

690

C. V. LEWIS,
PLAINTIFF,
VS.
PETER ROTH,
DEFENDANT.

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

STATE OF ALABAMA,)
BALDWIN COUNTY .)

C. V. Lewis, being first duly sworn on his oath, deposes and says:

That there is due from the Defendant to the Plaintiff the sum of Four Hundred Fifty-four & 68/100 (\$454.68) Dollars; that process of garnishment is necessary, in the belief of this affiant, to obtain satisfaction thereof and that State Bank of Elberta is believed by this affiant to be chargeable as Garnishee in this cause.

C. V. Lewis

Subscribed in my presence and sworn to before me this 12th day of August, 1941.

David Tompkins
Notary Public

RECORDED

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

C. V. LEWIS,

PLAINTIFF,

VS.

PETER ROTH,

DEFENDANT.

AFFIDAVIT

Filed August 13, 1941
R. S. Dyer, Clerk

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA.

C. V. LEWIS,

PLAINTIFF,

VS.

PETER ROTH,

DEFENDANT.

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

GARNISHMENT BOND

STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS: That we, C. V. Lewis, as principal, J. J. Lewis and Laura Donaldson, as sureties, do hereby acknowledge ourselves indebted to Peter Roth in the sum of NINE HUNDRED FIFTY & 00/100 (\$950.00) DOLLARS, to the payment of which we bind ourselves, our heirs, executors, and administrators.

Sealed with our seals and dated this 12th day of August, 1941.

Now the condition of this obligation is that whereas the above bound C. V. Lewis has caused a writ of garnishment to be issued out of the office of the Clerk of the Circuit Court of Baldwin County, Alabama, and to be served State Bank of Elberta as garnishee Defendant, now if the Plaintiff shall prosecute said Garnishee to effect and pay to the Defendant all such damages as he may sustain from the wrongful or vexatious suing out of such garnishment then these presents shall be null and void but otherwise remain in full force and effect.

C. V. Lewis (SEAL)
Principal
J. J. Lewis (SEAL)
Surety
Laura Donaldson (SEAL)
Surety

Taken and approved this 12 day of August, 1941.

R. Shuck
Clerk

RECORDED

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

C. V. LEWIS,

PLAINTIFF,

VS.

PETER ROTH,

DEFENDANT.

GARNISHMENT BOND

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA.

No. 690 CIRCUIT COURT
Judgment August Term, 1931
Peter Peth
{ Defendant
Term, 1931, of the Circuit Court of said County,

DEAR SIRS: At the _____ Term, 193____, of the Circuit Court of said County,

recovered a judgment against _____ Dollars
for the sum of _____
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	
2	Issuing copies thereof,	30	1 25	2	Entering and returning Attachment,	25	1 50
3	Making every copy thereof, when over 200 words, per 100 words	15	30	3	Summoning garnishee and return,	1.50	
4	Entering Sheriff's return or copy thereof	20		4	Serving Summons and Return,	1.50	1 50
5	Docketing cause, to be charged but once,	25	25	5	Serving Subpoenas,	.65	
6	Entering Appearance	20		6	Impaneling jury,	.75	
7	Filing 2 pleas, demurrer and other pleadings, for each,	10	20	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	30	10	Collecting, execution for cost	1.50	
11	Entering any other order of Court (each)	30		11	Serving Sai Pa notices, etc.,	1.50	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	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,		4 50
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					
20	Issuing Attachment and taking bond, (ea.)	1.00					
21	Filing papers in attachment, (each)	10					
22	Issuing Summons for garnishee, (each)	50					
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than	50					
24	Order to advertise, or order of survey, or copy thereof,	50			Total Sheriff's Fees,		
25	Certificate of Judgment,	50					
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	25			RECAPITULATION		
27	Issuing Commission to take depositions, or copy thereof,	75		1	Clerk's Fees,		6 15
28	Making copy of interrogatories accompanying commission,	50		2	Clerk's Fees,		4 50
29	Or for each 100 words,	15		3	Sheriff's Fees,		
30	Filing packages of depositions, (each)	10		4	Sneriff's Fees,		
31	Indorsing package of deposition, opened (each),	10		5	Witness Fees in Circuit Court,		
32	Issuing writ of ad quod damnum or writ in the nature thereof,	75		6	Justice of the Peace Fees,		
33	Recording the return and inquest thereon,	50		7	Witness Fees, in Justice of the Peace Court		
34	Or for each 100 words,	15		8	Commissioner's Fees,		
35	Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature therof,	75		9	Commissioner's Residence,		
36	Filing the same and entering return,	15		10	Constable's Fees		
37	Making a complete record of a cause or copy thereof, for each 100 words,	15	2 35	11	Garnishee's Fees,		
38	Making copy of any paper not herein provided for, for each 100 words,	15		12	Printer's Fees,		
39	Making each certificate requiring the seal of office, and affixing seal,	50		13	Stenographer's Fees,		3 00
40	Taking any bond not otherwise provided for,	75	75	14	Trial Tax,		13 65
41	Making necessary certificates not otherwise provided for, (each witness),	25					
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00					
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,		6 15		Total Fees,		
				15	Judgment,		
				16	Date,		
				17	Interest,		
				18	Damages,		
					Total Judgment,		
					Interest and Damages,		
					Grand Total,		

No.

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Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

C. J. Lewis

vs.

Plaintiff

Peter Poths, Defendant
State Bank of Elberta,
Harrison

Civil Cost Bill
(NOTICE)

Received of

Dollars,

in payment of the above, this day

of , 193

, Clerk.

Lloyd A. Nagney

Plaintiff's Attorney.

Defendant's Attorney

LLOYD A. MAGNEY

LAWYER

FOLEY, ALABAMA

August 12, 1941.

Hon. R. S. Duck,

Clerk of the Circuit Court,

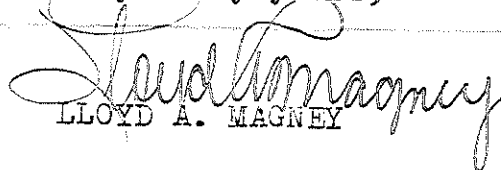
Bay Minette, Alabama.

Dear Sir:

I enclose herewith summons and complaint and affidavit for garnishment and bond in the matter of C. V. Lewis, Plaintiff Vs. Peter Roth, Defendant, State Bank of Elberta, Garnishee.

Please issue the summons and writ of garnishment to the sheriff and docket the case on the non-jury docket.

Very truly yours,


LLOYD A. MAGNEY

LAM:ms

Enc.

LLOYD A. MAGNEY

LAWYER

FOLEY, ALABAMA

August 23, 1941.

Hon. R. S. Duck,

Clerk of the Circuit Court,

Bay Minette, Alabama.

Dear Sir:

"Will you please send me a cost bill on the basis of a dismissal in the case of C. V. Lewis Vs. Peter Roth, State Bank of Elberta, garnishee, which I filed a few days ago.

I will appreciate it if you can get this to me by return mail.

Very truly yours,

Lloyd A. Magney
LLOYD A. MAGNEY

LAM:ms

LLOYD A. MAGNEY

LAWYER

FOLEY, ALABAMA

August 29, 1941.

Honorable R. S. Duck,

Clerk of the Circuit Court,

Bay Minette, Alabama.

Dear Sir:

I enclose my check for \$13.65 in payment of the enclosed cost bill in the case of Lewis vs. Roth.

Please receipt the bill and return it to me.

Very truly yours,

Lloyd A. Magney
LLOYD A. MAGNEY.

NB - dismiss case & notify garnishee of release
LM

LAM/mlm
Encl.

AUGUST 30th, 1941.

State Bank of Elberta,
Elberta, Alabama.

C. V. Low vs.
IN RE: Peter Roth,
State Bank of Elberta, Garnishee.

Dear Sirs:

This is to notify you that the Plaintiff in the above
styled cause has dismissed his suit against the defendant,
and you, as Garnishee, are therefore released.

Yours very truly,
S. S. BUCH, Clerk.

t.

C. V. LEWIS,
Plaintiff,

Vs.

PETER ROTH,
Defendant,

STATE BANK OF ELBERTA,
Garnishee .

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 690.

NOTICE TO DEFENDANT OF ISSUING
GARNISHMENT.

TO PETER ROTH:-

You will take notice that affidavit having been made in the above stated cause, by C. V. LEWIS, that THE STATE BANK OF ELBERTA, is supposed to be indebted to the said defendant, PETER ROTH, or have effects of the said PETER ROTH, in their possession, or under their control, and that he believes that process of garnishment is necessary against the said STATE BANK OF ELBERTA to obtain satisfaction of the said debt.

That Writ of Garnishment has this day been issued to the said THE STATE BANK OF ELBERTA, commanding them to be and appear before the Circuit Court to be holden for Baldwin County, Alabama, within thirty days after service thereof, then and there to answer on oath what they are indebted to the said PETER ROTH at the time of service of this Writ of Garnishment, or at the time of making their answer, and whether they will not be indebted in future to him by a contract then existing, and whether they have not in their possession or under their control, personal or real property or things in action belonging to the defendant, PETER ROTH.

WITNESS my hand this the 13th day of August, 1941.

R. S. Smith
Clerk of the Circuit Court,
Baldwin County, Alabama.

RECORDED

Civil 690

C. V. LEWIS,
PLAINTIFF,
VS.
PETER ROTH,
DEFENDANT.

STATE BANK OF ILLINOIS,
GARNISHEE.

NOTICE TO DEFENDANT OF
ISSUING GARNISHMENT.

Received in Sheriff's Office

this 3 day of Aug., 1941

W. R. STUART, Sheriff

Executed 8/18 1941

by serving copy of within
notice

on Peter Roth

W. R. Stuart Sheriff
By John R. Davis Deputy Sheriff

STATE OF ALABAMA,}
BALDWIN COUNTY.}

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Peter Roth 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 C. V. Lewis.

WITNESS my hand this 13th day of August, 1941.

R. L. Rush
Clerk

---ooo000ooo---

C. V. LEWIS,

PLAINTIFF,

VS.

PETER ROTH,

DEFENDANT.

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

COMPLAINT

1. The Plaintiff claims of the Defendant Three Hundred Eighty-three & 00/100 (\$383.00) Dollars, due by promissory note made by him on the 18th day of February, 1938 and payable on the 18th day of May, 1938, with interest thereon.

2. The Plaintiff avers that in, by and as a part of the note here sued upon the Defendant agreed to pay all costs of collecting or securing or attempting to collect or secure said note, including a reasonable attorney's fee; that the sum of Fifty & 00/100 (\$50.00) Dollars is such reasonable attorney's fee and the Plaintiff claims of the Defendant the further and additional sum of Fifty & 00/100 (\$50.00) Dollars as such attorney's fee.

3. The Plaintiff avers that in, by and as a part of the note here sued upon the Defendant waived as to said debt all right of exemption under the Constitution and Laws of Alabama or any

other state and of such waiver the Plaintiff now claims the benefit.


Attorney for the Plaintiff

Received in Sheriff's Office
this 13 day of Aug., 1941
W. R. STUART, Sheriff

Executed 8/18 19 41
by serving copy of within Summons and
Complaint on

Peter Roth

W. R. Stuart Sheriff
By John R. Davis Deputy Sheriff

069

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

C. V. LEWIS,

PLAINTIFF,

VS.

PETER ROTH,

DEFENDANT.

SUMMONS AND COMPLAINT

Filed August 13, 1941.
R. S. Smith, Clerk

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

The State of Alabama,
Baldwin County

CIRCUIT COURT

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

Whereas C. V. LEWIS

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said County, against PETER ROTH

for the sum of FOUR HUNDRED FIFTY FOUR & 68/100 (\$454.68) ~~THIRTY HUNDRED EIGHTY EIGHT & 00/100 (\$388.00)~~ Dollars and whereas, the said

C. V. LEWIS

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

~~SUMMONS FOR GARNISHMENT~~ Plaintiff PETER ROTH is indebted to ~~THE STATE BANK OF ALBERTA~~ in the sum of \$454.68

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

THE STATE BANK OF ALBERTA

is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said

THE STATE BANK OF ALBERTA

to be and appear at the next 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 13th day of August, 1941, 192

P. L. Dush

Clerk.

Received in Sheriff's Office
this 13 day of Aug, 1941
W. R. STUART, Sheriff

Executed 8/18/41
by serving a copy of
this writ to
Alfred Newman
at Corbin & the
State Bank of Alberta
W.R. Stuart Sheriff
By John R. Davis ss.

RECORDED

No. 690

Circuit Court of Baldwin County

C. V. LEWIS, Plaintiff

vs. } GARNISHMENT ON SUMMONS

PETER ROTH, Defendant,
STATE BANK OF ALBERTA,
Garnishee

Issued 13 day of August, 1941.

Lloyd R. Rogers

Plaintiff's Attorney