

ROBERT E. STACEY
Plaintiff
vs.
MRS. BERNICE E. BOYD
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. 1108

ANSWER OF GARNISHEE

And now this the 3rd day of April, 1948, comes the State Bank of Elberta, Elberta, Alabama, a corporation, by and through A. M. Neumann, its cashier, who, being duly sworn, deposes and says that he is an officer of the State Bank of Elberta, a corporation, has personal knowledge of the facts herein stated and is authorized to sign this answer to said garnishment and for answer to same says: That the defendant, Mrs. Bernice E. Boyd sold resturant equipment to Arnold Jantz and Mrs. Della Jantz by chattel installment note dated February 27, 1947, in the principal amount of ONE THOUSAND TWO HUNDRED & 00/100 DOLLARS (\$1,200), which note was due and payable at the rate of FIFTY & 00/100 DOLLARS (\$50.00) a month, together with interest at the rate of seven per cent (7%) per annum, payable monthly, and that said chattel note is secured by to wit: All furniture in and on the premises known as the "Wee Bite Cafe," Foley, Alabama.

Said chattel mortgage is subject to State Bank of Elberta, first mortgage for \$1,500.00.

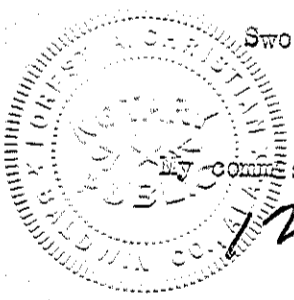
That Mrs. Bernice E. Boyd, the defendant, will have an equity in said chattel mortgage of an amount in excess of \$500.00, after the said State Bank of Elberta has been fully paid off, which payment should be accomplished approximately 30 days from this date; and that accordingly the said garnishee will have in its possession and under its control money or effects belonging to the defendant in an amount sufficient to pay the plaintiff's claim of TWO HUNDRED THIRTY EIGHT & 00/100 DOLLARS (\$238.00), plus court costs in the suit.

STATE BANK OF ELBERTA
BY;

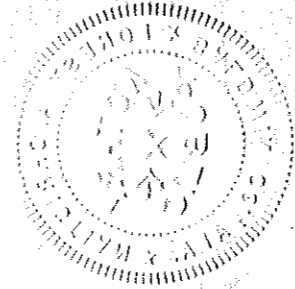
[Handwritten Signature]
Cashier

Sworn to and subscribed before me this the 3rd day of April, 1948.

[Handwritten Signature]
Notary Public



My commission expires:
12-27-49



RECORDED

ANSWER OF GARNISHEE

ROBERT E. STACEY,
Plaintiff

vs.

MRS. BERNICE E. BOYD,
Defendant

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

No. 1108

Filed
3-10-48
Alice J. Luck
clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

June 10, 1948

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

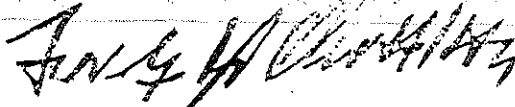
Re: Robert E. Stacey
vs: Mrs. Bernice E. Boyd
No. 1108

Dear Mrs. Duck:

I would like to know the approximate amount of the court costs in this case because Mr. Neumann called me this morning and wanted to get information as to the present amount of the debt. Perhaps he will be able to pay off this debt with this information.

Don't forget you will have the costs of advertising in this case also.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Forest A. Christian".

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

December 11, 1947

Mr. Taylor Wilkins, Sheriff
Bay Minette, Alabama

Re: Robert E. Stacey
Vs: Bernice E. Boyd

Dear Taylor:

Mrs. Alice J. Duck has advised me that a garnishment in the case mentioned above, which is to be served on the State Bank of Elberta, was taken to your office on October 22. Mr. Weumann, Cashier, states that he has not as yet been served with this garnishment. Will you kindly check this matter?

Yours very truly,

Forest A. Christian

TWENTY-FIRST JUDICIAL CIRCUIT

OF ALABAMA

F. W. HARE, JUDGE

A. H. ELLIOTT, CIRCUIT SOLICITOR

LOUISE JOHNSON, COURT REPORTER

MONROEVILLE, ALABAMA

February 19, 1948

Mrs. R. S. Duck,
Bay Minette, Alabama.

Dear Mrs. Duck:-

IN RE: Robert Stacey vs. Mrs. Bernice E. Boyd.

I am returning the file in the above styled case, as I know of no law authorizing me to render personal judgment against a non resident defendant on serv ice by publication. There does not appear to be any attachment levied by garnishment or otherwise.

Yours very truly,



F. W. HARE

Copy -

Forest A. Christian,
Foley, Alabama.

THE STATE OF ALABAMA:

IN THE CIRCUIT COURT -- LAW SIDE

BALDWIN COUNTY:

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mrs. Bernice E. Boyd 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 same, then and there, to answer the Complaint of Robert E. Stacey, Foley, Alabama.

WITNESS my hand this 22 day of October, 1947.

Alice J. Leach
Clerk

COMPLAINT

ROBERT E. STACEY
Plaintiff

-vs-

MRS. BERNICE E. BOYD
Defendant

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

The Plaintiff claims of the Defendant \$238.00, damages for a breach of warranty in the sale of a piano by her to Plaintiff, on or about the 1st day of February, 1947, which the Defendant warranted to be free and clear of all encumbrances when in fact the piano was sold to Defendant under a conditional sales contract by the Jesse France Piano Company of Mobile and the Plaintiff has been required to execute a new contract and assume the indebtedness of \$238.00, in order to prevent the said Jesse France Piano Company from repossessing the said piano until the conditional sales contract.

Forest A. Christian
Forest A. Christian
Attorney for Plaintiff

The Plaintiff has made oath and bond and has garnished the State Bank of Elberta.

Forest A. Christian

STATE OF ALABAMA:

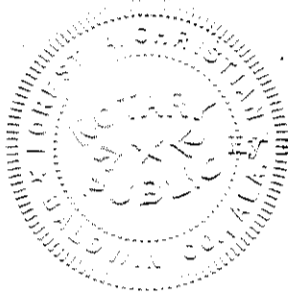
BALDWIN COUNTY:

Before me, Forest A. Christian, a Notary Public in and for said County and State, personally came Robert E. Stacey, who, being duly sworn by me, says that Bernice E. Boyd is indebted to him in the sum of \$238.00, and that The Bank of Elberta, is supposed to be indebted to, or have effect of said Bernice E. Boyd in its possession or under its control, and he believes process of garnishment against said State Bank of Elberta is necessary to obtain satisfaction of such claim.

Robert E. Stacey

Sworn to and subscribed before me on this 21st day of October, 1947.

Forest A. Christian
Notary Public



My commission expires:

THE STATE OF ALABAMA:

BALDWIN COUNTY:

KNOW ALL MEN BY THESE PRESENTS, that we, Robert E. Stacey, James H. Stacey and Donald V. Gears, are held and firmly bound unto Mrs. Bernice E. Boyd in the sum of \$476.00, to be paid to the said Bernice E. Boyd's certain attorney, executors, administrators or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this the 21st day of October, 1947.

The condition of this obligation is such that, whereas, the above bounden Robert E. Stacey has, the day of the date hereof, prayed process of garnishment against Mrs. Bernice E. Boyd on a summons and complaint at the suit of Robert E. Stacey against Mrs. Bernice E. Boyd for the sum of \$238.00, and has obtained the same, returnable to the next term of the Circuit Court of said County.

Now, if the said Robert E. Stacey shall prosecute said suit to effect, and pay the defendant all such damages as he may sustain by the wrongful or vexatious suing out of said garnishment, then for above obligation to be void; otherwise to remain in full force and effect.

Signed, sealed and delivered the date above written.

Robert E. Stacey (SEAL)
James H. Stacey (SEAL)
Donald V. Gears (SEAL)

Approved by me:

Alice J. Alcock
Clerk

THE STATE OF ALABAMA:

BALDWIN COUNTY:

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

WHEREAS, Robert E. Stacey, Plaintiff, has commenced suit by summons and complaint returnable to the present Term of Circuit Court of said County, against Mrs. Bernice E. Boyd, Defendant for the sum of TWO HUNDRED THIRTY-EIGHT & 00/100 DOLLARS (\$238.00); and whereas, Robert E. Stacey has made affidavit, as required by law, that the said Defendant is indebted to him in the sum of TWO HUNDRED THIRTY-EIGHT & 00/100 DOLLARS (\$238.00); that the State Bank of Elberta, Elberta, Alabama, is supposed to be indebted to said Defendant, or has effects of said Defendant in its possession or under its control, and that he believes that process of Garnishment against the said State Bank of Elberta, Elberta, Alabama, is necessary to obtain satisfaction of said claim, and has given bond as required by law.

THESE ARE THEREFORE TO COMEAND YOU, that you summon A.M. Neumann, Cashier of said State Bank of Elberta, Elberta, Alabama, to be and appear at the present Session of the Circuit Court of Baldwin to be holden for Baldwin County, within thirty days from the service of this writ, then and there to answer on oath, whether at the time of the service of this Writ of Garnishment, or at the time of making his answer, he has in his possession or under his control, any money or effects belonging to the defendant; and whether the State Bank of Elberta is indebted to said defendant or is liable to her on any contract for the payment of money or the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

Witness Alice J. Duck, Clerk of said Court at office this 22nd day of October, 1947.

Alice J. Duck
Clerk

THE STATE OF ALABAMA:

BAIRDWIN COUNTY:

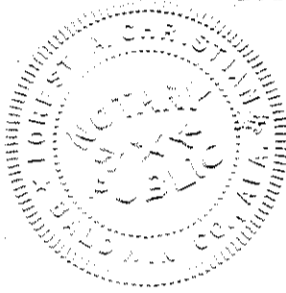
Before me, Forest A. Christian, a Notary Public in and for said County and State personally appeared Robert E. Stacey, who, being duly sworn, deposes and says as follows:

I am the Plaintiff in the case of Robert E. Stacey vs. Mrs. Bernice E. Boyd. I believe that Mrs. Bernice E. Boyd is a non-resident of the State of Alabama, her residence is believed to be at 419 Pacific Street, Brooklyn, N.Y., and the said Mrs. Bernice E. Boyd is believed to be over the age of twenty-one.

Robert E. Stacey

Sworn to and subscribed before me on this 21st day of October, 1947.

Forest A. Christian
Notary Public



My commission expires:

12/27/49

RECORDED

Received in Sheriff's Office
this 22 day of Oct, 1947
TAYLOR WILKINS, Sheriff

Executed 12-18 1947
by serving copy of within Summons and
Complaint on

Alford Newman agent
of State Bank of Alberta

Taylor Wilkins Sheriff
By H. J. Hall Deputy Sheriff

1108

RECORDED

COMPLAINT

ROBERT E. STACHY
Plaintiff

-vs-

MRS. ERMING E. BOYD
Defendant

IN THE CIRCUIT COURT OF
DADE COUNTY, ALABAMA

AT LAW.

*also affidavit
as to non-residence
12-18-47*

ALICE J. DUCK, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

MOTION FOR JUDGMENT BY DEFAULT


ROBERT E. STACEY,
Plaintiff

vs.

MRS. BEHNICE E. BOYD,
Defendant

)
) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA,
)
) AT LAW # 1108
)

Comes the Plaintiff, by his attorney, and requests Judgment by Default
in the amount of \$238.00.


Forest A. Christen, Foley, Alabama
Attorney for Plaintiff

RECORDED

MOTION FOR JUDGMENT BY DEFAULT

ROBERT E. STACEY,
Plaintiff

vs.

MRS. BERNICE E. BOYD,
Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

Filed

2-17-48

*Alice J. Duck
Clerk*

ROBERT E. STACEY
Plaintiff

vs.

MRS. BERNICE E. BOYD
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW No. 1108

ANSWER OF GARNISHEE

And now this the 3rd day of April, 1948, comes the State Bank of Elberta, Elberta, Alabama, a corporation, by and through A. M. Neumann, its cashier, who, being duly sworn, deposes and says that he is an officer of the State Bank of Elberta, a corporation, has personal knowledge of the facts herein stated and is authorized to sign this answer to said garnishment and for answer to same says: That the defendant, Mrs. Bernice E. Boyd sold restaurant equipment to Arnold Jantz and Mrs. Della Jantz by chattel installment note dated February 27, 1947, in the principal amount of ONE THOUSAND TWO HUNDRED & 00/100 DOLLARS (\$1,200), which note was due and payable at the rate of FIFTY & 00/100 DOLLARS (\$50.00) a month, together with interest at the rate of seven per cent (7%) per annum, payable monthly, and that said chattel note is secured by to wit: All furniture in and on the premises known as the "Wee Bite Cafe," Foley, Alabama.

Said chattel mortgage is subject to State Bank of Elberta, first mortgage for \$1,500.00.

That Mrs. Bernice E. Boyd, the defendant, will have an equity in said chattel mortgage of an amount in excess of \$500.00, after the said State Bank of Elberta has been fully paid off, which payment should be accomplished approximately 30 days from this date; and that accordingly the said garnishee will have in its possession and under its control money or effects belonging to the defendant in an amount sufficient to pay the plaintiff's claim of TWO HUNDRED THIRTY EIGHT & 00/100 DOLLARS (\$238.00), plus court costs in the suit.

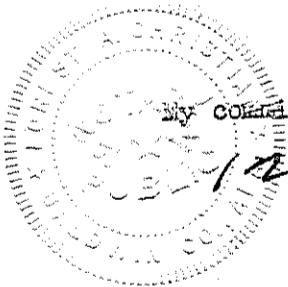
STATE BANK OF ELBERTA
BY:

[Signature]
Cashier

Sworn to and subscribed before me this the 3rd day of April, 1948.

[Signature]
Notary Public

My commission expires:



ANSWER TO GARNISHMENT

MRS. BERNICE E. BOYD

Plaintiff

vs.

ROBERT E. STACEY

Defendant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

No. 1108

ROBERT E. STACEY
Plaintiff

vs.

MRS. BERNICE E. BOYD
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW No. 1108

ORDER DIRECTING GARNISHEE TO PAY FUNDS INTO COURT

It appearing to the court from the sworn answer of the garnishee, admitting indebtedness to the defendant, that the garnishee is indebted to defendant in a sum larger than the amount sued for by the plaintiff, that defendant has not executed bond for the dissolution of the garnishment; and it further appearing to the court that there are funds of the defendant in the hands of the garnishee in excess of the amount sued for, and now held under the terms of the said garnishment.

IT IS THEREFORE, CONSIDERED, ORDERED and ADJUDGED by the court that the State Bank of Elberta, Elberta, Alabama, a corporation, the garnishee, do pay into the hands of the clerk the sum of TWO HUNDRED THIRTY EIGHT & 00/100 DOLLARS (\$238.00) plus the court costs in said suit in the amount of \$26.20 out of the funds due said defendant, as soon as the defendant becomes entitled to the said sums of money (after the said State Bank of Elberta has had an opportunity to recover any and all sums due it by the said defendant); out of the funds due said defendant as admitted in the sworn answer of the garnishee, which sum is to be held by the clerk subject to whatever judgment may hereafter be rendered in this cause.

CONSIDERED, ORDERED and ADJUDGED further that when said sum is so paid into the hands of the clerk, that the garnishee shall be discharged from all liability for the amount so paid.

Dated this the 17th day of April, 1948.

F. M. Hare
Circuit Judge

RECORDED

ORDER DIRECTING GARNISHEE TO

PAY FUNDS INTO COURT

ROBERT E. STACEY,
Plaintiff

vs.

MRS. BERNICE E. BOYD,
Defendant

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

No. 1108

Filed
H-112-48
Wesley J. Duke
clerk

NON-RESIDENT NOTICE.

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

ROBERT E. STACEY,
Plaintiff

vs.

MRS. BERNICE E. BOYD,
Defendant

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

In this cause it is made to appear to the Register by the affidavit of Forest A. Christian, attorney for the plaintiff in the above stated cause, that the defendant, Mrs. Bernice E. Boyd, is a non-resident of the State of Alabama, and that she resides at 419 Pacific Street, Brooklyn, in the State of New York, and that in the belief of affiant said defendant is over the age of twenty-one years.

It is therefore ordered by the Register that publication be made in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring her, the said Mrs. Bernice E. Boyd, to plead, answer or demur to the bill of complaint in this cause by the 24th day of June, 1948, or in thirty days thereafter a decree pro confesso may be taken against her.

The defendant is further notified that the plaintiff has served out process of garnishment against the State Bank of Elberta, Elberta, Alabama, believing that the said bank is indebted to, or having effects of the said defendant.

Dated this 19 day of November, 1947.

Alice J. Alcock
Register

Forest A. Christian
Attorney for Plaintiff

Defendant
MRS. BERNICE E. BOYD.

AS

Plaintiff
ROBERT E. STACEY.

NON-RESIDENT NOTICE

RECORDED

1108

NON-RESIDENT NOTICE

THE STATE OF ALABAMA,
BALDWIN COUNTY.

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

ROBERT E. STACEY,
Plaintiff
vs.
MRS. BERNICE E. BOYD,
Defendant.

In this cause it is made to appear to the Register by the affidavit of Forest A. Christian, attorney for the plaintiff in the above stated cause, that the defendant, Mrs. Bernice E. Boyd, is a non-resident of the State of Alabama, and that she resides at 419 Pacific Street, Brooklyn, in the State of New York, and that in the belief of said attorney she is over the age of twenty-one years.

It is therefore ordered by the Register that publication be made in the Baldwin County, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring here, the said Mrs. Bernice E. Boyd to plead, answer or demur to the bill of complaint in this cause by the day of Monday, November 14, 1947, or in thirty days thereafter, or unless the contrary may be shown against her.

The defendant's lawyer notified that the plaintiff has served out process of summons against the State of Alabama, and that the plaintiff believes that the said sum is indebted to, or having effects of the said defendant.

Dated this 14 day of November, 1947.

[Signature]
Register

Forest A. Christian
Attorney for Plaintiff

1108

RECORDED
NON-RESIDENT NOTICE

ROBERT E. STACEY,
Plaintiff
vs.
MRS. BERNICE E. BOYD,
Defendant

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the attached legal notice appeared in the Fairhope Courier, a newspaper published in Fairhope Baldwin Co., Ala., on the dates of Nov. 27, Dec. 4, 11, 18 1947

Frances G. Crawford

Frances G. Crawford, Editor

State of Alabama
Baldwin County

Subscribed and sworn to this 8th day of January,
A. D. 1948, before me.

E. Cramer

Notary Public, Baldwin County, Alabama.

Non-Resident Notice

The State of Alabama,
Baldwin County.
Robert E. Stacey, Plaintiff, vs.
Mrs. Bernice E. Boyd, Defendant.
In The Circuit Court of
Baldwin County, Alabama
At Law

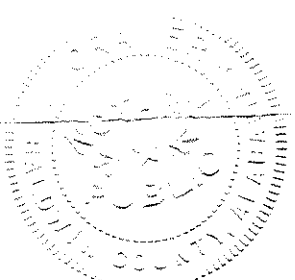
In this cause it is made to appear to the Register by the affidavit of Forest A. Christian, attorney for the plaintiff in the above stated cause, that the defendant, Mrs. Bernice E. Boyd, is a non-resident of the State of Alabama, and that she resides at 419 Pacific Street, Brooklyn, in the State of New York, and that in the belief of affiant said defendant is over the age of twenty-one years.

It is therefore ordered by the Register that publication be made in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, requiring her, the said Mrs. Bernice E. Boyd, to plead, answer or demur to the bill of complaint in this cause by the 8th day of January, 1948, or in thirty days thereafter a decree pro confesso may be taken against her.

The defendant is further notified that the plaintiff has served out process of garnishment against the State Bank of Elberta, Elberta, Alabama, believing that the said bank is indebted to, or having effects of the said defendant.

Dated this 19th day of November, 1947.

Alice J. Duck, Register
Forest A. Christian 18-47
Attorney for Plaintiff



Fairhope, Ala., Dec 31 1947

M. Mrs. Alice Dunk

Bay Minette Ala.
IN ACCOUNT WITH

The Fairhope Courier
E. B. Gaston Estate, Publisher
Advertising and Commercial Printing
Rates on Application

Legal notice of
229 words Re
Robt E. Stacy
vs Berencie E. Dryd
Nov. 27 - Dec. 4 - 11 - 18

* 19.30