

679

LLOYD A. MAGNEY,
Plaintiff,
Vs.
C. W. CLARK,
Defendant.

IN THE CIRCUIT COURT.
LAW SIDE.

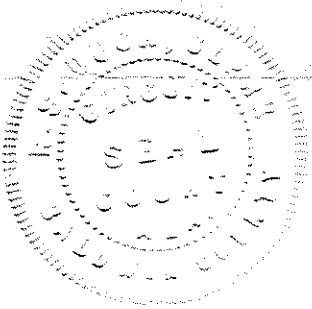
REGISTER'S CERTIFICATE.

I, R. S. Duck, Register/of the Circuit Court of
and Clerk,
Baldwin County, Alabama, hereby certify that I have mailed
a copy of the newspaper wherein the Notice of Attachment in
the above case was published, to the Defendant, C. W. CLARK,
at 6629 South Lowe Avenue, Chicago, Illinois, with postage
prepaid.

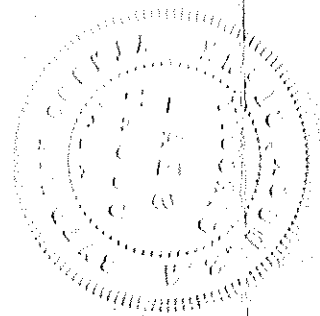
Witness my hand and seal this the 4th day of
August, 1941.



R. S. DUCK, Clerk of the
Circuit Court.



Register's Certificate



LLOYD A. MAGNEY

LAWYER

FOLEY, ALABAMA

July 24, 1941.

Hon. R. S. Duck, Clerk,
Circuit Court,
Bay Minette, Alabama.

Dear Sir:

I enclose herewith summons and complaint and affidavit for attachment in a case in which I am Plaintiff and C. W. Clark is the Defendant.

You will note from the affidavit that Mr. Clark is a resident of Chicago and that I elect to attach without bond; you will therefore please issue this attachment to the sheriff and send the copy of the summons and complaint to the Defendant by registered mail, endorsed "Return receipt demanded" and "For delivery only to the person to whom addressed."

I am writing to the sheriff to tell him what property to attach and upon the coming in of his return you will proceed to publish the notice of attachment called for by Section 852 of Title 7 of the Code of Alabama 1940 and also mail a copy of the newspaper to the Defendant.

Please publish the notice in the Baldwin Times.

Very truly yours,


LLOYD A. MAGNEY

LAM:ms

Enc.

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, LLOYD A. MAGNEY

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

that C. W. CLARK

is justly indebted to the Plaintiff LLOYD A. MAGNEY,

in the sum of ONE HUNDRED FIFTY NINE & 00/100 (\$159.00) Dollars, and
the defendant being a non-resident of the State of Alabama,
Plaintiff elects not to give bond; ~~having made affidavit and given bond~~

~~as required by law, in such cases,~~ you are hereby commanded to attach so much of the estate of
C. W. CLARK

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless r plevied, 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 _____ 193____
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 24th day of July 1941. A. D. 1934

R. S. Duck Clerk.

RECORDED

No. 679

ATTACHMENT

LLOYD A. MAGNEY,

Plaintiff,

Vs. { ATTACHMENT

O. W. CLARK,

Defendant.

Issued July 24th 1941, 193rd

MOORE PRINTING CO.,

Received in Sheriff's Office
this 24 day of July, 1941
W. R. STUART, Sheriff

Executed by attaching the following described property
of the Defendant, to-wit:
The Southeast quarter of the Southwest quarter of Section
Five, Township Five South of Range Three East;
Said lands being in Baldwin County, Alabama. His pendens notice
filed with the Judge of Probate.
This 25th day of July 1941.

W. R. Stuart

Sheriff of Baldwin County

The State of Alabama,
Baldwin County

No. 679

CIRCUIT COURT

July Term, 19 41

LLOYD A. MAGNEY,

PLAINTIFFS

vs.

C. W. CLARK,

DEFENDANTS

ATTACHMENT

WHEREAS, LLOYD A. MAGNEY

as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 24th
day of July 19 41, against the estate of the said defendant
C. W. CLARK,

which Attachment has been levied upon the following described real estate,

as the property of the said defendant, to-wit:

The Southeast quarter of the Southwest quarter of Section
Five, Township Five South of Range Three East; said lands
being in Baldwin County, Alabama;

and whereas, it appears that the said C. W. Clark,

Defendant as aforesaid is a non-resident of the State of Alabama, and is a resident of
the State of Illinois, residing at 6629 South Lowe Ave., Chicago, Ill.;

NOW, THEREFORE, the said C. W. Clark

wherever he may reside is hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 30th day of July, 19 41.

R. S. Duck

Clerk

No. 679 Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

LLOYD A. MAGNEY,

Plaintiffs

vs.

C. W. CLARK,

Defendants

NOTICE TO NON-RESIDENTS
OF ATTACHMENT

Issued July 30th, 1941

R. S. DUCK,

Clerk.

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, LEOYD A. MAGNEY

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

that C. W. CLARK

is justly indebted to the Plaintiff LEOYD A. MAGNEY,

in the sum of ONE HUNDRED FIFTY NINE & 00/100 (\$159.00) Dollars, and

the defendant being a non-resident of the State of Alabama,
Plaintiff elects not to give bond; having made affidavit and given bond

as required by law; in such cases, you are hereby commanded to attach so much of the estate of
C. W. CLARK

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 July 1934

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

WITNESS, my hand, this 24th day of July 1934 A. D. 1934

R. S. Duck Clerk.

No. 679

ATTACHMENT

LEOYD A. MAGNEY,

Plaintiff,
Vs. { ATTACHMENT

D. W. CLARK,

Defendant.

Issued July 24th 1941 193

MOORE PRINTING CO.,

LLOYD A. MAGNEY,

PLAINTIFF,

VS.

C. W. CLARKE,

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
LAW # 679

BOND

STATE OF ALABAMA,)

BALDWIN COUNTY:)

KNOW ALL MEN BY THESE PRESENTS: That we, Lloyd A. Magney, as principal, and W. C. Gordon and M. K. Lawrenz, as sureties, do acknowledge ourselves indebted to C. W. Clarke in the sum of THREE HUNDRED EIGHTEEN & 00/100 (\$318.00) DOLLARS to the payment of which we bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 22nd day of August, 1941.

The condition of this obligation is that whereas the above bound Lloyd A. Magney has caused a writ of attachment to be issued out of the office of the Clerk of the Circuit Court in and for Baldwin County, Alabama, and to be levied upon the property of the Defendant, C. W. Clark. Now if the said Lloyd A. Magney shall prosecute the attachment to effect and pay to the Defendant all such damages as he may sustain by the wrongful or vexatious suing out of such attachment, then these presents shall be null and void but otherwise remain in full force and effect.

Lloyd A. Magney (SEAL)
Principal

W. C. Gordon (SEAL)
SURETY

M. K. Lawrenz (SEAL)
SURETY

Taken and approved this 23rd day of August, 1941.

Reeluck
Clerk

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
LAW # 679

LLOYD A. MAGNEY,

PLAINTIFF.

VS.

C. W. CLARKE,

DEFENDANT.

BOND

Filed August 23, 1941
R. S. Duck, Clerk

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA.

Lloyd A. Magney,

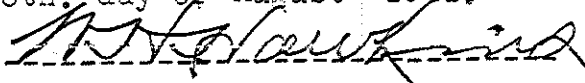
Plaintiff

vs. C. W. Clark, Defendant.

No. 679.

Comes the defendant, C. W. Clark, and hereby makes an unqualified appearance in the above cause, and requests the Clerk of the Circuit Court to notify the plaintiff to give bond in five days or the levy of the attachment shall be discharged.

Witness my hand this the 20th. day of August 1941.



Attorney for defendant.

No. 679 **RECORDED**

Lloyd A. Magney, Pltff.

vs.

C. W. Clark, Defendant.

Unqualified appearance.

W. H. Hawkins, Attorney for
Defendant.

Filed August 20, 1941
R. L. Dineen, Clerk

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

ATTACHMENT NOTICE

THE STATE OF ALABAMA
BALDWIN COUNTY.

No. 679

Circuit Court
July Term, 1941

LLOYD A. MAGNEY, Plaintiff

vs.

C. W. CLARK, Defendant.

Attachment

WHEREAS, LLOYD A. MAGNEY as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 24th day of July, 1941, against the estate of the said defendant, C. W. CLARK, which Attachment has been levied upon the following described real estate, as the property of the said defendant, to-wit: The Southeast quarter of the Southwest quarter of Section Five, Township Five South of Range Three East, said lands being in Baldwin County, Alabama; and whereas, it appears that the said C. W. Clark, Defendant as aforesaid is a non-resident of the State of Alabama, and is a resident of the State of Illinois, residing at 6629 South Lowe Ave., Chicago, Ill.

NOW, THEREFORE, the said C. W. Clark wherever he may reside is hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 30th day of July, 1941.

R. S. DUCK, Clerk.

LLOYD A. MAGNEY,
Attorney for Plaintiff.

27-3t

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, being duly sworn, deposes and says that he is

the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay

Minette, Baldwin County, Alabama; that the notice hereto attached of

Magney vs. Clark

Was published in said Newspaper for 2 consecutive weeks in the following issues:

Date of first publication July 31, 1941 Vol. 52 No. 27

Date of second publication August 7, '41 Vol. 52 No. 28

Date of third publication '1 14, '41 Vol. 52 No. 29

Date of fourth publication Vol. No.

Subscribed and sworn before the undersigned this 15th day of

August 1941
Robert D. ...
Notary Public
Baldwin County

J. H. Faulkner
Publisher

Civil 679

RECORDED

1941

NOTICE OF PETITION

FOR WRIT OF HABEAS CORPUS

ADVERSE PERIOD NOT TO BE USED IN DETERMINING
RIGHTS OF THE PETITIONER

THE PETITIONER

Filed Aug. 11, 1941
R. S. Durr, Registrar
Clerk

NOTICE OF LEVY ON REAL ESTATE

LOYD A. MAGNEY,

Plaintiff,

VS.

C. W. CLARK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

TO HONORABLE G. W. ROBERTSON, JUDGE OF PROBATE COURT OF BALDWIN COUNTY, ALABAMA:

Notice is hereby given that under a writ of attachment issued in favor of the Plaintiff and against the Defendant in the above entitled cause, I have levied upon the following described property of the Defendant, to-wit:

The Southeast quarter of the Southwest quarter of
Section Five, Township Five South of Range Three
East;

Said lands being in Baldwin County, Alabama.

Given under my hand this the twenty-fifth day of July, 1941.

W R Stewart

Sheriff, Baldwin County, Alabama

*Given to Judge
7/28/41*

STATE OF ALABAMA,}
BALDWIN COUNTY.}

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon C. W. Clark 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 Lloyd A. Magney.

WITNESS my hand this 24th day of July, 1941.

R. E. Dush
Clerk

---ooo000ooo---

LLOYD A. MAGNEY,

PLAINTIFF,

VS.

C. W. CLARK,

DEFENDANT.

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

COMPLAINT

COUNT ONE

The Plaintiff claims of the Defendant ONE HUNDRED TWENTY-FIVE & 00/100 (\$125.00) DOLLARS due from him for services rendered for the Defendant by the Plaintiff on June 28, 1941 at his request which sum of money, with the interest thereon, is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant THIRTY-FOUR & 00/100 (\$34.00) DOLLARS due from him for work and labor done and services performed for the Defendant in the preparation of an abstract of title, at his request, on the 14th day of January, 1941 by J. A. Ertzinger and Son, which said account has been by the said J. A. Ertzinger and Son assigned to the Plaintiff and which sum of money, with the interest thereon, is still unpaid.

W. A. Ertzinger
Attorney Pro Se

JUDGE OF ALABAMA,
BALDWIN COUNTY,

I, R. S. DUCK, Clerk of the Circuit Court, of Baldwin County, Ala., hereby certify that I have mailed a copy of the within Summons & Complaint to the defendant, C. W. CLARK, at 6629 South Lowe Avenue in the City of Chicago, Illinois, the address given in the affidavit, by registered mail, with postage prepaid, with return receipt requested, and marked for delivery only to the person to whom addressed.

WITNESS my hand this the 24th day of July, 1941,

R. S. Duck
R. S. DUCK, Clerk

Sent by Registered Mail
8-14-41

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

LLOYD A. MAGNEY,
PLAINTIFF,
VS.
C. W. CLARK,
DEFENDANT.

SUMMONS AND COMPLAINT

Filed July 24, 1941
R. S. Duck, Clerk

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

NOTICE OF LEVY ON REAL ESTATE

LOYD A. MAGNEY,

Plaintiff,

VS.

C. H. CLARK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

TO HONORABLE S. W. ROBERTSON, JUDGE OF PROBATE COURT OF BALDWIN COUNTY, ALABAMA:

Notice is hereby given that under a writ of attachment issued in favor of the Plaintiff and against the Defendant in the above entitled cause, I have levied upon the following described property of the Defendant, to-wit:

The Southeast quarter of the Southwest quarter of Section Five, Township Five South of Range Three East;

Said lands being in Baldwin County, Alabama.

Given under my hand this the twenty-fifth day of July, 1941.

W. R. Stewart

Sheriff, Baldwin County, Alabama

Lis Bender (679)
Lloyd A. Magnay 17

C. W. Clark 47
2-25-41

JOHN A. WHELAN

Defendant

Defendant

NOTICE OF THIS ON DEPT. BEWARE

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA BALDWIN COUNTY
Filed JUL 25 1941
Recorded *Book 25* page *1020*
and I certify that the following Privilege Tax has
been paid.
Deed Tax
Mortgage Tax
W. R. Stuart
Judge of Probate
By *W. R. Stuart*

W. R. Stuart 25

Special Agent in Charge
Baldwin County, Alabama

LLOYD A. MAGNEY,

Plaintiff,

Vs.

C. W. CLARK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW NUMBER 679.

NOTICE.

TO LLOYD A. MAGNEY:-

You are hereby notified that on the 20th day of August, 1941, C. W. CLARK, Defendant in the above styled cause, by W. H. HAWKINS, his attorney, filed in this Court an Unqualified Appearance for the said Defendant;

THEREFORE, you are required (by Title 7, Sec. 849 of 1940 Code of Alabama) to give bond payable to said defendant, in double the amount sued for, within five (5) days, or said levy shall be discharged.

WITNESS my hand this the 20th day of August, 1941.

R. S. Duck
R. S. DUCK, Clerk.

AT LAW 679.

Received in Sheriff's Office
this 20 day of Aug; 1941
W. R. STUART, Sheriff

LLOYD A. MAGNEY,

Plaintiff,

Vs.

C. W. CLARK,

Defendant.

NOTICE TO PLAINTIFF.

Issued August 20, 1941.

Executed Aug 22nd 1941
by serving a copy of the
within writ on
Lloyd A. Magney
W.R. Stuart Sheriff
By John R Davis D.S.

LLOYD A. MAGNEY,

PLAINTIFF,

VS.

C. W. CLARK,

DEFENDANT.

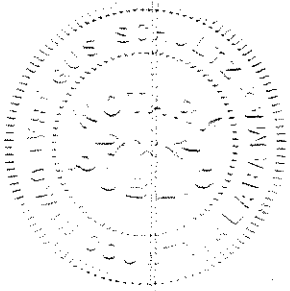
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW

AFFIDAVIT

STATE OF ALABAMA, }
BALDWIN COUNTY. }

Lloyd A. Magney being first duly sworn on his oath deposes and says that he is the above named Plaintiff; that the Defendant is justly indebted to the Plaintiff in the amount of ONE HUNDRED FIFTY-NINE & 00/100 (\$159.00) DOLLARS and that the same is justly due and that the Defendant resides out of the State of Alabama and is a resident of the State of Illinois, residing at 6629 South Lowe Avenue in the City of Chicago; that this attachment is not sued out for the purpose of vexing or harassing the Defendant

Subscribed in my presence and sworn to before
me this 1 day of July, 1941.



J. M. Schuetz
Notary Public

Plaintiff elects that the attachment shall issue
without a bond being given.

RECORDED

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

LLOYD A. MAGNEY,

PLAINTIFF,

VS.

C. W. CLARK,

DEFENDANT.

AFFIDAVIT

Filed July 24 1941
R. S. Durr, Clerk

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

COMPLAINT.

LLOYD A. MAGNEY, PLAINTIFF VS. C. W. CLARK, DEFENDANT.

Comes the plaintiff in the above entitled cause and demurs to the complaint and to each count thereof separately and severally.

First.

Because said count fails to state a cause of action.

Second.

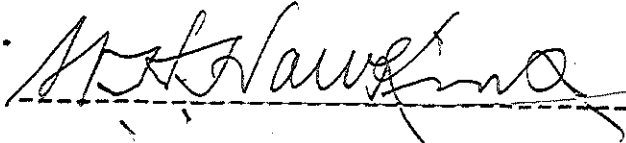
Because said count fails to set out each item of the account sued on or what services were performed or rendered at the request of the defendant.

Third.

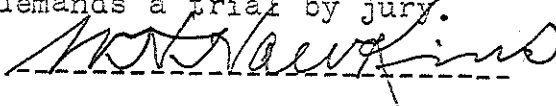
Because said count fails to show a proper assignment of the account of J. A. Ertzinger & Son.

Fourth.

Because the second count fails to show that defendant had notice of said alleged assignment.


Attorney for Defendant.

Defendant demands a trial by jury.


Attorney for Defendant.

Lloyd A. Magney, Pltff.

Vs.

C. W. Clark, Defendant.

Demurrers to Complaint.

W. H. Hawkins Attorney
for Defendant.

Filed September 8, 1941
R. S. Lusk, Clerk

Chicago Ill
aug. 14 1941

R S Luck
County Clerk
Bay Minette Ala

Dear Sir

I desire to know regarding
time allowed in attachment
case no 679 please send me
a mortgage I will pay back
promptly for same

yours Truly

C W Clark
6629 S Lake ave
Chicago Ill

stamp enclosed

Chicago Ill
aug. 14 1941

R S Luck
County Clerk
Bay Minette Ala

Dear Sir,

I desire to know regarding
time allowed in attachment
case no 679 please send me
a mortgage I will pay back
promptly for same

yours Truly

C W Clark
6629 S Low ave
Chicago Ill

stamp enclosed

Statement

The Baldwin Times

Bay Minette, Alabama

5-9

194 *1*

Hon. R. S. Luck

Job Printing:

Advertising:

Wagner vs Clark

177 Words @ 3 1/2¢

\$6.20

[illegible]