

503

COMMERCIAL CREDIT COMPANY,  
A Corporation,

Plaintiff,

-vs-

E. W. MITCHELL,

Defendant.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the Defendant in the above styled cause and makes this, his unqualified appearance in said cause, and submits to the jurisdiction of said court.

Dated this 25th day of February, 1939.

*E. W. Mitchell*  
Defendant.

Defendant demands a trial of this cause by Jury.

*Robert Thason*  
Attorneys for Defendant.

RECORDED

APPEARANCE.

COMMERCIAL CREDIT COMPANY,  
A Corporation,

Plaintiff,

-vs-

E. W. MITCHELL,

Defendant.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed February 25th, 1939

*R. S. Dyer*  
Clerk.  
*By- Mullicie Shyngman,*  
*Deputy*

COMMERCIAL CREDIT COMPANY,  
A Corporation,

Plaintiff,

-vs.-

E. W. MITCHELL,

Defendant.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO W. H. HAWKINS, AS ATTORNEY OF RECORD FOR THE PLAINTIFF  
IN THE ABOVE STYLED CAUSE:-

You are hereby notified that E. W. Mitchell, the Defendant  
in the above styled cause, has this day filed his unqualified ap-  
pearance in said cause, and has submitted to the jurisdiction of  
this court.

Dated this 25th day of February, 1939.

R. S. Dyer  
Clerk of the Circuit Court.

By Aubrie Thompson  
Deputy Clerk

I hereby accept service of a copy of the above notice,  
and waive further notice of same, this the 25th day of February, 1939.

W. H. Hawkins  
Attorney for Plaintiff.

RECORDED

NOTICE OF APPEARANCE.

COMMERCIAL CREDIT COMPANY,  
A Corporation,

Plaintiff,

-vs-

E. W. MITCHELL,

Defendant.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed February 25th, 1939

R. S. Duck Clerk.  
By Handwritten Signature Deputy

THE STATE OF ALABAMA  
BALDWIN COUNTY

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

CIRCUIT COURT

Judgment \_\_\_\_\_ Term, 193\_\_\_\_\_

VS.

DEAR SIRs: At the \_\_\_\_\_ Term, 193\_\_\_\_, of the Circuit Court of said County,

recovered a judgment against \_\_\_\_\_  
for the sum of \_\_\_\_\_ Dollars

besides \_\_\_\_\_ Dollars, cost of suit, and execution  
was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tene-  
ments of said \_\_\_\_\_

the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours, \_\_\_\_\_, Clerk.

CLERK'S FEES		@	Amount	SHERIFF'S FEES		@	Amount
1	Issuing Summons and Complaint,	\$1.25		1	Levying Attachment,	\$3.00	3
2	Issuing copies thereof,	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		4	Serving Summons and Return,	1.50	
5	Docketing cause, to be charged but once,	25		5	Serving Subpoenas,	.65	
6	Entering Appearance	20		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 cents; 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,		4 75
19	Administering an oath, not relating to a trial pending and certifying the same,	25			Total Sheriff's Fees,		
20	Issuing Attachment and taking bond, (ea.)	1.00			RECAPITULATION		
21	Filing papers in attachment, (each)	10		1	Clerk's Fees,		6 40
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,		4 75
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 deposition, 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,		3 20
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,		14 15
36	Filing the same and entering return,	15			Judgment,		
37	Making a complete record of a cause or copy thereof, for each 100 words,	15		15	Date,		
38	Making copy of any paper not herein provided for, for each 100 words,	15		16	Interest,		
39	Making each certificate requiring the seal of office, and affixing seal,	50		17	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, 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 executions,						
	Total Clerk's Fees,		6 40				

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

No. \_\_\_\_\_ CIRCUIT COURT

February 25, 1939

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon E. W. Mitchell

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against him

as Defendant .. by Commercial Credit Company,  
a Corporation of Mobile, Ala.

Plaintiff .....

Witness my hand this 25th day of February 1939.

R. S. Duck

Clerk.

**COMPLAINT**

Commercial Credit Company,

a Corporation of Mobile, Ala. Plaintiff versus E. W. Mitchell,

The Plaintiff claims of the Defendant One Hundred Thirty Two & 75/100

(\$132.75) Dollars, due by

promissory note and contract dated May 10, 1937 and due in Twelve monthly installments of \$27.00 each or the sum of \$324.00, and plaintiff avers that there has been paid on said note and contract the sum of \$191.75 leaving a balance of \$132.75, which sum with the interest thereon from May 10, 1938, is still due and unpaid.

Second.

The plaintiff claims of the defendant, E. W. Mitchell the further and additional sum of Twenty Five dollars as attorney's fees and plaintiff avers that in said note and contract defendant agreed to payan attorneys fee of 15% of the amount due with interest, and that this \$25.00 is 15% of the amount due wit interest.

Plaintiff has attached one Lincoln -Zephyr car belonging to the defendant, E. W. Mitchell to satisfy the judgment against E. W. Mitchell, a non resident

W. H. Nix  
Plaintiff's Attorney.

RECORDED

Original

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

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Commercial Credit Company,

a Corporation of Mobile,

PLAINTIFF

vs.

E. W. Mitchell, a non res-

ident of Alabama.

DEFENDANT

Summons and Complaint

Filed, Feb. 25 1939. 193

*E. S. Duchs*, Clerk.  
*By- Andrie Montgomery*  
Defendant Lives at *Diary*

W. H. Hawkins,

Plaintiff's Attorney.

Defendant's Attorney

MOORE PRINTING CO., BAY NINETE, ALA.

RECEIVED IN OFFICE

*Feb 25*, 1939

*W. R. Stuart*, Sheriff

I have executed this Writ

this *25 day of Feb 1939*

by leaving a copy of the within Summons and Complaint with

*E. W. Mitchell*

, Sheriff.

, Deputy Sheriff.

# The State of Alabama, }

Baldwin County.

## CIRCUIT COURT AT BAY MINETTE, ALA.

Before me, Shelley Thompson Deputy Clerk, Circuit Court

in and for said County, personally appeared W. H. Harkins, Atty for Commercial

who, being duly sworn, on oath saith that E. W. Mitchell

justly indebted to

Commercial Credit Co. a Corporation

in the sum of One Hundred and Fifty Dollars, which said

amount is justly due after allowing all just offsets and discounts, and that the said

E. W. Mitchell is a non resident of Alabama and owes the above amount on note and contract and that attachment is desired on a Lincoln-Zephyr automobile belonging to the said E. W. Mitchell + Commercial Credit Co elects not to give bond

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this 22 day of February 1929.

Shelley Thompson  
Deputy Clerk, Circuit Court, Baldwin County

No. ....

The State of Alabama,

Baldwin County.

CIRCUIT COURT

AT BAY MINETTE, ALA.

Commercial Credit  
Co. a Corp.

TO

E. W. Mitchell

Attachment Bond and Affidavit

Filed this the 22 day

of February 1929.

Clerk.

R. S. Dyer

Deputy

Attorney.

ATTACHMENT.

**The State of Alabama,**  
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, W. H. HAWKINS, as Attorney for Plaintiff, Commercial  
Credit Co., of Mobile, a Corp.,

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,

that E. W. MITCHELL,

is justly indebted to the Plaintiff COMMERCIAL CREDIT COMPANY, of Mobile,  
a corp.,

in the sum of ONE HUNDRED THIRTY FIVE & NO/100 (\$135.00) Dollars, and

W. H. HAWKINS, defendant being  
having made affidavit ~~and given bond~~  
a non-resident of the State of Alabama, plaintiff elects not to give bond;  
~~as required by law,~~ in such cases, you are hereby commanded to attach so much of the estate of

E. W. MITCHELL; Being described as follows: One (1) Lincoln Zephyr  
Automobile,

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so  
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be  
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said

County, on Monday of February 193 9

next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 22nd day of February A. D. 193 9

R. S. Duck Clerk.  
By: Paul Lee Thompson Deputy Clerk.

I have executed the within Writ by serving a copy on E. W. Mitchell,  
Defendant, and taking into my possession the within described property,  
to-wit: One Lincoln Zephyr Automobile.

This the 22<sup>nd</sup> day of February, 1939.

W. B. Street  
Sheriff  
By J. H. Smith  
D.S.

RECORDED

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

# ATTACHMENT

COMMERCIAL CREDIT CO., of  
Mobile, a Corp., Plaintiff,

vs. { ATTACHMENT

E. W. MITCHELL,  
Defendant.

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

MOORE PRINTING CO.,