

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon GLENON FELL and EMMA FELL, to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama, to be held for said County at the place of holding the same, then and there to answer the complaint of STATE BANK OF ELBERTA, a Corporation.

WITNESS my hand this 19th day of November, 1935.

Robert S. Duck
Clerk. 7.

STATE BANK OF ELBERTA, a
Corporation,

Plaintiff,

VS.

GLENON FELL and EMMA FELL,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

ONE:

The Plaintiff claims of the Defendants FIVE HUNDRED and TWENTY-ONE (\$521.00) DOLLARS, balance due by promissory note made by them on the 18th day of January, 1934, and payable on the 10th day of May, 1934, together with interest at 8% from November 18, 1935.

TWO:

The Plaintiff alleges that in, by and as a part of said note the Defendants waive all rights of exemption under the Constitution and Laws of the State of Alabama, or any other State, and agreed to pay all costs of collecting or se-

curing, or attempting to collect said note, including a reasonable Attorney's fee.

The Plaintiff claims of the Defendants the further sum of ONE HUNDRED (\$100.00) DOLLARS as a reasonable Attorney's fee.

Reche & Hall
Attorneys for the Plaintiff.

219 RECORDED
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7-386

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Rec in office 11-19-35
M. H. Wilkins - Shff

STATE BANK OF ELBERTA, a
Corporation,

Plaintiff,

VS.

GLENON FELL and EMMA FELL,

Defendants.

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

SUMMONS AND COMPLAINT.

Filed this 19th day of Nov.,
1935.

Robert S. Duck
Clerk. 7.

Albera

Executed Nov. 23 1935
by serving copy of within Summons and
Complaint on

Glenon Fell and
Emma Fell

M. H. Wilkins Sheriff
C. N. Anderson Deputy Sheriff

State Bank of Elberta, a)
Corporation, plaintiff)

vs.)

Glenon Fell Emma Fell,)
defendants)

IN CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.

AT LAW

Come the defendants herein, and demur to the complaint filed herein upon the following grounds of demurrer, separately and severally;

1. For that it fails to state a cause of action against these defendants.
2. For that it fails to aver facts showing to whom said note was payable.
3. For that it fails to aver the amount of said note, but merely avers the conclusion of the pleader, as to the amount of the balance due on said note.

DEFENDANTS DEMAND A JURY FOR THE TRIAL OF THIS CAUSE.

Glenon Fell

Emma Fell

Defendants.

RECORDED
Duck
7-389

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Demurrers

Filed this 28 day Dec 1935
Robert L. Duck
Clerk-Register

STATE BANK OF ELBERTA,
A Corporation,

Plaintiff,

-vs-

GLENNON FELL and EMMA
FELL,

Defendants.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Come the Defendants in the above styled cause and file this, Plea No. 4 and Plea No. 5, in said cause, and say as follows:-

Plea No. 4. That the Plaintiff should not recover any amount on said Note for in this:- That said Note which is the basis of this suit was given in connection with a certain Mortgage which was executed to the Plaintiff by the Defendants on the following described lands, to-wit:-

Southeast Quarter of Southwest Quarter of Section 32, Township 7 South of Range 5 East, excepting therefrom 10 acres in North part of said forty acres heretofore sold to W. Fell; also Southwest Quarter of Southeast Quarter of Section 32, Township 7 South of Range 5 East, except the North 10 acres thereof, in Baldwin County, Alabama;

said Mortgage on said lands being given as security for the indebtedness evidenced by said Note, and Defendants further aver that the Plaintiff foreclosed its said Mortgage upon said lands on, to-wit, the 18th day of November, 1935, and purchased the same at the foreclosure sale thereof at and for the sum of \$468.11, and Defendants further aver that the reasonable market value of said lands at the time of said foreclosure of said Mortgage was One Thousand Dollars (\$1,000.00), and Defendants say that the reasonable value of said lands should be credited upon the aforesaid Note.

Plea No. 5. That the Plaintiff should not recover any amount on said Note for in this:- That the Note which is the basis of this suit was secured by a Mortgage on real estate in Baldwin County, Alabama, described as follows:-

Southeast Quarter of Southwest Quarter of Section 32, Township 7 South of Range 5 East, excepting therefrom 10 acres in North part of said forty acres heretofore sold to W. Fell; also Southwest Quarter of Southeast Quarter of Section 32, Township 7 South of Range 5 East, except the North 10 acres thereof;

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Demurrers

Filed this 28 day Dec 1935
Ruth S. Duck
Clerk-Register

(page two)

which Mortgage was executed contemporaneously with the creating of the original indebtedness due the Plaintiff, which Mortgage was foreclosed by the Plaintiff on November 18th, 1955, and the real estate above described was purchased at said sale by the Plaintiff at and for the sum of Four Hundred Sixty-eight & 11/100 Dollars (\$468.11), and Defendant further avers that at the time of said sale the fair market value of said real estate above described was One Thousand Dollars (\$1,000.00), and Defendants say that the reasonable market value of said lands should be set off and credited against said indebtedness in an amount equal to the fair market value of the said real estate covered by said Mortgage.

W. L. A. Sharon
Attorneys for Defendants.

PLEAS NO. 4 and 5.

STATE BANK OF ELBERTA,
A Corporation,

Plaintiff,

-VS-

GLENNON FELL and EMMA
FELL,

Defendants.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed August 28, 1936

R. H. H. H.
Clerk.