

86

STATE OF ALABAMA.

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon BERA SMYLY to appear within thirty (30) 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 BRODBECK & ZUNDEL BROS., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck.

Witness my hand this the 28 day of September, 1934.

J. P. Beebe
Clerk.

BRODBECK & ZUNDEL BROS.,
a copartnership composed
of Otto E. Zundel, Edward
C. Brodbeck, Arnold M. Brod-
beck and Colleen Brodbeck,

Plaintiff,

vs.

BERA SMYLY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

1. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) due from him by account on the first day of August, 1934.

2. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) on account stated between the plaintiff and defendant on the first day of August, 1934.

3. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) for merchandise, goods and chattels sold by the plaintiff to the defendant on the first day of August, 1934.

Which sums of money, with interest thereon, are still unpaid.

J. P. Beebe
Attorneys for Plaintiff.

85

SECRET 86 Page 88
Broadbent (Zundel
Bros

RECORDED
V-S

RECORDED
Returned September
29th 1934 Bera
Simply Not found
in Baldwin Co
W R Stuart
Sheriff

Bera. Simply
Summons Complaint

RECORDED

Filed Sept 28, 1934
M. A. Stone
Clerk

The State of Alabama, }
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA;

WHEREAS, J. P. Beebe

hath complained on oath to me, MARY A. STONE
~~J. P. Beebe~~ Clerk of Circuit Court of Baldwin County,
Ala., that BERA SMYLY

is justly indebted to the Plaintiff BRODBECK & ZUNDEL BROS., a copartnership
composed of Otto E. Zundel, Edward G. Brodbeck, Arnold M. Brod-
beck and Colleen Brodbeck,

in the sum of ONE HUNDRED TWENTY-FOUR & 74/100 (\$124.74) Dollars, and

J. P. Beebe having made affidavit ~~and given bond~~
as required by law, in such cases, you are hereby commanded to attach so much of the estate of

BERA SMYLY

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such
estate, so attached unless replevied, so to secure, that the same may be liable to further pro-
ceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be
held at the Court House of said County, on _____ Monday of _____
_____ 19____ next; when and where you must make known to said Court how
you have executed this Writ,

WITNESS, my hand, this 28th day of September A. D. 1924.

M. A. Stone Clerk.

RECORDED

No. 85

ATTACHMENT

Broderick and
Zundel

Vs. } Attachment

Bera Simley

Issued Sept 28 1921

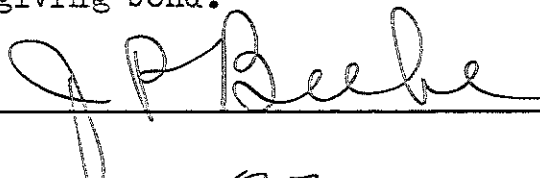
Moore Printing Co. Bay Minette, Ala.

Executed September
28th 1934 by attaching
funds in the
hands of Circuit
Clerk, by serving notice
on Clerk to appear
before the Circuit
Judge at the next
term of Court to be
held in Baldwin
Co

W R Stunt
Sherriff

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, W. C. Beebe, a Notary Public in and for said County, personally appeared J. P. BEEBE, who, being duly sworn, on oath saith that Bera Smyly is justly indebted to Brodbeck & Zundel Bros., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck, in the sum of One Hundred Twenty-four & 74/100 Dollars (\$124.74), which said amount is justly due after allowing all just offsets and discounts, and that the said Bera Smyly is a non-resident of the State of Alabama, his place of residence and post-office is unknown to affiant; and that this Attachment is not sued out for the purpose of vexing or harrassing the defendant, or other improper motive. Plaintiff elects to sue out this writ without giving bond.



Subscribed and sworn to before me this 27 day of
September, 1934.


Notary Public, Baldwin County,
Alabama.

86
RECORDED
1934

Brobeck &
Gardner Bros

VS

Reba Smiley

Filed Sept 25, 1934
M.A. J. Fine

STATE OF ALABAMA.)

BALDWIN COUNTY.)

TO MARY A. STONE, CLERK OF THE CIRCUIT COURT:

WHEREAS, a suit has been commenced by writ of attachment in the Circuit Court of Baldwin County, Alabama, returnable as required by law, wherein Brodbeck & Zundel Bros., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck, is plaintiff, and Bera Smyly defendant, for the sum of One Hundred Twenty-four & 74/100 Dollars (\$124.74), which writ of attachment has been placed in my hands for the due execution thereof;

These presents are, therefore, to command you to personally be and appear before the said court, to be holden for said county on the Spring Term day of , 1934, then and there to answer, on oath, whether you are indebted to said defendant at the time of the service of this writ of garnishment, or at the time of making your answer, and whether you will not be indebted in the future to him by a contract now existing, and whether you have not in possession, or under your control, personal or real property, or things in action, belonging to the defendant.

WITNESS, W. R. Stuart, Sheriff of Baldwin County, this
28th day of September, 1934.

W R Stuart

Sheriff.

Docket Page 88

~~Left to Recording~~

~~Blackman~~

Notice of Garnishment

Brodbeck and
Grundel

V S

Bera Suidy

Executed Sept
29th 1934 by
Receiving Copy
of Within on
M A Stone CLK

W. R. Starks
Shuff

BRODBECK & ZUNDELL BROTHERS,
A Co-partnership composed of
Otto E. Zundell, Edward C.
Brodbeck, Arnold M. Brodbeck
and Colleen Brodbeck,

Plaintiff,

-vs-

BERA SMYLY,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO W. R. STUART, SHERIFF OF BALDWIN COUNTY, ALABAMA, GREETINGS:-

You are hereby commanded to notify J. P. Beebe, Attorney for the Plaintiff in the above styled cause, that the said Defendant, Bera Smyly, has in person this day made an unqualified appearance in the above stated cause.

Witness my hand this 17th day of October, 1934.

W. A. Stuart
Clerk of the Circuit Court of
Baldwin County, Alabama.

RECORDED

NOTICE.

BRODBECK & ZUNDELL BROTHERS;
A Co-partnership composed of
Otto E. Zundell, Edward C.
Brodbeck, Arnold M. Brodbeck
and Colleen Brodbeck,

Plaintiff,

-VS-

BERA SMYLY,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Issued October 17th, 1934

M. A. Stone
Clerk.

Executed

1934

by serving subpoena

Copy of

Within Notice on
J. P. Beebe

Sheriff

By *W. R. Street* Deputy Sheriff

Circuit Court, Baldwin County

86

Brubaker + Gumbell
vs.
Bern Sanchez

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	
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 De- fendant	30
Issuing Notice for Publication and Copy 20c per hundred words	
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 Summons to Garnishee	75
Copies of same, 20c per hundred words	50
Notice to Defendant in Garnishee on Sum- mons, and copy, per hundred words	20
Swearing Garnishee and Recording An- swer, 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	
Filing Certiorari and Entering Return	15
Taking Certiorari Bond and Filing Same	75
Issuing Writ of Certiorari	75
Issuing copies of same, 15c per 100 words	
Issuing Writ of Scieri Facias, or Notice in Nature of	75
Issuing copies of same, 15c per 100 words	
Taking Supersedeas Bond and Filing same	75
Taking Appeal Bond and Filing same	75

TOTAL FORWARDED

Dollars Cts.

1 25

30

1 25

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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 Deti- nue Bond	1 00
Taking and Approving Defendant's Deti- nue 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	\$ 18 80

Received payment this 25 day of Oct 1934

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

STATE OF ALABAMA.)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, that we, BRODBECK & ZUNDEL BROS., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck, _____
Chas. E. Nelson and J. A. Klumpp,
are held and firmly bound unto BERA SMYLY, in the sum of TWO HUNDRED FIFTY DOLLARS (\$250.00), to be paid to the said BERA SMYLY, his heirs, executors, administrators or assigns, for which payment well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 20th. day of October, 1934.

The condition of the above obligation is such, that, Whereas, the above bounden BRODBECK & ZUNDEL BROS., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck, have this day prayed for and obtained an attachment against the estate of the said BERA SMYLY for the sum of ONE HUNDRED TWENTY-FOUR and 74/100 DOLLARS (\$124.74), returnable to the Circuit Court of Baldwin County, as required by law.

Which said attachment was executed by the service of a Sheriff's garnishment on M. A. Stone, Register, on the 28th day of September, 1934; and the said BERA SMYLY did on the 17th day of October, 1934, file an unqualified appearance in said cause.

Now if the said BRODBECK & ZUNDEL BROS., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck, shall prosecute said attachment to effect, and pay the said defendant all such damages as he may sustain from the wrongful or vexatious suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

Taken and approved this
20 day of October,
1934.

M. A. Stone
Clerke

BRODBECK & ZUNDEL BROS.,
By Otto E. Zundel (SEAL)
Chas. E. Nelson (SEAL)
J. A. Klumpp (SEAL)
(SEAL)

STATE OF ALABAMA.

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon BERA SMYLY to appear within thirty (30) 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 BRODBECK & ZUNDEL BROS., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck.

Witness my hand this the 28 day of September, 1934.

[Signature]
Clerk.

BRODBECK & ZUNDEL BROS.,
a copartnership composed
of Otto E. Zundel, Edward
C. Brodbeck, Arnold M. Brod-
beck and Colleen Brodbeck,

Plaintiff,

vs.

BERA SMYLY,

Defendant.

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

1. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) due from him by account on the first day of August, 1934.

2. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) on account stated between the plaintiff and defendant on the first day of August, 1934.

3. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) for merchandise, goods and chattels sold by the plaintiff to the defendant on the first day of August, 1934.

Which sums of money, with interest thereon, are still unpaid.

[Signature]
Attorneys for Plaintiff.

* KENDOO BIVOLAE

14-00000 TO STENO 227 TO REVERSE END OF

~~to appear at trial and name of defendant was not known~~

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2010

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WAI TA

Back and Colleen Brodbeck,
O. Brodbeck, Arnold Brodbeck -
of 0445 E. 1st St.,
Bismarck, N.D. 58101,
a corporation composed of
BRODBECK & NUNDEL BROS.

SECRET

Unrecorded

1. The Plaintiff claims to make the following statement to the Defendant:

ONE HUNDRED TWENTY-FOUR & SEVEN (124.74) DOLLARS (\$124.74) was from him by account on the first day of August, 1934.

2. The plaintiff claims to exhibit the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) on account of the debt between the plaintiff and defendant on the first day of August, 1934.

3. The plaintiff claims of the defendant the sum of ONE HUNDRED TWENTY-FOUR & 74/100 DOLLARS (\$124.74) for merchandise, goods and chattels sold by the plaintiff to the defendant on the first day of August, 1934.

Lesson

11/10/2017 10:27:00 AM

STATE OF ALABAMA

BALDWIN COUNTY

BRODBECK & ZUNDEL BROTHERS,
A Co-Partnership Composed of
Otto E. Zundell, Edward C. Brodbeck,
Arnold M. Brodbeck, and Colleen
Brodbeck,

Plaintiffs.

VS.

BERA SMYLY,

Defendant.

M. A. STONE,

Garnishee.

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALA.

At Law.

In the Circuit Court of Baldwin County, comes M. A. Stone, Garnishee, in the above stated cause, and makes her answer, in writing, under oath, in accordance with the terms of said garnishment, as follows: That she is indebted to the above named defendant at the time of the service of the garnishment in the above stated cause, or at the time of making her answer therein, and that she will be indebted to said defendant in the future, by a contract then existing, or at the time of her answer; and that she has in her possession or under her control, money, property, belonging to the said Bera Smyly, Defendant in the above stated cause.

Having made full and true answer to this writ, the garnishee prays that she be discharged with her reasonable costs.

Sworn to and subscribed before me, on this the 22nd day of October, 1934, A. D.

J. M. Franklin
N. P. Ex-C.J.P. --
Baldwin County, Alabama....

(SEAL)

UNCONFIRMED

Case NO. 86

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

BRODBECK & ZUNDELL BROTHERS,
Plaintiff,

VS.

BERA SMYLY,
Defendant.

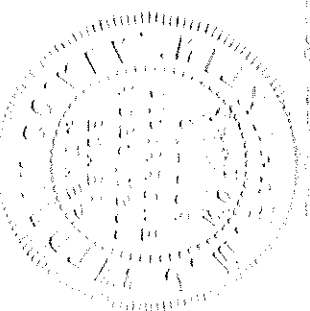
M. A. STONE,
Garnishee.

ANSWER OF GARNISHEE ---

Filed October 22, 1934.

M. A. Stone
Clerk.

XXXXXXXXXXXXXXXXXXXX



STATE OF ALABAMA.)
BALDWIN COUNTY.)

TO MARY A. STONE, CLERK OF THE CIRCUIT COURT:

WHEREAS, a suit has been commenced by writ of attachment in the Circuit Court of Baldwin County, Alabama, returnable as required by law, wherein Brodbeck & Zundel Bros., a copartnership composed of Otto E. Zundel, Edward C. Brodbeck, Arnold M. Brodbeck and Colleen Brodbeck, is plaintiff, and Bera Smyly defendant, for the sum of One Hundred Twenty-four & 74/100 Dollars (\$124.74), which writ of attachment has been placed in my hands for the due execution thereof;

These presents are, therefore, to command you to personally be and appear before the said court, to be holden for said county on the Spring day of September, 1934, then and there to answer, on oath, whether you are indebted to said defendant at the time of the service of this writ of garnishment, or at the time of making your answer, and whether you will not be indebted in the future to him by a contract now existing, and whether you have not in possession, or under your control, personal or real property, or things in action, belonging to the defendant.

WITNESS, W. R. Stuart, Sheriff of Baldwin County, this 28th day of September, 1934.

W R Stuart

Sheriff.

SHORTELL

28th day of September, 1934.

W. H. Shortell

WILLIAM H. H. Shortell, Sheriff of Baldwin County, this
oath, or things in action, pertaining to the defendant,
not in possession, or under your control, personal or real prop-
erty to him by a contract now existing, and whether you have
making your answer, and whether you will not be indicted in the
time of the service of this writ of garnishment, on or the time of
answer, on oath, whether you are indebted to said defendant at the
county on the 28th day of September, 1934, then and there to
city be and appear before the said court, to be holden for said

these persons are, therefore, to command you to perform
execution thereof:

which writ of attachment has been placed in my hands for the
the sum of One Hundred Twenty-four & No/100 Dollars (\$124.00),
and Colleen Brogbeck, is plaintiff, and Bess Emily defendant, for
composed of Otto H. Dungey, Edward C. Brogbeck, Arnold W. Brogbeck
dated by law, wherein Brogbeck & Dungey Bros.'s collection
in the Circuit Court of Baldwin County, Alabama, returned as
MARRIAGE, & suit has been commenced by writ of attachment

TO WILLIAM H. SHORTELL, SHERIFF OF THE CIRCUIT COURT:

BALDWIN COUNTY,

SHERIFF OF ALABAMA.

28/9/34
M. A. Stone
Clerk

BRODBECK & ZUNDELL BROTHERS,
a Co-partnership composed
of Otto E. Zundell, Edward
C. Brodbeck, Arnold M. Brod-
beck and Colleen Brodbeck,

Plaintiff,

-vs-

BERA SMYLY,

Defendant.

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

Comes the Defendant in the above styled cause, and for
answer to the Complaint filed in said cause, and to each and
every count thereof, separately and severally, says:-

FIRST:

That the allegations of the Complaint are untrue.

Bera Smyly
Defendant.

Defendant demands a trial of
this cause by Jury.

Bera Smyly
Defendant.

September, 1934.

Albany,
Notary Public, Delaware County.

W. C. Beebe

Subscribed and sworn to before me this 27 day of

J. B. Beebe

elects to sue out this writ without giving bond.

or increasing the defendant's on his improper motive. Plaintiff

and that this attachment is not sued out for the purpose of seeking

Re: 3

same, his place of residence and post-office is unknown to said

and that she said same Emily is a non-resident of the State of Del-

aware is that she after allowing all just claims and disbursements.

One Hundred Twenty-Ten & No Dollars (\$120.00), which said

Brookbeck, Annis W. Brookbeck and Oliver Brookbeck, in the sum of

del Brookbeck a partnership composed of Otto W. Knapp, Edward C.

on each with said same Emily is that is subject to Brookbeck and

said County, personally appeared J. B. BEEBE, who, being duly sworn

before me, W. C. Beebe, a Notary Public in and for

Filed Sept 27 1934
M. G. Stone
Clk

DELAWARE COUNTY

THE STATE OF DELAWARE

RECORDED
ANSWER.

BRODBECK & ZUNDELL BROTHERS,
A Co-partnership composed
of Otto E. Zundell, Edward
C. Brodbeck, Arnold M. Brod-
beck and Colleen Brodbeck,

Plaintiff,

-VS-

BERA SMYLY,

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed October 17, 1934

W. A. Stone
Clerk.