

The State of Alabama Baldwin County

CIRCUIT COURT

No. 1/9 Fall Term, 1935

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

Farmer & Mer	May the	Bank H Toler	Defendants.
you cause to be made the sum of	1300	50	-
you cause to be made the sum of	and the same of th		Dollars,
which # 15	2012	neester	Plaintiffs
recovered of on the	= //	- day of	193 5 by
the Judgment of our Circuit Court,	held for the Co	ounty of Baldwin, besides the sum of —	
41/500			- A-
costs of suit, and have the same to ren	ider to the said	Robert Hun	Dollars
and make return of this Writ and the	execution ther		
Interest from		193, to date of collection.	
Witness my hand, this	day of	193 3	,
		Robert Bleck	Clerk
CLERK'S FEES	AMOUNT	SHERIFF'S FEES	AMOUNT
For every Summons & Complaint \$1.25	125	For Levying an Attachment \$3.00	
Each copy thereof 30	33	Entering and Returning Attachment 25	
Entering a Sheriff's Return 20 Docketing 25	29	Summoning Garnishee 1.50	
Entering Appearance 20	₽5 <u>~</u>	Serving Summons on Writ 1.50	150
Filings 2 10		Serving Notice Sci. Fa. Notice, etc. 65	
Every order made in Court 30	2	Serving Subpoenas 65	
Copy thereof 25 Every Trial with or without Jury 75	سن ب	Empanelling Jury 75 Entering and Returning Execution 25	1 1
Eutering up Judgment or copy thereof 30	3.4	Collecting Cost Execution 1.50) 1
Issuing Execution 50		Executing a Writ of Possession 2.50	1 1
Docketing Execution 25	1.5	Taking and Approving Bonds 1.00	
Entering Return on Execution 20	20	Commissions Sheriff's Commission for Property	
Administering Oath 25		Sold under Attachment	
Issuing each Attachment, taking		Seizing Personal Property on Writ	
bond 1.00		of Detinue 3.00	
Filing Attachment 10			1/3
Each Summons for Garnishee 50 Each Copy 50	İ	RECAPITULATION	
Notice to Deft. in Garnishee on Sum-			
mons and copy, per 100 words 20		Judgment for PLL for \$	50000
Commissions to take Depositions or		Interest from	
Copy 75 Order to Execute Writ of Inquiry 30		Damages Clark's Pass	170
Copy of Interrogatories. 15c per	A	Clerk's Fees Sheriff's Fees	7 7
hundred words or 50		Justice of Peace Fees	1.17
Filing each Deposition and en-		Witness Fees in Justice of Peace Court	
dorsing same 20 Final Record, per hundred words 15	. 57	Constable's Fees	
Every Certificate 50	1 3	Commissioner's Fees Printer's Fees	
Taking Bond not Otherwise Pro-	ŀ	Witness Fee in Circuit Court	
vided for 75		Former Clerk's Fee	
Witness Certificates 25 Continuance 10		Stenographer's Fee \$5.00	
Continuance 10 Certificate of Judgment 50	53	Trial Tax \$3.00	3
Order of Publication 1.00			
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You are hereby commanded. That of the goods and chattels, lands and tenements of -

W. B. BURMEISTER,

Plaintiff

- vs
FARMERS & MERCHANTS BANK, of Foley, a corporation,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

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

Rebut Deles

Lloyd A. Magney, Attorney Foley, Adabama. W. B. BURMEISTER,

Plaintiff, :

-VS-

FARMERS & MERCHANTS BANK OF FOLEY,
A Corporation,
Defendant.

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

I. The plaintiff claims of the defendant the sum of Eleven Hundred Fifty & 00/100 Dollars (81150.00), 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, towit, 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. Richarson, 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 camplaint

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

Actorneys for Plaintiff.

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