

1204

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ELSIE NOVAK, 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 ELSIE NOVAK, by the FARMERS & MERCHANTS BANK, an Alabama Corporation, Foley, Alabama.

Witness my hand this the 8th day of July, 1948.

Alice J. Duck
Clerk

COMPLAINT

FARMERS & MERCHANTS BANK,
an Alabama Corporation,
Foley, Alabama,
Plaintiff
vs.
ELSIE NOVAK,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT I

The Plaintiff claims of the Defendant the following personal property, viz: One 1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826, Serial No. 8EKB 4642, with the value of the hire or use thereof during the detention, viz: from the 6th day of July, 1948.

COUNT II

The Plaintiff claims of the Defendant the sum of FIFTY SEVEN & 00/100 DOLLARS (\$57.00), due by chattel mortgage note, made by her on the 6th day of December, 1947, and due and payable on demand and in monthly installments of \$50.00 each, however, in the event that any of said monthly installments are not paid when due, the whole of the amount being unpaid immediately becomes due and payable, with interest at the rate of eight per cent (8%) per annum, from July 6, 1948, until paid.

And the Plaintiff avers that in said note and as a part of the consideration thereof, the Defendant waives her 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 \$25.00, as such attorney's fee.

COUNT III

The Plaintiff claims of the Defendant the sum of EIGHTY TWO & 00/100 DOLLARS (\$82.00), damages for conversion by her, on the 10th day of June, 1948, on the following chattel:

1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826, Serial No. 8EKB 4642, the property of the Plaintiff

Forest A. Christian
Forest A. Christian, Foley, Alabama
Attorney for Plaintiff

Farmers & Merchants Bank vs: Elsie Novak
Page # 2.

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, made before and certified
to by a Notary Public, which shows the amount owed
on this claim as of July 6, 1948.

Attest Charles H. H.

The Defendant lives Southwest of Silverhill and about 2 miles South
of Riverside Inn.

AFFIDAVIT OF FOREST A. CHRISTIAN

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

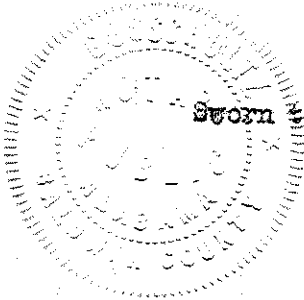
Forest A. Christian, first being duly sworn, deposes and says as follows:

That he is a duly licensed attorney practicing 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 Farmers & Merchants Bank has employed him to collect a debt owed by Elsie Novak 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 a reasonable attorney's fee, whether incurred with or without suit; and that he believes that \$25.00 is a reasonable fee in this matter.


Forest A. Christian, Affiant

Sworn to and subscribed to before me this the 7th day of July, 1948.


Notary Public



AFFIDAVIT OF E. F. SANDERS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

E. F. Sanders, first being duly sworn, deposes and says as follows:

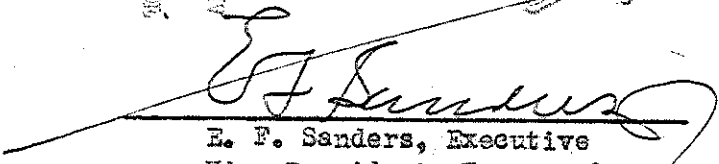
My name is E. F. Sanders, I am executive vice-president of the Farmers & Merchants Bank, Foley, Alabama. On December 6, 1947, Elsie Novak borrowed from our bank the sum of \$600.00, and executed a chattel mortgage note on an automobile, described as follows:

One 1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826, Serial No. 8EKB 4642.

This note was due and payable on demand and in 12 monthly installments of \$50.00 each, beginning on the 6th day of January, 1948, and said note provides that in the event said monthly installments are not paid when due the unpaid balance shall immediately become due and payable.

Elsie Novak became delinquent as to the first payment, it being paid nine days late, and has been late as to every payment, except one, and there is still an unpaid balance, as of July 6, 1948, of \$57.00.


We have employed Forest A. Christian as our attorney to repossess the automobile conveyed to us by the Defendant.


E. F. Sanders, Executive
Vice-President, Farmers &
Merchants Bank, Foley, Ala.

Sworn to and subscribed before me this the 6th day of July, 1948.

My commission expires:

12-27-49


Notary Public

AFFIDAVIT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, Forest A. Christian, personally appeared E. F. Sanders, known to me to be the executive vice-president of the Farmers & Merchants Bank, Foley, Alabama, who being duly sworn, deposes and says that the property sued for in the complaint of Farmers & Merchants Bank vs. Elsie Novak, to wit: One 1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826, Serial No. 8EKB 4642, belongs to the Plaintiff.

Sworn to and subscribed before me this the 6th of July, 1948.

My commission expires:

12/27/49



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FILED
JUL 8 1948
HARRISBURG, PA.
CLERK

FARMERS & MERCHANTS BANK
An Alabama Corporation,
Foley, Alabama,
Plaintiff

LESLIE NOVAK

STANDARD FORM NO. 64

[illegible]

SECTION 2. K. TO PROVIDE
ANNUAL REPORT OF THE BOARD

DETINUE BOND

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

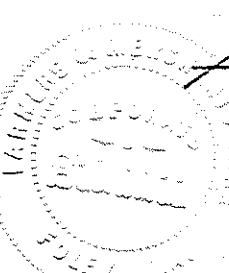
KNOW ALL MEN BY THESE PRESENTS, that we, the Farmers & Merchants Bank of Foley, an Alabama corporation, is held and firmly bound unto Elsie Novak in the sum of ONE HUNDRED SIXTY FOUR & 00/100 DOLLARS (\$164.00), to be paid to the said Elsie Novak, her heirs, executors, administrators or assigns, for which payment, well and truly to be made, it binds itself, its successors and assigns, firmly by these presents.

Sealed with its seal this the 7th day of July, 1948.

The condition of the above obligation is such that, whereas, the above bound Farmers & Merchants Bank on the day of the date hereof, hath obtained, at the suit of the Farmers & Merchants Bank, a summons and complaint for the recovery of the personal chattels in specific against Elsie Novak, 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 she 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.

Attest:


[Signature]
Cashier

FARMERS & MERCHANTS BANK
BY:

[Signature]

Approved this the 8th day of July, 1948.

[Signature]
Clerk

1204

RECORDED

DETINUE BOND

FARMERS & MERCHANTS BANK
AN ALABAMA CORPORATION
FOLEY, ALABAMA

VS.

ELSIE NOVAK



SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ELSIE NOVAK, 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 ELSIE NOVAK, by the FARMERS & MERCHANTS BANK, an Alabama Corporation, Foley, Alabama.

Witness my hand this the 8th day of July, 1948.

Alice Duch
Clerk

COMPLAINT

FARMERS & MERCHANTS BANK,
an Alabama Corporation,
Foley, Alabama,
Plaintiff
vs.
ELSIE NOVAK,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT I

The Plaintiff claims of the Defendant the following personal property, viz: One 1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826, Serial No. 8EKB 4642, with the value of the hire or use thereof during the detention, viz: from the 6th day of July, 1948.

COUNT II

The Plaintiff claims of the Defendant the sum of FIFTY SEVEN & 00/100 DOLLARS (\$57.00), due by chattel mortgage note, made by her on the 6th day of December, 1947, and due and payable on demand and in monthly installments of \$50.00 each, however, in the event that any of said monthly installments are not paid when due, the whole of the amount being unpaid immediately becomes due and payable, with interest at the rate of eight per cent (8%) per annum, from July 6, 1948, until paid.

And the Plaintiff avers that in said note and as a part of the consideration thereof, the Defendant waives her 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 \$25.00, as such attorney's fee.

COUNT III

The Plaintiff claims of the Defendant the sum of EIGHTY TWO & 00/100 DOLLARS (\$82.00), damages for conversion by her, on the 10th day of June, 1948, on the following chattel:

1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826,
Serial No. 8EKB 4642, the property of the Plaintiff

Forest A. Christian
Forest A. Christian, Foley, Alabama
Attorney for Plaintiff

Farmers & Merchants Bank vs: Elsie Novak
Page # 2.

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, made before and certified to by a Notary Public, which shows the amount owed on this claim as of July 6, 1948.

F. W. H. Christensen

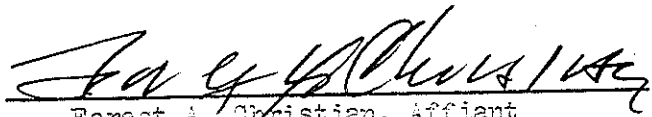
The Defendant lives Southwest of Silverhill and about 2 miles South of Riverside Inn.

AFFIDAVIT OF FOREST A. CHRISTIAN

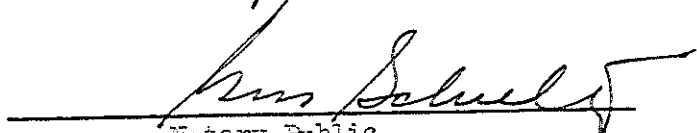
THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

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

That he is a duly licensed attorney practicing 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 Farmers & Merchants Bank has employed him to collect a debt owed by Elsie Novak 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 a reasonable attorney's fee, whether incurred with or without suit; and that he believes that \$25.00 is a reasonable fee in this matter.


Forest A. Christian, Affiant

Sworn to and subscribed to before me this the 7th day of July, 1948.


Notary Public

AFFIDAVIT OF E. F. SANDERS

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

E. F. Sanders, first being duly sworn, deposes and says as follows:

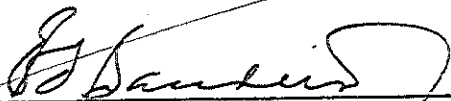
My name is E. F. Sanders, I am executive vice-president of the Farmers & Merchants Bank, Foley, Alabama. On December 6, 1947, Elsie Novak borrowed from our bank the sum of \$600.00, and executed a chattel mortgage note on an automobile, described as follows:

One 1947 Model Chevrolet Fleetline 2-door Sedan, Motor
No. Eaa3826, Serial No. 8EKB 4642.

This note was due and payable on demand and in 12 monthly installments of \$50.00 each, beginning on the 6th day of January, 1948, and said note provides that in the event said monthly installments are not paid when due the unpaid balance shall immediately become due and payable.

Elsie Novak became delinquent as to the first payment, it being paid nine days late, and has been late as to every payment, except one, and there is still an unpaid balance, as of July 6, 1948, of \$57.00.

We have employed Forest A. Christian as our attorney to repossess the automobile conveyed to us by the Defendant.



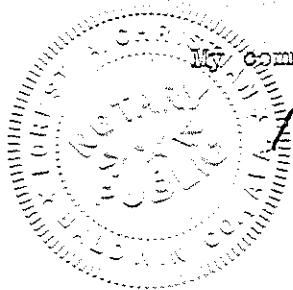
E. F. Sanders, Executive
Vice-President, Farmers &
Merchants Bank, Foley, Ala.

Sworn to and subscribed before me this the 6th day of July, 1948.


Notary Public

My commission expires:

12-27-49



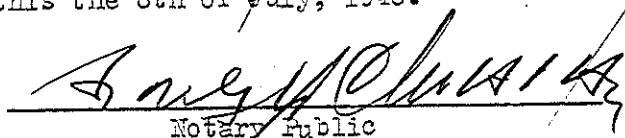
AFFIDAVIT

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

Before me, Forest A. Christian, personally appeared E. F. Sanders, known to me to be the executive vice-president of the Farmers & Merchants Bank, Foley, Alabama, who being duly sworn, deposes and says that the property sued for in the complaint of Farmers & Merchants Bank vs. Elsie Novak, to wit: One 1947 Model Chevrolet Fleetline 2-door Sedan, Motor No. Eaa3826, Serial No. 8EKB 4642, belongs to the Plaintiff.



Sworn to and subscribed before me this the 6th of July, 1948.


Notary Public

My commission expires:

12/27/49



ORDER TO SHERIFF TO TAKE PROPERTY INTO POSSESSION

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO THE SHERIFF OF SAID COUNTY - GREETING:

The Plaintiff having given bond and made affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession unless the defendant give bond payable to the plaintiff, with security double the value of the property, conditioned that if the defendant is cast in the suit, he will within thirty days thereafter, deliver the property to the plaintiff, and pay all costs and damages which may accrue from the detention thereof.

Witness my hand this 8th day of July, 1948.

Alice J. Warrick
Clerk Circuit Court, Baldwin County, Ala.

1204 RECORDED

SUMMONS AND COMPLAINT

FARMERS & MERCHANTS BANK,
an Alabama Corporation,
Foley, Alabama, Plaintiff

vs.

ELSIE NOVAK,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

JUL 8 1948

ALICE J. WARRICK, CLERK

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

Received in Sheriff's Office
this 8 day of July, 1948
TAYLOR WILKINS, Sheriff

hot