

382

STATE OF ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA:

BALDWIN COUNTY

You are hereby commanded to summon CHESTER A. STAPLETON and ROY STAPLETON to appear within thirty 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 H. J. WILTERS, Agent.

Witness my hand, this 12 day of August, 1937.

Asa L. L. L. Clerk.

H. J. WILTERS, Agent,  
Plaintiff

VERSUS

CHESTER A. STAPLETON AND  
ROY STAPLETON, Both jointly  
and severally,  
Defendants.

The Plaintiff claims of the Defendants ONE HUNDRED FORTY AND 50/100 DOLLARS due from Chester A. Stapleton and Roy Stapleton, both jointly and severally, by account between the Defendants and the Plaintiff on, to-wit, the 14th day of August 1937; this sum of money with interest thereon is still due and unpaid.

SECOND: The Plaintiff claims of the Defendants ONE HUNDRED FORTY AND 50/100 DOLLARS due from Chester A. Stapleton and Roy Stapleton, both jointly and severally, on account stated between Defendants and the Plaintiff on, to-wit, the 14th day of August, 1937, which sum of money with interest thereon is still unpaid.

THIRD: Plaintiff claims of the Defendants ONE HUNDRED FORTY AND 50/100 DOLLARS due from Chester A. Stapleton and Roy Stapleton, both jointly and severally, for merchandise, goods and chattels sold by the Plaintiff to the Defendants on, to-wit, the months of July and August, 1937 which sum of money, with interest thereon, is still unpaid.

The account upon which this suit is brought is verified by affidavit.

David M. Brown  
ATTORNEY FOR PLAINTIFF.

RECORDED  
8-112

H. B. Wilkins, Agent

Placerville

Charles A. Stapleton  
and Roy Stapleton

Dependence

Recd Aug 17/1937  
Bartholomew

Presented Aug. 17 - 1937  
by serving copy of within Summons and  
complaint on

Charles A. Stapleton  
and on Roy Stapleton  
8-19-37

M. H. McIlhenny Sheriff  
E. N. Anderson Deputy Sheriff

Placerville, California  
County of San Bernardino  
State of California

By: Andrie Thompson  
Deputy.

Executed this 29th day  
of November 1938 by serving  
a copy of within writ on  
Chester A. Stapleton  
and Roy Stapleton

M. H. Wilkins  
Sheriff  
By B. G. Mueca  
Deputy

(original) *Duché*  
P. RECORDED 8-299

H. J. WILTERS, Agent,  
Plaintiff,

vs.

CHESTER A. STAPLETON &  
ROY STAPLETON,  
Defendants.

R. J. ELLISON,  
Garnishee.

NOTICE TO DEPENDANTS OF  
ISSUING GARNISHMENT.

#382

## BOND

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

That we, H. J. Wilters, Dr. Amos Garrett and W. L. Hammond

are held and firmly bound unto Chester A. Stapleton and Roy Stapleton

in the sum of Three Hundred and fifty DOLLARS,  
to be paid to the said Chester A. Stapleton and Roy Stapleton

heirs, executors, administrators or assigns; for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators jointly, severally and firmly by these Presents.

Sealed with our seals, and dated this 23rd day of November 1938

The Condition of the Above Obligation is Such, That whereas, the above bound

H. J. Wilters

ha. S. commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said Chester A. Stapleton and Roy Stapleton

the sum of Seventy and 50/100 Dollars,

and ha. S. on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to R. J. Ellison

summoning him to answer what he is indebted to said Defendant S.,

or what effects of said Defendant S., he ha. S.

in his possession, or under his control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff.... shall prosecute the Garnishment to effect, and pay the Defendant S. all such costs and damages as he may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and Laws of Alabama, and we

hereby severally certify that we have property free from all incumbrance, to the full amount of the above bond.

H. J. Wilters (Seal)  
Amos Garrett (Seal)  
W. L. Hammond (Seal)

Approved this 23rd day of November A. D., 1938

R. S. Dush, Clerk.

By: Maudie Thompson, Deputy Clerk

THE STATE OF ALABAMA,  
Baldwin County.

Before me, Orvis M. Brown, Notary Public

in and for said County, personally appeared H. J. Wilfers

who, being duly sworn, doth depose S. and say S. that Chester A. Stapleton and Roy Stapleton are

indebted to him  
in the sum of Seventy and 50/100 DOLLARS  
and that he has commenced a suit by summons and complaint on said indebtedness against the said Chester A. Stapleton and Roy Stapleton

and that R. J. Ellison is

supposed to be indebted to the said Defendant S. Chester A. Stapleton and Roy Stapleton  
or to have effects of the said Defendant S.  
in his possession, or under his control, and that he believes that process of Garnishment against the said R. J. Ellison  
is necessary to obtain satisfaction of said claim: and that the said R. J. Ellison  
is believed to be chargeable as Garnishee in said cause,  
and that this Writ is not sued out for the purpose of vexing or harassing said Defendants,

or other improper motives.

Sworn to and subscribed before me this 23rd day of November 1938

H. J. Wilfers  
Orvis M. Brown  
Notary Public, Baldwin County, Ala.

RECORDED 8-298

116

NO. 282

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

PLAINTIFF

TO

DEFENDANT

Bond and Affidavit in Garnishment on Summons

Filed This 23 Day of

November 1938

CLERK

R. S. Ryck  
My i. standee

H. J. WILTERS, Agent,  
Plaintiff,

VS.

CHESTER A. STAPLETON  
and ROY STAPLETON, both  
jointly and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

NUMBER 382.

And now come the Defendants, separately and severally, and for  
answer to the Plaintiff's complaint and to each count thereof, say:

That the facts therein alleged are untrue.

Buchanan & Buchanan  
Attorneys for the Defendants.

*Defendants demand  
a trial by jury*

*Buchanan & Buchanan  
attys for Defs.*

*Quel*  
RECORDED 8-127

ANSWER:

H. J. WILTERS, Agent,

Plaintiff,

VS.

CHESTER A. STAPLETON and  
ROY STAPLETON, both jointly  
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

NUMBER 382.

Filed this 17th day of September,  
1937.

*R. S. Quel*  
Clerk.



The State of Alabama,

CIRCUIT COURT

COUNTY.

August Term, 1932

No. 382

vs.

H. J. Wilton, Agent

Chester A. Stapleton, et al.

Respondents

## BILL OF COSTS

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing..... Summons and Complaint.....	\$1	25	1	Levying..... Attachment.....	\$3	00
2	Issuing..... copies thereof.....	30	60	2	Entering and returning..... Attachment.....	25	150
3	Making every copy thereof, when over 200 words, per 100 words.....	15		3	Summoning..... garnishee and return.....	1	50
4	Entering..... Sheriff's return or copy thereof.....	20		4	Serving..... Summons and Return.....	1	50
5	Docketing cause, to be charged but once.....	25	25	5	Serving..... Subpoenas.....	65	
6	Entering Appearance.....	20	40	6	Impaneling jury.....	75	
7	Filing..... pleas, demurrer and other pleadings, for each.....	10	40	7	Making deed.....	2	50
8	Every trial, with or without jury, and its incidents, not including judgments by default or nil dicit.....	75	75	8	Serving Summons, forcible entry, etc.....	1	50
9	Entering..... Continuance (each).....	10		9	Executing writ of restitution or possession.....	5	00
10	Entering..... judgment, (each).....	30		10	Collecting execution for cost.....	1	50
11	Entering any other order of Court (each).....	30	30	11	Serving..... Sci. Fa., notices, etc.....	1	50
12	Issuing..... Scire Facias, or notice in the nature thereof (each).....	75		12	Serving any summons not provided for and return.....	1	50
13	Issuing..... Execution or copy thereof (each).....	50		13	Serving..... attachment for contempt.....	1	50
14	Entering return, or copy thereof, for each 100 words, 15 cts; but in no case less than.....	20		14	Taking and approving..... bond.....	1	00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words.....	15		15	Seizing personal property in detinue.....	3	00
16	Issuing execution or attachment thereon, and entering return.....	1	00	16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.....		
17	Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same.....	75	75	17	Selling property attached, same for selling under execution.....		
18	Issuing..... Subpoenas for Witness (each).....	30		18	Former Sheriff's fees.....		
19	Administering an oath, not relating to a trial pending and certifying the same.....	25			Total Sheriff's Fees.....		4 50
20	Issuing..... Attachment and taking bond (each).....	1	00		RECAPITULATION		4 20
21	Filing..... papers in attachment (each).....	10		1	Clerk's Fees.....		
22	Issuing..... Summons for garnishee (each).....	50	50	2	Clerk's Fees.....		
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than.....	50		3	Sheriff's Fees.....		
24	Order to advertise, or order of survey, or copy thereof.....	50		4	Sheriff's Fees.....		4 50
25	Certificate of Judgment.....	50		5	Witness Fees in Circuit Court.....		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than.....	25		6	Justice of the Peace Fees.....		
27	Issuing..... Commission to take depositions, or copy thereof.....	75		7	Witness Fees, in Justice of the Peace Court.....		
28	Making copy of interrogatories accompanying commission.....	50		8	Commissioner's Fees.....		
29	Or for each 100 words.....	15		9	Commissioner's Residence.....		
30	Filing..... packages of depositions (each).....	10		10	Constable's Fees.....		
31	Indorsing..... package of depositions, opened (each).....	10		11	Garnishee's Fees.....		
32	Issuing..... writ of ad quod damnum or writ in the nature thereof.....	75		12	Printer's Fees.....		
33	Recording the return and inquest thereon.....	50		13	Stenographer's Fees.....		
34	Or for each 100 words.....	15		14	Trial Tax.....		3 00
35	Issuing..... Writ of certiorari, prohibition, mandamus, or writ in the nature thereof.....	75			Total Fees.....		15 70
36	Filing the same and entering return.....	15		15	Judgment.....		
37	Making a complete record of a cause or copy thereof, for each 100 words.....	15	3 00	16	Date.....		
38	Making copy of any paper not herein provided for, for each 100 words.....	15		17	Interest.....		7 85
39	Making each certificate requiring the seal of office, and affixing seal.....	50		18	Damages.....		
40	Taking any bond not otherwise provided for.....	75			Total Judgment.....		
41	Making..... necessary certificates not otherwise provided for (each witness).....	25			Interest and Damages.....		
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code.....	5	00		Grand Total.....		
43	Record for Supreme Court, for each 100 words.....	15					
44	Each additional copy thereof, for each 100 words.....	05					
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on execution.....						
	Total Clerk's Fees.....		8 20				

382

7.85  
7.85  
15.7015.70 450  
7.85 300  
8.20 785

## The State of Alabama, }

Baldwin County

## CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETING:

Whereas H. J. WILTERS, Agent

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court  
of said County, against Chester A. Stapleton and Roy Stapleton

for the sum of One Hundred and Forty and 50/100 - Dollars and whereas, the said  
H. J. Wilters

has entered into bond, and made affidavit as required by law that the said

Defendants are

~~is~~ indebted to him in the sum of Seventy and 50/100, balance due, plus interest

Dollars, and that process of garnishment is believed to be necessary to obtain satisfaction of such  
judgment as may be recovered by Plaintiff, and that R. J. Ellison

is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said R. J. Ellison

to be and appear at the \_\_\_\_\_ term of the Circuit Court, to

be holden for the County of Baldwin, on \_\_\_\_\_, 192\_\_\_\_,  
then and there to answer, upon oath, whether, at the time of the service of this garnishment, or  
at the time of making your answer, or at any time intervening between the time of serving the  
garnishment and making the answer, you were indebted to the defendant, and whether, you  
will not be indebted to him in the future by a contract then existing, and whether by a contract  
then existing, you are liable to him for the delivery of personal property, or for the payment of  
money which may be discharged by the delivery of personal property, or which is payable in  
personal property, and whether you have not in your possession or under your control money or  
effects belonging to the defendant.

Witness my hand this 25 day of November, 1928.

R. S. Dush

By: Wendell Thompson, Deputy Clerk.

Executed 11-28-38 206  
by handing a copy of  
the within writ to  
R. J. Ellison  
M. H. Williams  
Sheriff  
By John R. Davis  
D.S.

*Original*  
RECORDED  
8-298

No. ....

Circuit Court of Baldwin County

vs. } GARNISHMENT ON SUMMONS

Issued 28 day of April 1928

Amos M. Burch  
Plaintiff's Attorney

Moore Printing Co. : Bay Minette, Ala.

The State of Alabama, {  
Baldwin County.

H. J. WILKERS, Agent Plaintiff  
vs.  
CHESTER A. STAPLETON and  
ROY STAPLETON, both Defendant  
jointly and severally,

In the  
Circuit Court of Baldwin County, Ala.  
No.

And now on this the 14th day of December 1938, comes

R. J. ELLISON

who, being duly sworn deposes and says  
for answer to said Garnishment, that at the time of the service of said writ of garnishment, and  
at the time of making this answer, said garnishee was and is indebted to said defendants  
that he will be indebted in future to said  
defendant by contract then or now existing; that he will not be held liable to said de-  
fendants for the delivery of personal property or for the payment of money which may be discharged  
by the delivery of personal property, or which is payable in personal property, and garnishee has  
not in his possession or under his control money or effects  
belonging to defendant s, Chester A. Stapleton and Roy Stapleton  
and I am indebted to the Defendants, Chester A. Stapleton and Roy Stapleton  
in the amount of \$143.98 for the purchase of property which money I now  
have in my control awaiting the order of this Court as to whom to pay the  
same.

Having fully answered said garnishment the said garnishee prays to be hence dismissed,  
with his reasonable costs for making this answer.

Sworn to and subscribed before me this 14th day of December 1938

NOTARY PUBLIC  
My Commission Expires  
APRIL 2nd 1939

Clerk Circuit Court, Baldwin County, Ala.



No. \_\_\_\_\_  
Answer of Garnishee

CIRCUIT COURT, BALDWIN COUNTY,  
ALA., LAW SIDE.

H. J. WILLIERS, Agent      Plaintiff  
vs.  
CHESTER A. STAPLETON and  
ROY STAPLETON, both Defendant  
jointly and severally.

Garnishee

Filed \_\_\_\_\_, 192\_\_

Clerk.

*Filed March 2, 1939*  
*R. S. Beck, Clerk*  
*By - Maurice Thompson*  
*Deputy*

Plaintiffs Atty.