed seized of an indefeasible estate in fee simple in and to the premises above described but that at and before the execution and delivery by them to the said Hicks Jones of said deed, the said premises were subject to a mortgage from James W. Buck, Jr., and Emma C. Buck, his wife, to the First Joint Stock Land Bank of Montgomery in the sum of Twenty-five hundred and 00/100 (\$2500.00) dollars, which said mortgage and the mortgage debt has never been paid. And plaintiff alleges that the said Hicks Jones conveyed said property to plaintiff on to-wit; November 4th, 1931, and that plaintiff has been ousted from possession of said property by

virtue of the mortgage aforesaid to the First Joint Land Bank of Montgomery.

Plaintiff further alleges that the said Hicks Jones has bargained, sold, transferred, assigned and delivered to plaintiff all claims for damages against these defendants arising by breach of warranty in and growing out of the warranty deed from defendants to the said Hicks Jones dated July 7th, 1930.

B. W. Williams

ATTORNEY FOR PLAINTIFF.

DECK + Page 76

Civil no 32

RECORDED

Henry Jones

vs

W.D. Stapleton &
Deila Stapleton

Summons & Complaint
Filed March 2nd 1934
W. A. Stone
Clerk.

Copy sent on
3/3/34

RECORDED

Executed 3/3/34
by serving copy of within S. mon
Complaint on

on W.D. Stapleton
on 3/3/34 by
serving copy of within
Summons Complaint on
Deila Stapleton

Deputy
W.R. Stuart
Sheriff

STATE OF ALABAMA |
BALDWIN COUNTY. *
 |

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. D. Stapleton and Leila Spet
Stapleton 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 Henry Jones.

WITNESS my hand, this 2nd day of March, 1934.

W. A. Stone
Clerk.

CASE NO. 52

RECORDED

HENRY JONES,

Complainant,

VS.

W. D. Stapleton,

Leila Stapleton,

Defendants.

ORDER

Filed March

, 1934.

Clerk

RECORDED

Received 3/19/34
by Henry J. Jones
with
W.D. Stapleton
Leila Stapleton

W.D. Stapleton
Leila Stapleton

HENRY JONES,

Plaintiff,

vs

W. D. STAPLETON

LEILA STAPLETON,

Defendants.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, CIVIL NON-JURY

No. 32.

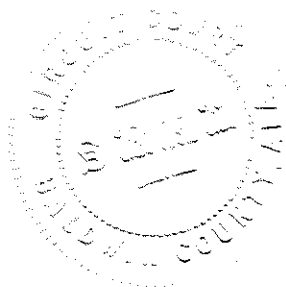
This day came the plaintiff by his attorney and also came the defendant, W. D. Stapleton in his own proper person and by his attorney and the said defendant, W. D. Stapleton admits he is indebted to the plaintiff Henry Jones in the amount claimed in the complaint, to-wit; Eight Hundred and 00/100 (\$800.00) dollars, with interest thereon as claimed by the plaintiff, and consents that judgment be rendered therefor.

Whereupon it is considered by the court that the said W. D. Stapleton is indebted to the plaintiff, Henry Jones in the amount claimed in the complaint with interest aggregating One Thousand Fifty-Nine and 32/100 (\$1059.32) Dollars, and judgment is rendered therefor.

It is therefore ordered, adjudged and decreed by the Court that the plaintiff, Henry Jones, have and recover of the defendant, W. D. Stapleton, the said sum of One Thousand Fifty-Nine and 32/100 (\$1059.32) dollars together with costs of this case for recovery of which let execution issue.

Dated this 22 day of August, 1932.

W. A. Stone
Clerk.



TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to notify W. D. Stapleton to be and appear in this Court within thirty days from the service hereof and show cause, if any he has, why the annexed petition filed against him herein by Hicks Jones, as assignee of Henry Jones, should not be granted.

WITNESS my hand this the 30 day of August, 1944.

R. S. Duck
Clerk of the Circuit Court,
Baldwin County, Alabama.

Hicks Jones, as assignee
of Henry Jones,
Plaintiff,

vs

W. D. Stapleton,
Defendant.

No. 32. AT LAW.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Comes your petitioner, Hicks Jones, and respectfully represents unto your Honor and the Court that on, to-wit: August 20, 1934, Henry Jones, as plaintiff, recovered in this Court a judgment against W. D. Stapleton, as defendant, in and for the sum of \$1059.32, besides costs of court. A certificate of said judgment was filed by said Henry Jones in the office of the Probate Judge of said State and County on August 23, 1934 and was duly recorded in Judgment Book 2 at page 339 in said office. Execution was issued on said judgment against said W. D. Stapleton and returned by the Sheriff of Baldwin County, Alabama, on November 3, 1934, marked "No property of W. D. Stapleton found in my county". The said judgment was by instrument in writing duly assigned or transferred by the said Henry Jones to petitioner herein on the date of December 29, 1942, and the said instrument was by petitioner duly filed for record on the date of January 9, 1943, in the office of the Probate Judge of said State and County and was duly recorded in said office in Judgment Book 3 at page 17.

No part of said judgment has ever been paid and the said judgment, together with interest thereon since the date of said judgment, is wholly due and unpaid and is the property of petitioner herein.

The premises considered, your petitioner prays that a scire facias issue out of this Honorable Court directed to the said W. D. Stapleton, defendant in said suit, citing him to appear in this Court, as required by law, and show cause, if any he has, why said judgment should not be revived against him in favor of petitioner. And petitioner prays that by proper order or decree, your Honor will revive the said judgment, and order that execution may or shall issue thereon.

Frank L. Evans
Attorneys for Petitioner.

entered Sept 6 1944
by serving
Copy of Writ
on W.D. Stapleton
MR. Stewart
Sheriff

No 32A

Hicks Jones, as Assignee
of Henry Jones,
Plaintiff,

vs

W. D. Stapleton,
Defendant.

In the Circuit Court of
Baldwin County, Alabama.
Law Side.

SCIRE FACIAS.

Filed: Aug 30 1944
R. D. Rush
Clerk.

32

The State of Alabama,
Baldwin County.

CIRCUIT COURT.

No. _____

192__

To any Sheriff of the State of Alabama:

You are hereby commanded to summon _____

J. W. Lewis

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
Sears, Roebuck & Company, a Corporation, Plaintiff

Witness my hand this

26 day of February 1934

Clerk.

COMPLAINT

Sears, Roebuck & Company,

J. W. Lewis

a Corporation

Plaintiff

Versus

Defendant

The plaintiff claims of the defendant the following personal property to wit:

One Gasoline Engine catalogue Number 7152 of the value of
\$55.00

with the value of the hire or use thereof during the detention, to-wit;

from Feb. 1st., 1934

192__

to date of trial

192__

Plaintiff's Attorney.

Original

Page

No.

State of Alabama,
Baldwin County.

Circuit Court

Sears Roebuck & Company,
a Corporation.

vs.

Plaintiffs

J. W. Lewis

Defendants

Detinue Summons and Complaint

Filed

1934

Clerk.

Defendant lives at

Elberta, Ala.

Cash \$12.00
Advanced

W. H. Hawkins

Plaintiff's Attorney.

Defendant's Attorney.

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof

Clerk.

Executed March 27th
1934 by serving copy
of within Summons
& Complaint on
JW Lewis & taking
into my possession
the Engine here in
present

W. R. Stuyt
Sheriff

Defendant lives at

Received in office

192

Sheriff

I have executed this summons

this 192

by leaving a copy with

SHERIFF.

DEPUTY SHERIFF.

The State of Alabama }
Baldwin County

CIRCUIT COURT

No.

74

Fall

Term, 193~~2~~

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

You are hereby commanded, That of the goods and chattels, lands and tenements of

W. D. Stapleton Defendants,

you cause to be made the sum of \$1,039.00 Dollars.

which Henry Jones Plaintiffs

recovered of Mrs. [illegible] on the 25 day of August 1937 by

the Judgment of our Circuit Court, held for the County of Baldwin, besides the sum of _____

Ten and 02/100 _____ Dollars

costs of suit, and have the same to render to the said M. C. Stone
and make return of this Writ and the execution thereof, according to law.

Interest from _____, 193____, to date of collection.

Witness my hand, this 1 day of Sept 1934

-Clerk

[illegible]