

608

ANSWER

W. F. DYER  
Plaintiff,

vs

A. W. HARRBELL  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

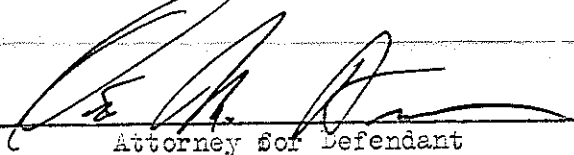
AT LAW.

1. The Defendant, for answer to the said complaint, saith that he has paid the debt for the recovery of which this suit was brought, before the action was commenced.

2. The Defendant, in answer to said complaint, saith that the said note upon which the action is founded is usurious and void for the interest thereon.

3. The Defendant, in answer to the said complaint, saith that the said note upon which action is founded is usurious and void for the interest thereon which was added in the principal was charged the rate of Twenty Five Per Cent (25%) plus an additional Eight Per Cent (8%) as recited on the face of the note and that when payment was made on said note Twenty Five Per Cent (25%) interest was collected thereon.

Orvis M. Brown



Attorney for Defendant

**RECORDED**

Answer

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W. T. Nyer,  
Plaintiff,

vs,

A. W. Harrell,  
Defendant.

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Filed May 2, 1941

R. S. Luck

W. T. Nyer, Plaintiff,  
vs,  
A. W. Harrell, Defendant.  
This case was heard and decided by the Court on May 2, 1941.  
The Court has rendered its decision in favor of the Plaintiff.  
The Court has awarded to the Plaintiff the sum of \$100.00.  
The Court has also awarded to the Plaintiff the costs of this case.  
The Court has ordered that the Defendant pay to the Plaintiff the sum of \$100.00.  
The Court has ordered that the Defendant pay to the Plaintiff the costs of this case.  
The Court has ordered that the Defendant pay to the Plaintiff the sum of \$100.00.  
The Court has ordered that the Defendant pay to the Plaintiff the costs of this case.

*[Handwritten signature]*

AFFIDAVIT

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Personally appeared before me, the undersigned authority, in and for said County, in said State, W. N. DYER, who being duly sworn, and who is known to me, deposes and says, that the property sued for in the complaint of W. N. Dyer, Plaintiff, vs. A. W. Harrell, Defendant, to-wit:

1 Brown Mule, named "Bill", 10 years old; 1 Bay Mare Mule, named "Emma", 10 years old, being the property described in the mortgage from A. W. Harrell to W. N. Dyer, dated October 26th, 1936,

belongs to the said W. N. Dyer, the said Plaintiff.

W. N. Dyer

Sworn to and subscribed before me  
this 5th day of August, 1940.

W. B. Jones  
Notary Public, Baldwin County, Ala.

BOND:

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

KNOW ALL MEN BY THESE PRESENTS, That We, W. N. DYER, as Principal and the undersigned as Sureties, are held and firmly bound unto A. W. Harrell, his heirs, executors and administrators, in the sum of FIFTY & NO/100 (\$50.00) Dollars, for the payment of which we, jointly and severally, bind ourselves, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals and dated this 5th day of August, 1940.

The condition of the above obligation is such, that, whereas, the above bound W. N. Dyer, has on the 5th day of August, 1940, sued out from the office of the Clerk of the Circuit Court of Baldwin County, Alabama, a writ of detinue, returnable to said Court, against the said A. W. Harrell for the following described property, to-wit:

1 Brown Mule, named "Bill", 10 years old; 1 Bay Mare Mule, named "Emma", 10 years, being the property described in the mortgage from A. W. Harrell to W. N. Dyer, dated October 26th, 1936.

Now, if the said W. N. Dyer shall fail in said suit and shall pay to the

said A. W. Harrell, the Defendant in said suit, all such costs and damages as he may sustain by the wrongful suing thereof, then this obligation to be void, otherwise to remain in full force and effect.

W. N. Dyer (SEAL)

Joseph P. Henschel (SEAL)

John Bates (SEAL)

Taken and approved this 5<sup>th</sup>  
day of August, 1940.

R. S. Duck  
Clerk.

RECORDED

BOND AND AFFIDAVIT:

W. N. DYER,

Plaintiff,

VS.

A. W. HARRELL,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon A. W. HARRELL 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 W. N. DYER.

WITNESS my hand this 5<sup>th</sup> day of August, 1940.

R. S. Duck  
Clerk.

W. N. DYER,  
Plaintiff,  
VS.  
A. W. HARRELL,  
Defendant.

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

The Plaintiff claims of the Defendant the following personal property,

viz:

*Dead*  
1 Brown Mule, named "Bill", 10 years old; 1 Bay Mare Mule, named "Emma", 10 years old, being the property described in the mortgage from A. W. Harrell to W. N. Dyer, dated October 26th, 1936,

with the value of the hire or use thereof, together with the detention thereof from June 15th, 1940.

BEEBE & HALL,  
By: [Signature]  
Attorneys for Plaintiff.

TO HONORABLE W. R. STUART, SHERIFF OF BALDWIN COUNTY, ALABAMA:

The Plaintiff in the above complaint having made affidavit and bond as required by law, you will take into your possession the property mentioned in the complaint, unless the Defendant give bond, payable to the Plaintiff, with sufficient surety, in double the amount of the value of the property, with condition that if the Defendant is cast in the suit, he will, within thirty days thereafter, deliver possession to the Plaintiff and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this 5<sup>th</sup> day of August, 1940.

R. S. Duck  
Clerk.

RECORDED

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SUMMON AND COMPLAINT

W. N. DYER,  
Plaintiff,  
VS.  
A. W. HARRELL,  
Defendant.

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

Filed September 5, 1940  
R. S. Dyer, Clerk

Received in Sheriff's Office  
this 5 day of Sept., 1940  
W. R. STUART, Sheriff

Executed this the  
7<sup>th</sup> day of Sept  
1940 by serving  
a copy of the  
within summons  
and complaint on  
A. W. Harrell

W. R. Stuart  
Sheriff

by  
J. P. Smith  
J. S.

W. N. DYER,

Plaintiff,

VS.

A. W. HARRELL,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Defendant and amends his complaint heretofore filed in this cause by adding Count 2 thereto as follows:

The Plaintiff claims of the Defendant Eighty-three and 92/100 (\$83.92) Dollars, balance due on promissory waive note made by the Defendant on October 26th, 1936, for One Hundred and Seventy (\$170.00) Dollars, payable May 15th, 1937, together with interest thereon at 8% from June 15th, 1940. The Plaintiff alleges that in, by and as a part of said note the Defendant waived all rights of exemption under the constitution and laws of the State of Alabama or any other state and agreed to pay a reasonable attorney's fee.

The Plaintiff claims of the Defendant the further sum of Twenty-five (\$25.00) Dollars as a reasonable attorney's fee.

BEEBE & HALL,

By: *W. N. Dyer*  
Attorneys for Plaintiff.



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~~RECORDED~~  
RECORDED

AMENDED COMPLAINT

W. N. DYER,

Plaintiff,

VS.

A. W. HARRELL,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

*Filed April 1, 1941*  
*R. S. Durr, Clerk*