

The State of Alabama }
Baldwin County }

CIRCUIT COURT

No. 119 Fall Term, 1935

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

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

Farmers & Merchants Bank of Iowa Defendants,

you cause to be made the sum of \$500 ⁰⁰/₁₀₀ Dollars,

which H. B. Burmeister Plaintiffs

recovered of it on the 10 day of Sept 1935 by

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

\$ $\frac{40}{100}$ _____ Dollars

costs of suit, and have the same to render to the said Robert L. Hunk

and make return of this Writ and the execution thereof, according to law.

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

Witness my hand, this 10 day of Sept 1930

Robert B. Beck Clerk

[illegible]

W. B. BURMEISTER,

Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

- VS -

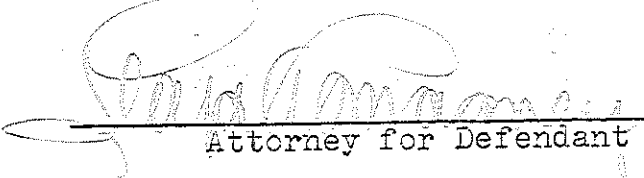
DEMURRER

FARMERS & MERCHANTS BANK, of
Foley, a corporation,

Defendant.

Comes now the above named defendant and demurs to the complaint of the plaintiff, and to each and every count thereof separately and severally, and as ground for such demurrer says:

1. That the said complaint does not state a cause of action.


Attorney for Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

W. B. BURMEISTER,

Plaintiff

- VS -

FARMERS & MERCHANTS BANK, of Foley,
a corporation.

Defendant

DEMURRER

Filed February 20 1935
Robert L. Dyer
Clk.

Lloyd A. Magney,
Attorney
Foley, Alabama.

-----	W. B. BURMEISTER,	Plaintiff,	:	IN THE CIRCUIT COURT OF
	-VS-		:	BALDWIN COUNTY, ALABAMA.
	FARMERS & MERCHANTS BANK OF FOLEY,		:	
	A Corporation,	Defendant.	:	AT LAW.
-----			:	

I. The plaintiff claims of the defendant the sum of Eleven Hundred Fifty & 00/100 Dollars (\$1150.00), with interest thereon, for this, that heretofore on, to-wit, the 29th day of April, 1933, the defendant, Farmers & Merchants Bank of Foley, a corporation, filed a bill of complaint against the plaintiff, W. B. Burmeister, in the Circuit Court of Baldwin County, Alabama, on the equity side thereof, praying a writ of injunction directed to the plaintiff to restrain him from cutting, removing, disposing of, or otherwise interfering with certain flowers, bulbs and other property described in said bill of complaint and further praying for the appointment of a Receiver to take charge and control of said property and to administer the same under the direction of the Circuit Court of Baldwin County, Sitting in Equity. And the plaintiff avers further that on, to-wit, the said 29th day of April, 1933, the defendant, Farmers & Merchants Bank of Foley, a corporation, obtained an order from the Judge of said Circuit Court of Baldwin County, sitting in Equity, directed to the Register in Chancery of the Baldwin County Circuit Court, ordering and directing him, upon the said Farmers & Merchants Bank of Foley, a corporation, filing a bond in the sum of Five Hundred and 00/100 Dollars (\$500.00), to issue a writ of injunction, according to the prayer of said bill of complaint. Plaintiff avers that on, to-wit, the 1st day of May, 1933, the said defendant, Farmers & Merchants Bank of Foley, a corporation, with David H. Gaar, and John J. Lewis, as its sureties, entered into such bond in the penal sum of Five Hundred and 00/100 Dollars (\$500.00), payable to T. W. Richerson, Register of the Circuit Court, Equity Side, of Baldwin County. And the plaintiff avers that thereupon on, to-wit, the 1st day of May, 1933, the said Register of the Circuit Court of Baldwin County, did issue a writ of injunction as prayed for in said bill of complaint and as ordered by the Judge of said Court, and plaintiff

avers that thereafter on, to-wit, the 21st day of December, 1933, the Supreme Court of Alabama, on appeal by the plaintiff, dissolved said injunction. And the plaintiff avers that he has sustained damages by the suing out of said injunction as follows, namely:-

He has been caused to incur an expense of Two Hundred Fifty & 00/100 Dollars (\$250.00) in the employment of attorneys to defend ~~said suit in the Circuit Court of Baldwin County, and to prosecute~~ an appeal therefrom to the Supreme Court of Alabama; he has been caused expense in going to and from the place of trial of said cause; has been deprived of the use of his said property pending said suit, and has been caused to lose a large sum of money, to-wit, the sum of Five Hundred & 00/100 Dollars (\$500.00) by reason of his inability himself to market and sell the flowers, which he was so enjoined from selling or otherwise interfering with, and has further been caused to lose the sum of Three Hundred & 00/100 Dollars (\$300.00) paid out of the proceeds of the sale of said flowers, as commissions to the Receiver appointed by the Circuit Court of Baldwin County under and ~~pursuant to said bill of complaint.~~

2. The plaintiff claims of the defendant the sum of Eleven Hundred Fifty & 00/100 Dollars (\$1150.00), with interest thereon, for this, that heretofore on, to-wit, the 29th day of April, 1933, the defendant, Farmers & Merchants Bank of Foley, a corporation, filed a bill of complaint against the plaintiff, W. B. Burmeister, in the Circuit Court of Baldwin County, Alabama, on the equity side thereof, praying a writ of injunction directed to the plaintiff to restrain him from cutting, removing, disposing of, or otherwise interfering with certain flowers, bulbs and other property described in said bill of complaint, and further praying for the appointment of a Receiver to take charge and control of said property and to administer the same under the direction of the Circuit Court of Baldwin County, Sitting in Equity. And the plaintiff further avers that on, to-wit, the said 29th day of April, 1933, the defendant, Farmers & Merchants Bank of Foley, a corporation, obtained an order from the Judge of said Circuit Court of Baldwin County, sitting in Equity, appointing one A. A. Rich, as Receiver of said property described and referred to in said complaint, authorizing and directing him, upon the said Farmers

& Merchants Bank of Foley, a corporation, giving bond in the sum of Five Hundred & 00/100 Dollars (\$500.00), conditioned to pay plaintiff such damage as he may sustain by the appointment of said Receiver, if such appointment is vacated or said Receiver removed or discharged because improvidently appointed, to take possession, charge and control of said property and assets and to administer the same, subject to the orders of said Court. Plaintiff avers that on, to-wit, the 1st day of May, 1933, the said defendant, Farmers & Merchants Bank of Foley, a corporation, entered into bond in the penal sum of Five Hundred & 00/100 Dollars (\$500.00), with David H. Gaar and John J. Lewis as its sureties, payable to T. W. Richardson, Register of the Circuit Court, Equity Side, of Baldwin County, conditioned as required by said order. And the plaintiff avers that thereupon on, to-wit, the 1st day of May, 1933, the said Receiver took possession of said property and kept and maintained the same until, to-wit, the 21st day of December, 1933, when his appointment was vacated by the Supreme Court of Alabama, on appeal by the plaintiff. And the plaintiff avers that he has sustained damages by the appointment of said Receiver as follows, namely:-

He has been caused to incur an expense of Two Hundred & Fifty & 00/100 Dollars (\$250.00) in the employment of attorneys to defend said suit in the Circuit Court of Baldwin County, and to prosecute an appeal therefrom to the Supreme Court of Alabama; he has been caused expense in going to and from the place of trial of said cause; has been deprived of the use of his said property pending said suit, and has been caused to lose a large sum of money, to-wit, the sum of Five Hundred & 00/100 Dollars (\$500.00), by reason of his inability himself to market and sell the flowers, which said Receiver took possession of under said appointment, and has further been caused to lose the sum of Three Hundred & 00/100 Dollars (\$300.00) paid out of the proceeds of the sale of said flowers, as commissions to the said Receiver so appointed by the Circuit Court of Baldwin County pursuant to said bill of complaint.

Harry L. Smith & C. H. Coffey
John N. Allen
 Attorneys for Plaintiff.

Plaintiff demands a trial by jury of the above entitled cause.

Harry L. Smith & C. H. Coffey
John N. Allen
 Attorneys for Plaintiff.

THE STATE OF ALABAMA,
Baldwin County.

No. 118

CIRCUIT COURT

January 17th

1935

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon ~~CONFIDENTIAL~~ Farmers & Merchants Bank of Foley,

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against Farmers &
Merchants Bank of Foley Defendant by W. B. Burmeister

Plaintiff

Witness my hand this 17th day of January, 1935

Robert H. Deech Clerk.

COMPLAINT

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

Plaintiff's Attorney.

Original.

No. ~~118~~ 119

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

W. B. Burmeister

PLAINTIFF

VS.

Farmers & Merchants Bank

DEFENDANT

Summons and Complaint

Filed, January 17th 1935

Robert L. Welch, Clerk.

Defendant Lives at

Foley,

John N. Allen,

Plaintiff's Attorney.

Defendant's Attorney

RECEIVED IN OFFICE

, 193

, Sheriff

I have executed this Writ

this Jan 22, 1935

by leaving a copy of the within Summons and
Complaint with

E. J. Sanders Cashier
Farmers & Merchants
Bank Defendants

E. J.

M. H. Wilkerson, Sheriff.

C. V. Anderson, Deputy Sheriff.