

355

RECONSTRUCTION FINANCE COR-
PORATION, a Corporation,

Plaintiff,

-vs-

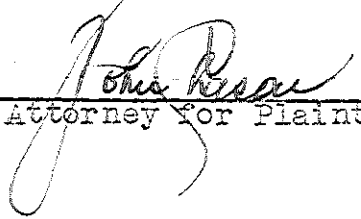
H. E. MILLER,

Defendant.

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

Now comes the Plaintiff, with leave of the Court first
had, and amends its Complaint by adding Count No. 2:-

COUNT 2: The Plaintiff claims of the Defendant the sum
of Twenty-five Hundred Dollars (\$2500.00) due by Promissory Note
made by him on, to-wit, June 19th, 1931, payable on, to-wit,
October 20th, 1931, to the order of Farmers State Bank, Loxley,
Alabama, together with interest thereon, and the Plaintiff avers
that said Note has been duly transferred or assigned to, and is
now the property of, the Plaintiff. The Plaintiff further avers
that in and by the terms of said Note the Defendant waived the
benefit of all laws exempting personal property from levy and
sale, and of this waiver the Plaintiff now claims the benefit.
Plaintiff further avers that in and by the terms of said Note the
Defendant agreed to pay 10% of the principal and interest at At-
torney's fee in the event same was not paid at maturity and was
put in the hands of Attorneys for collection, and the Plaintiff
further claims of the Defendant the further and additional sum of
Four Hundred Dollars (\$400.00), as such reasonable Attorney's fee.


Attorney for Plaintiff.

AMENDMENT TO COMPLAINT.

RECONSTRUCTION FINANCE COR-
PORATION, a Corporation,

Plaintiff,

-vs-

H. E. MILLER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

Filed February 23, 1938

Resnick
Clerk.

as to which has one count.
May 7, 1931

RECONSTRUCTION FINANCE CORPORATION, a Corporation,

Plaintiff

vs.

H. E. MILLER,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

Now comes the defendant in the above said cause and demurs to the complaint therein filed, and for grounds thereto, assigns the following:

1. Because said complaint shows that said note was made and payable in the year 1931, and there are no facts averred to show when said note became the property of the plaintiff, therefore, the averment "owner in due course" is but the conclusion of the pleader.

2. Because the averment "owner in due course" is based upon the sole averment that plaintiff "acquired the same for value," and which averment of itself does not constitute due course.

3. Because it is not averred or shown that the plaintiff became the owner of said note before it was overdue.

4. Because it is not averred or shown that the plaintiff received the note or had same transferred to it by a holder in due course.

Gordon Edington & Leigh
ATTORNEYS FOR DEFENDANT

Defendant demands trial by jury of above said cause.

Gordon Edington & Leigh
ATTORNEYS FOR DEFENDANT

351-

355.

RECORDED

Deck
8-91

RECONSTRUCTION FINANCE CORP.

vs.

H. E. MILLER

DEMURRER

Filed July 15 1937
Robert
Reaper

STATE OF ALABAMA,)
BALDWIN COUNTY.)

IN THE CIRCUIT COURT--LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. E. Miller 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 same, then and there to answer the Complaint of the Reconstruction Finance Corporation, a Corporation.

Witness my hand this 7 day of May, 1937.

R. L. Luch
Clerk.

COMPLAINT.

RECONSTRUCTION FINANCE CORPORATION, a Corporation,

Plaintiff,

-vs-

H. E. MILLER,

Defendant.

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

The Plaintiff claims of the Defendant Twenty-five Hundred Dollars (\$2500.00) due by Promissory Note made by him on, to-wit, June 19th, 1931, and payable on, to-wit, October 20th, 1931, made by him to the Farmers State Bank, Loxley, Alabama, with interest thereon, and Plaintiff avers that it is the owner ~~in due course~~ of the aforesaid note by having acquired the same for value, and Plaintiff further avers that said Note stipulates a waiver of exemption as to its collection as to all personal property, and Plaintiff further avers that said Note stipulates an agreement to pay 10% of the principal and interest as an Attorney's fee, and Plaintiff further claims Three Hundred Seventy-five Dollars (\$375.00) as such Attorney's fee.

Robert E. Gason
Attorneys for Plaintiff.

RECORDED

8-11

SUMMONS & COMPLAINT.

RECONSTRUCTION FINANCE COR-
PORATION, a Corporation,

Plaintiff,

-VS-

H. E. MILLER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

Filed May 7, 1937

R. D. [Signature]

Clerk.

Reb'd go and [Signature] May 18/1937
[Signature]

LAW OFFICES

HYBART & CHASON

BAY MINETTE, ALABAMA

Executed May 24 1937
by serving copy of within Summons and
Complaint on

H. E. Miller

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

The State of Alabama,

CIRCUIT COURT

COUNTY.

Term, 19...

No. vs.

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	30	2	Entering and returning.....Attachment.....	25	
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	20	4	Serving.....Summons and Return.....	1	50
5	Docketing cause, to be charged but once.....	25	25	5	Serving.....Subpoenas.....	65	150
6	Entering Appearance.....	20	20	6	Impaneling jury.....	75	
7	Filing.....pleas, demurrer and other pleadings, for each.....	10	70	7	Making deed.....	2	50
8	Every trial, with or without jury, and its incidents, not including judgments by default or nil dicit.....	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.....attachment for contempt.....	1	50
13	Issuing.....Execution or copy thereof (each).....	50		14	Taking and approving.....bond.....	1	00
14	Entering return, or copy thereof, for each 100 words, 15 cts; but in no case less than.....	20		15	Seizing personal property in detinue.....	3	00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words.....	15		16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00.....		
16	Issuing execution or attachment thereon, and entering return.....	1	00	17	Selling property attached, same for selling under execution.....		
17	Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same.....	75		18	Former Sheriff's fees.....		
18	Issuing.....Subpoenas for Witness (each).....	30			Total Sheriff's Fees.....		150
19	Administering an oath, not relating to a trial pending and certifying the same.....	25			RECAPITULATION		
20	Issuing.....Attachment and taking bond (each).....	1	00	1	Clerk's Fees.....		720
21	Filing.....papers in attachment (each).....	10		2	Clerk's Fees.....		
22	Issuing.....Summons for garnishee (each).....	50		3	Sheriff's Fees.....		150
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than.....	50		4	Sheriff's Fees.....		
24	Order to advertise, or order of survey, or copy thereof.....	50		5	Witness Fees in Circuit Court.....		
25	Certificate of Judgment.....	50		6	Justice of the Peace Fees.....		
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than.....	25		7	Witness Fees, in Justice of the Peace Court.....		
27	Issuing.....Commission to take depositions, or copy thereof.....	75		8	Commissioner's Fees.....		
28	Making copy of interrogatories accompanying commission.....	50		9	Commissioner's Residence.....		
29	Or for each 100 words.....	15		10	Constable's Fees.....		
30	Filing.....packages of depositions (each).....	10		11	Garnishee's Fees.....		
31	Indorsing.....package of depositions, opened (each).....	10		12	Printer's Fees.....		
32	Issuing.....writ of ad quod damnum or writ in the nature thereof.....	75		13	Stenographer's Fees.....		
33	Recording the return and inquest thereon.....	50		14	Trial Tax.....		
34	Or for each 100 words.....	15					300
35	Issuing.....Writ of certiorari, prohibition, mandamus, or writ in the nature thereof.....	75			Total Fees.....		1170
36	Filing the same and entering return.....	15		15	Judgment.....		300
37	Making a complete record of a cause or copy thereof, for each 100 words.....	15	400	16	Date.....		
38	Making copy of any paper not herein provided for, for each 100 words.....	15		17	Interest.....		
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.....		500
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.....		560
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.....		720				

RECONSTRUCTION FINANCE CORPORATION, a Corporation,

Plaintiff

vs.

H. E. MILLER,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

355

Now comes the defendant and demurs to COUNT 2, as added by way of amendment, and as grounds for such demurrer assigns the following:

1. Because the averment "said note has been duly transferred or assigned to " is but the conclusion of the pleader.

2. Because it is not averred or shown that said note was transferred or assigned for a valuable consideration.

3. Because the averment "and is now the property of the plaintiff" is but the conclusion of the pleader and no facts are averred to support such conclusion.

4. Because it is not averred or shown that said note has ever been endorsed ^{by the payee herein} to the plaintiff, or any one else.

5. Because it is not averred or shown that the said paper is not a commercial instrument.

Gordon E. Smith
ATTORNEYS FOR DEFENDANT

Duck

RECORDED

8-183

Demerren

35 JUL 30
Subject

The State of Alabama,

CIRCUIT COURT

Holtzman COUNTY.

September Term, 1905

No. 25-3

vs.

BILL OF COSTS

CLERK'S FEES			SHERIFF'S FEES		
	@	Amount		@	Amount
1 Issuing.....Summons and Complaint.....	\$1 25	1 25	1 Levying..... Attachment.....	\$3 00	
2 Issuing.....copies thereof.....	30	30	2 Entering and returning..... Attachment.....	25	
3 Making every copy thereof, when over 200 words, per 100 words.....	15		3 Summoning..... garnishee and return.....	1 50	1 50
4 Entering..... Sheriff's return or copy thereof.....	20	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		7 Making deed.....	2 50	
8 Every trial, with or without jury, and its incidents, not including judgments by default or nil dicit.....	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		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		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.....		5 40
20 Issuing..... Attachment and taking bond (each).....	1 00		RECAPITULATION		1 50
21 Filing..... papers in attachment (each).....	10		1 Clerk's Fees.....		
22 Issuing..... Summons for garnishee (each).....	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.....		
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.....		3 00
33 Recording the return and inquest thereon.....	50		13 Stenographer's Fees.....		
34 Or for each 100 words.....	15		14 Trial Tax.....		
35 Issuing..... Writ of certiorari, prohibition, mandamus, or writ in the nature thereof.....	75		Total Fees.....		19 90
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		16 Date.....		
38 Making copy of any paper not herein provided for, for each 100 words.....	15		17 Interest.....		
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.....		5 40
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.....		5 40			

RECONSTRUCTION FINANCE COR-
PORATION, a Corporation,

Plaintiff

vs.

H. E. MILLER,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

356.

Now comes the defendant and moves the Court to
strike COUNT 9, as added by way of amendment, and as
grounds for such motion assigns the following:

1. That said Count is introducing a new cause
of action.
2. Because said Count is based upon a note not
mentioned or sued upon in the original complaint.


ATTORNEYS FOR DEFENDANT

335

Recd

8-153

RECORDED

Demover

28 Dec 08
R. D. Jones
Recorder

Reconstruction Finance Corporation,
a Corporation, Plaintiff
355 v.
H. E. Miller, Defendant
In Circuit Court 2
Baldwin County.
at Law.

Now comes the defendant in the above cause,
and for plea to the complaint as amended, and

says.

1st That he denies the material allegations of said
complaint, as amended

2nd That the allegations of said complaint, as amended, are

untrue.

3rd The defendant for further plea says that
the plaintiff is not the beneficial owner of said
note.

4th The defendant for further plea says, that
said note is payable at a bank specifically
designated, and that the plaintiff is not the
owner of the legal title thereto.

Forney Langston Brown
Atty for Defendant

RECORDED

8-210

355

Demurrer

to

Amendment to Complaint

355

At Law - Jury

Filed as am. to
Complaint as amended
Aug 19 1937
R. D. Smith
Clerk