

State of Alabama, }

~~XXXXXXXXXX~~
Baldwin County~~CALHOUN COUNTY COURT~~
Circuit Court Baldwin County

TO ANY LAWFUL OFFICER OF SAID COUNTY—GREETING:

Whereas, W.D. Monk of Robertsdale Alabama, Plaintiff
Baldwin County Circuit
having complained on oath before the Clerk or Judge of the ~~CALHOUN COUNTY~~ Court, that
Clinton Davis, Defendant is justly indebted to the said plaintiff
in the sum of Five Hundred Dollars Dollars
and has made affidavit ~~and given bond~~ as required by law.

Now, therefore you are hereby commanded to attach so much of the estate of _____
the said Clinton Davis as will be of value, sufficient to satisfy
the complaint and costs, and such estate unless replevied, you will so secure that the same may be
liable to further proceedings thereon, to be had before the Judge of said Court on the 3 day
of Feb 1947 at 2:00 p. m. o'clock, where and when you must make return of this writ.

This writ is issued without the plaintiff having given bond.

Witness my hand this 21 day of January 1947

Alice J. Smith
~~Clerk of Calhoun County Court.~~
Clerk Baldwin County Circuit Court

Miss Luck
No. 1021.

W.D. Monk

Plaintiff

vs.

Clinton Davis

Defendant

Circuit Court Baldwin County
~~Calhoun County Court~~

ATTACHMENT WRIT

Executed by serving notice on Defendant and levying on the following property:

1 Pontiac Coupe "Black"
Tag 5-D-528-1947
One Fordson Tractor and
Gang Rice Plough.
This Jan 22. 1947
Taylor Wilkins Sheriff
By J. B. Griffin D.S.

Received in Sheriff's Office
this 21 day of Jan. 1947
W. R. STUART, Sheriff

J. B. Griffin

W.D. Monk,
Plaintiff

vs

Clinton Davis,
Defendant.

Circuit Court of Baldwin County.

Count 1. The plaintiff claims of the defendant Five Hundred Dollars (\$500.00) due from him for money received by the defendant to the use of the plaintiff which sum of money with the interest thereon is still unpaid.

Count 2. The plaintiff claims of the defendant the sum of \$500.00 for the breach of an agreement entered into by him with the plaintiff on, to-wit, the 15 day of November 1946., in substance as follows; The defendant agreed to sell the plaintiff a certain tract of land in Baldwin County Alabama for \$4800.00 to be paid for by the plaintiffs discharging a first mortgage on said land to the Baldwin County Savings and Loan Co. for \$3000.00 and a second mortgage on said land to one Oscar Pearson. It was further agreed the Defendant execute a deed to the plaintiff to be held in escrow until said mortgages were paid and to deliver possession of the premises to the plaintiff while the plaintiff agreed to pay \$500.00 at once on the first mortgage. The said deed was executed and put in escrow, the plaintiff was put in possession of said premises and the said 500.00 dollars was paid by the plaintiff over to the Perkins Development Co., agent of the defendant, for payment to the first mortgagee. The said \$500.00 was delivered to the defendant who has failed to turn it over to the first mortgagee as agreed hence this suit.

And plaintiff says that he believes defendant is over the age of twenty-one years, that he is a nonresident of the State of Alabama and that his address cannot be ascertained after reasonable effort.

Robert M. Mundine
Attorney for Plaintiff.

State of Alabama
Baldwin County

Before me, the undersigned authority, personally appeared Robert M. Mundine, who says on oath as follows: That he is attorney of record for the plaintiff in the above styled cause and authorized to make this affidavit; that from all information obtainable and relying thereon he verily believes the facts and statements in the foregoing complaint are correct.

Robert M. Mundine
Notary Public.

Sworn to and subscribed before me this 3rd day of Feb., 1947.

No. 1021

COMPLAINT

W.D.Monk,Plaintiff.

VS

Clinton Davis,Defendant.

Filed

2-3-47

*Alice J. Monk
clerk*

FOLEY, ALA., March 7, 1947

HOWELL PUBLISHING CO.

Alice F. Buck

HIGH QUALITY JOB PRINTING

[illegible]

NOTICE TO NON-RESIDENT

State of Alabama,
Baldwin County.

W. D. Monk, Plaintiff VS. Clinton Davis, Def.

Before me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, came Robert M. Mundine, attorney for the Plaintiff in the above styled cause, and it appearing that certain property of the said defendant has been levied upon, to-wit; One 1936 Model Pontiac Coupe, Tag No. 5-528 (1946); One Fordson Tractor; One gang disc plow; said levy being by virtue of an attachment issued from my office returnable the 3rd day of February, 1947 and that said defendant is a nonresident of this State; it is, therefore, ordered that said notice of attachment and the return thereof be given to the said Clinton Davis by publication once a week for three consecutive weeks before the said 12th day of March, 1947 in the Foley Onlooker a weekly newspaper published at Foley, Alabama and a copy thereof mailed to the defendant at his place of residence if known.

Given under my hand this 3rd day of February, 1947.

ALICE J. DUCK,
Clerk.

13-20-27

AFFIDAVIT OF PUBLICATION

I, Samuel L. Howard

publisher of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for Three consecutive weeks, com-

mencing with the issue dated Feb. 13, 1947, and

ending with the issue dated Feb. 27, 1947.

Samuel L. Howard
Subscribed and sworn to before me this _____ day
of March, 1947.

Notary Public.

My Commission Expires Jan. 10, 1947

ROBERT M. MUNDINE

ATTORNEY AT LAW

ROBERTSDALE, ALABAMA

February 10, 1947.

Mrs. R. J. Duck,
Circuit Clerk,
Bay Minette Ala.

Dear Mrs. Duck:

W.D. Monk vs Clinton Davis
Attachment Suit.

Attached please find original and one copy
of Notice To Nonresident which I will thank you to have
published as provided in the same. You will notice I
have not inserted the return date not having the
information in my file necessary. I will appreciate your
checking the file and then inserting the proper date.

Thanking you very much, I am,

Yours truly,

Robert M. Mundine

Filed 1-21-47

Returnable 2-3-47

Notice To Nonresident.

State of Alabama |
Baldwin County |

W.D.Monk,Plaintiff VS Clinton Davis,Def.

Before me,Alice J. Duck Clerk of the Circuit Court of Baldwin County,Robert M. Mundine,attorney for the Plaintiff in the above styled cause,and it appearing that certain property of the said defendant has been levied upon,to-wit;One 1936 Model Pontiac Coupe,Tag #5-528(1946);One Fordson Tractor;One gang disc plow,said levey being by virtue of an attachment issued from my office returnable the 3rd day of Feb 1947 and that said defendant is a nonresident of this State;it is, therefore,ordered that said notice of attachment and the return thereof be given to the said Clinton Davis by publication once a week for three consecutive weeks before the said 12 day of March 1947 in the Foley Onlooker a weekly newspaper published at Foley Alabama and a copy thereof mailed to the defendant at his place of residence if known.

Given under my hand this 3 day of February,1947.

Alice J. Duck
Clerk

Notice to Nonresident

W.D.Monk vs Clinton Davis

1021

STATE OF ALABAMA }
~~CALHOUN~~ COUNTY }
Baldwin

Before me, ----- A Notary Public ----- in and for said County, personally appeared Robert M. Mundine as attorney for W.D. Monk who being duly sworn, on oath, deposeth and sayeth that Clinton Davis ^{justly} ~~is~~ indebted to the said W.D. Monk in the sum of Five Hundred ----- Dollars, Is Justly Due after allowing all just offsets and discounts, and the said Clinton Davis resides out of the state of Alabama

----- and that the attachment is not sued out by him for the purpose of vexing or harassing the said defendant. -----

Sworn to and subscribed before me
this 20 day of Jan 1947
A. B. McPhaul
Notary Public.

Robert M. Mundine
attorney for W. D. Monk, Pl.

STATE OF ALABAMA }
CALHOUN COUNTY }

KNOW ALL MEN BY THESE PRESENTS:

That we, -----
are held and firmly bound unto -----
in the sum of ----- Dollars
to be paid to the said -----
heirs, executors and administrators or assigns, for the payment of which, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. And the right of exemption under the Constitution and Laws of Alabama is hereby waived.

Given under our hands and seals, this the ----- day of ----- 194-----

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, whereas, the above bound, ----- ha --- on the day of the date hereof, prayed an attachment at the suit of -----
against the estate of the above named -----
for the sum of ----- Dollars, and hath obtained the same returnable before the Calhoun County Court on the ----- day of ----- 194-----

Now, if the said plaintiff shall prosecute said attachment with effect, and pay said defendant ----- all such damage as ----- may sustain by the wrongful or vexaticus suing out of said attachment, then the above obligation to be void, otherwise to remain in full force and effect.

Approved
this ----- day of ----- 194-----

Clerk of Calhoun County Court.

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, W. D. Monk, of Robertsedale, Alabama, Plaintiff

Alice J. Duck
hath complained on oath to me, ~~ROBERTA S. DUCK~~, Clerk of Circuit Court of Baldwin County, Ala.,

that Clinton Davis, Defendant

is justly indebted to the ~~Plaintiff~~ ^{said}

in the sum of Five hundred Dollars, and

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
the said Clinton Davis

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 First Monday of February 193⁴⁷

next; when and where you must make known to said Court how you have executed this Writ.
This is ~~issued~~ without the Plaintiff having given bond

WITNESS, my hand, this 21st day of January A. D. 193⁴⁷

Alice J. Duck Clerk.

No. 1021

ATTACHMENT

W. D. MONK

Vs. { ATTACHMENT

CLINTON DAVIS

Issued 10-21-, 1937

MOORE PRINTING CO.,