

1122

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA:

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

BALDWIN COUNTY:

TO ANY SHERIFF OF THE STATE OF ALABAMA: You are hereby commanded to summon J.M. (MILTON) LEE. to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against J.M. (MILTON) LEE, by SOUTHERN FLOWER FARMS, INC., an Alabama corporation.

Witness my hand this the 4th day of
December, 1947.

Alice J. Smith
CLERK

SOUTHERN FLOWER FARMS, INC.
An Alabama corporation
Plaintiff

-vs-

J.M. (MILTON) LEE
Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

AT LAW

COMPLAINT

COUNT ONE

The Plaintiff claims of the Defendant the following personal property viz.; one Chevrolet Fleetline 8 DKG 5879 Aero sedan 1946 Motor DAA 153273, with the value of the hire or use thereof during the detention, viz.: from the 28th day of November, 1947.

COUNT TWO

The Plaintiff claims of the Defendant \$795.00, due by chattel mortgage note, made by him on the 5th day of August, 1947, to Wm. J. Eldering and duly transferred and assigned to said Plaintiff, and payable on demand in twelve monthly installments of \$66.25. each beginning on the 5th day of September, 1947, with interest thereon at 6% per annum from the 5th day of December, 1947.

And the Plaintiff avers that in said note and as a part of the consideration thereof, the Defendant, waived his right to payment of this debt, all right of exemption under the Constitution and Laws of the State of Alabama, or any other state in the United States and agreed to pay a reasonable attorney's fee for the collection thereof, and the Plaintiff claims the sum of \$120.00, as such attorney's fee.

COUNT THREE

The Plaintiff claims of the Defendant \$915.00, damages for conversion by him, on the 28th day of November, 1947, on the following chattel:

One Chevrolet Fleetline 8 DKG 5879 Aerosedan 1946 Motor DAA 153273, the property of the Plaintiff.

There is attached hereto and made a part hereof an itemized statement of the amount of this claim, verified by the affidavit of a competent witness.

Forest A. Christian
Eley, Alabama
Attorney for Plaintiff

Made before and certified to by a Notary

Public which shows the amount owed on this claim of November 28, 1947.

Forest A. Christian

THE STATE OF ALABAMA:

BALDWIN COUNTY:

AFFIDAVIT OF WM. J. ELDERING

Wm. J. Eldering, first being duly sworn, deposes and says as follows:

My name is Wm. J. Eldering, I am the President of the Southern Flower Farms, Inc. On August 5, 1947, J.M. Lee came to me and borrowed \$795.00, and as evidence of said debt and to secure the same, the said J.M. Lee executed a chattle mortgage note to me in the amount of \$795.00, which was due and payable on demand in twelve monthly installments of \$66.25, each beginning on the 5th day of September, 1947, with interest thereon at 6% per annum from the 5th day of December, 1947; and he conveyed one Chevrolet Fleetline 8 DKG 5879 Aerosedan 1946 Motor DAA 153273. And I have duly transferred and assigned said note to Southern Flower Farms, Inc.

The said J.M. Lee has made no payments whatsoever on this note. This note had a waiver of exemptions and also provided for a reasonable attorney's fee. The Southern Flower Farms, Inc. have employed Forest A. Christian to collect this note. The balance due on this note is \$795.00, principal with interest thereon at 6% per annum from the 28th day of November, 1947.

Wm. J. Eldering

Wm. J. Eldering

Sworn and subscribed to before me this 4th day of December, 1947.

Forest A. Christian
Notary Public

AFFIDAVIT

THE STATE OF ALABAMA:

BALDWIN COUNTY:

Before me, Forest A. Christian, personally appeared Wm. J. Eldering, known to me to be President of Southern Flower Farms, Inc., who being duly sworn, deposes and says that the property sued for in the complaint of Southern Flower Farms, Inc. vs. J.M. Lee, to-wit: one Chevrolet Fleetline 8 DKG 5879 Aerosedan 1946 Motor DAA 153273, belongs to Plaintiff.

Wm. J. Eldering

Sworn to and subscribed before me this the 4th day of December, 1947.

Forest A. Christian
Notary Public

AFFIDAVIT

THE STATE OF ALABAMA:

BALDWIN COUNTY:

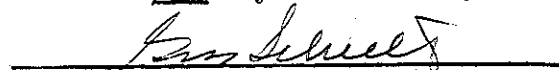
AFFIDAVIT OF FOREST A. CHRISTIAN

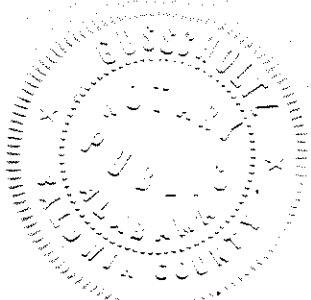
Forest A. Christian, first being duly sworn, deposes and says as follows:

That he is a duly licensed attorney, practising law at Foley, Alabama; that he knows the reasonable fee to be charged for legal services by members of the Bar of the State of Alabama and more especially Baldwin County in said state; that the Southern Flower Farms, Inc., has employed him to collect a debt owed by J.M. Lee on a chattel mortgage note, in which the Defendant agreed to pay all costs of collection, or attempting to collect or repossessing or attempting to repossess, including reasonable attorney's fees whether incurred with or without suit; and that he believes that \$120.00, is a reasonable fee in this matter.


Forest A. Christian

Sworn and subscribed to before me this 4th day of December, 1947.


Notary Public



STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

The Plaintiff in this suit having made Affidavit and given bond as required by law, you here hereby commanded to take the property mentioned in the within complaint into your possession unless the said Defendant give bond payable to the Plaintiff with sufficient surety in double the value of the said property with condition that if the Defendant is cast in the suit, he will, within thirty days thereafter, deliver the property to the Plaintiff and pay all cash costs and damages which may accrue from the detention thereof.

Dated this 4th day of December, 1947.

W. H. Church
Clerk of Circuit Court.

SUMMONS, COMPLAINT, DEFENSE,
AFFIDAVIT and BOND

SOUTHERN FLOWER FARMS, INC.
An Alabama corporation

-VS-

J. M. LEE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

*filed
12-4-47
W. H. Church*

*4 1/2 J.M. LEE
12-17-47
W. H. Church
3:30 P.M.*

Received 5th 1947
Day of Dec
and on 5th 1947
I served a copy of the within on
BY *W. H. Church*
W. H. Church, Sheriff
BY *W. H. Church*

DETINUE BOND

THE STATE OF ALABAMA:

BALDWIN COUNTY:

KNOW ALL MEN BY THESE PRESENTS, that we, Southern Flowers Farms, Inc., a corporation, Wm. J. Eldering, individually, and SOUTHERN BULLB FARM
INC., are held and firmly bound unto J.M. Lee in the sum of \$1000.00, to be paid to the said J.M. Lee, his heirs, 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 and firmly by these presents.

Sealed with our seals and dated this ____ day of December, 1947.

The condition of the above obligation is such that, whereas, the above bound Southern Flower Farms. Inc. on the day of the date hereof, hath obtained, at the suit of Southern Flower Farms. Inc., a summons and complaint for the recovery of the personal chattels in specific against J.M. Lee, and asks an indorsement by the Clerk of this Court, "That the Sheriff is required to take the property mentioned in said complaint into his possession," as returnable to the next term of the Circuit Court for said County, and which said indorsement is made upon the plaintiff entering into this bond:

Now if the plaintiff shall fail in this suit, and shall pay the defendant all the costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be null and void, otherwise to remain of full force and effect.

Approved this 4th day of December, 1947.

Southern Flower Farms Inc
Wm. J. Eldering (SEAL)
Wm. J. Eldering (SEAL)
SOUTHERN BULLB FARMS INC (SEAL)

Alice J. Luck
Clerk

William J. Lee Pre. Sec.