

176

STATE OF ALABAMA }  
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. F. HILCHER 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 FARMERS & MERCHANTS BANK, Foley, Alabama.

WITNESS my hand this 20 day of July, 1935.

Robert L. Deech  
Clerk

---ooo000ooo---

FARMERS & MERCHANTS BANK of  
Foley, a Corporation,

Plaintiff,

-vs-

W. F. HILCHER,

Defendant. }

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

COMPLAINT

COUNT ONE

Plaintiff claims of the defendant the sum of FOURTEEN HUNDRED & 00/100 (\$1400.00) DOLLARS due by promissory note made by him on the 8th day of December, 1931, and payable on the 8th day of January 1932, with interest thereon.

COUNT TWO

Plaintiff claims of the defendant the sum of EIGHT HUNDRED & 00/100 (\$800.00) DOLLARS due by promissory note made by him on the 3rd day of January, 1932, payable on the 3rd day of February, 1932, with interest thereon.

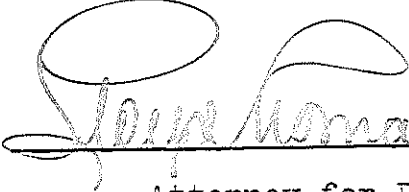
COUNT THREE

Plaintiff claims of the defendant the sum of TWENTY EIGHT & 55/100 (\$28.55) DOLLARS, the balance due by promissory note made by him on the 21st day of December, 1931, and due on the 21st day of January, 1932.

COUNT FOUR

Plaintiff avers that in, by and as a part of the notes sued upon in Counts one, two and three hereof the defendant agreed to pay all-costs of collecting, securing or attempting to collect or secure said notes, including a reasonable attorney's fee and the plaintiff avers that the sum of THREE HUNDRED & 00/100 (\$300.00) DOLLARS is such reasonable attorney's fee and the plaintiff claims of the defendant the further and additional sum of THREE HUNDRED & 00/100 (\$300.00) DOLLARS as such reasonable attorney's fee.

The plaintiff further avers that in, by and as a part of the notes sued on in Counts one, two and three hereof the defendant waived as to said notes all right to exemption under the Constitution and Laws of Alabama or in any other State, as to personal property and of such waiver the plaintiff now claims the benefit.

  
Attorney for Plaintiff

Plaintiff demands a trial by jury.

Sept. 10, 1935.

We the jury find for the plaintiff and  
order his damages at \$3146.78.

*J. S. Fordsey*  
*Foreman.*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

FARMERS & MERCHANTS BANK of  
Foley, a Corporation,

Plaintiff,

-VS-

W. F. HILCHER,

Defendant.

SUMMONS AND COMPLAINT

Filed July 20 1935  
*Robert L. Beach*  
*clerk*

LLOYD A. MAGNEY  
ATTORNEY AT LAW  
FOLEY, ALABAMA

40

Rec. in office

7/20/35

*M. H. Wilkins*  
*Sher.*

Received *July 20* 1935  
by *W. F. Hilcher* copy of writ of Summons and  
Complaint on

*J. S. Fordsey* Sheriff  
By \_\_\_\_\_ Deputy Sheriff

176

The State of Alabama }  
Baldwin County }

CIRCUIT COURT

No

Term, 193-

To Any Sheriff of the State of Alabama, Greeting:

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

Defendants,

you cause to be made the sum of \_\_\_\_\_ Dollars.

which Farmers & Merchants Bank Plaintiffs

recovered of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_, by

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

Dollars

costs of suit, and have the same to render to the said \_\_\_\_\_

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

Interest from \_\_\_\_\_, 193\_\_ to date of collection.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_\_\_\_

Clerk

[illegible]

640

1190 ~~1190~~

No. \_\_\_\_\_

**The State of Alabama,**  
BALDWIN COUNTY

**CIRCUIT COURT**

*Jama & Murdock*  
*Bunk*

PLAINTIFF....

VS.

*W J Halick*

DEFENDANT....

**CIVIL EXECUTION**

Judgment for \_\_\_\_\_ for \$ \_\_\_\_\_

Interest from \_\_\_\_\_ 193 \_\_\_\_\_

to \_\_\_\_\_ 193 \_\_\_\_\_ \$ \_\_\_\_\_

Damages \_\_\_\_\_ \$ \_\_\_\_\_

Costs \_\_\_\_\_ \$ \_\_\_\_\_

Total \_\_\_\_\_ \$ \_\_\_\_\_

Civil Fee Book \_\_\_\_\_ Page \_\_\_\_\_

Execution Docket \_\_\_\_\_ Page \_\_\_\_\_

Filed \_\_\_\_\_ 193 \_\_\_\_\_

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

**COLLECT COST FROM**

**THE STATE OF ALABAMA,**  
Baldwin County.

I hereby certify that the within Judgment and Costs in this case are correct, and there was a waiver of exemption as to personal property under the Constitution and Laws of Alabama.

This \_\_\_\_\_ day of \_\_\_\_\_ 193 \_\_\_\_\_

\_\_\_\_\_  
Clerk

Received in office

\_\_\_\_\_, 193 \_\_\_\_\_

\_\_\_\_\_, Sheriff

Sheriff's Execution Docket, Page \_\_\_\_\_

Sheriff's Fee Book, Page \_\_\_\_\_

THE STATE OF ALABAMA, BALDWIN COUNTY.

By virtue of the within Execution, I have, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., this \_\_\_\_\_ day  
of \_\_\_\_\_ 193 \_\_\_\_\_, levied \_\_\_\_\_

Sheriff

State of Alabama,  
Baldwin County -

# 174

To the Hon. F.W. Hare,  
Judge, 21st Judicial Circuit.

Your petitioner W.F. Hilcher, by his attorney of record, Henry D. Moorner, respectfully show unto your Honor that at the September Term, 1935, of the Circuit Court for Baldwin County, Alabama, a judgement was rendered by your Honor against W.F. Hilcher, your petitioner, in the sum of \$3176.78 and \$16.95 costs, at the suit of Farmers and Merchants Bank of Foley, Alabama, and that Lloyd A. Magney was attorney for said plaintiff in said suit.

Your petitioner respectfully states unto your Honor that he has a valid defence to said action, but that his attorney was prohibited from presenting said defence due to his personal illness which prevented him from attending said term of your Honor's court and from giving any personal attention thereto and that said defence consists of said notes were conditionally executed. The illness of your petitioner's attorney prevented the filing of any pleas in said action.

Therefore your petitioner respectfully moves your Honor to set aside the said judgement and continue the said action until such time as his attorney is personally able to file a plea and give the matter his personal attention.

Respectfully submitted -

W.F. Hilcher by his attorney

Henry D. Moorner

Sept 24, 1935 -

The above and foregoing motion is ordered set for hearing in Montevallo, Ala, on Wednesday, Nov. 20, 1935. Execution on judgment ordered. F.W. Hare  
Stayed pending hearing Judge  
(over)

~~Copy~~ Original

Oct 1<sup>st</sup>

RECORDED

Farmers & Mer. Bk

Hilcher

Justice

in Lloyd Magney

RECORDED

McWilkins

Davis

Filed - Sept 24, 1935

Robert L. ...  
clerk

The above and foregoing motion is  
ordered dismissed with cost of prosecution.  
Witness my hand and seal of the Court  
this 19th day of September, 1935.  
Judge