

1253

KIRBY WHARTON,
Plaintiff

LAW

CIRCUIT COURT OF

BALDWIN COUNTY

-vs-

WILLIAM SCHNEIDER,
Defendant

ALABAMA

TO: MRS. ALICE J. DUCK, CLERK OF SAID COUNTY:

The Defendant having failed to plead, answer or demur to the Complaint in this cause within the time prescribed by law, Plaintiff hereby demands judgment by default for the amount stated in the Complaint and requests that such demand be noted in the docket and within five days thereafter that the papers in the case, including Itemized and Verified Statement of Account be sent to the Judge of this Court, together with certificate showing Defendant's default, and request for judgment in vacation.

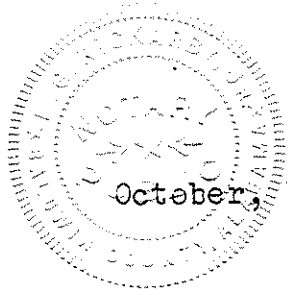
Account.....	\$308.60
Interest.....	6.17
Total	\$314.77


Attorneys for Plaintiff.

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public, personally appeared KIRBY WHARTON, being first duly sworn, deposes and says that he is the owner of the attached statement on WILLIAM SCHNEIDER and as such has knowledge of the correctness of the account between himself and William Schneider and that the attached itemized statement correctly shows such account and that the balance of THREE HUNDRED EIGHT and 60/100 DOLLARS shown thereon is still due after allowance of all proper credits and is unpaid.



Subscribed and sworn to before me on this the 8 day of October, 1948.


Notary Public, Baldwin County, Alabama

PUBLIC ACCOUNTANT

AUDITOR

EDWIN BLUTHARDT

TEL. 3242

FAIRHOPE, ALABAMA

October 5, 1948

Re: William Schneider

William Schneider

Statement of account with Kirby Wharton

POLICY	EXP. DATE	COVERAGE	PREMIUM
Prov. W. 117906	7/29/48	\$2000. on dwelling in Foley, Ala. Fire, Lightning & E.C.	\$ 22.80
Prov. W. 117907	7/29/48	\$5000. on stock of Auto Parts and Accessories \$5000. on Garage and Machine Shop machinery and equipment Fire, Lightning & E. C.	<u>285.80</u>

Total Amount Due
As of 7/29/48

\$308.60

1253

RECORDED

Kirby Wharton
vs.

William Schneider

Filed 10-9-48
Alice J. Luck
Clerk

on act

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KIRBY WHARTON,
Plaintiff

-VS-

WILLIAM SCHNEIDER,
Defendant

LAW

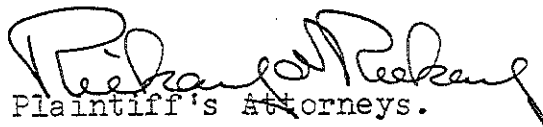
CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

COUNT #I

The Plaintiff claims of the Defendant THREE HUNDRED EIGHT and 60/100 DOLLARS (\$308.00) due from him by account on to-wit, the 29th day of July, 1948, all of which sums of money with interest thereon from the 29th day of July, 1948 is still due and unpaid.


Plaintiff's Attorneys.

The account shown on which this action is based is evidenced by an itemized and verified statement filed herewith.


Plaintiff's Attorneys.

RECORDED

No. 1253

Page 1

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

KIRBY WHARTON

Plaintiffs

vs.

WILLIAM SCHNEIDER

Defendants

SUMMONS and COMPLAINT

Filed 10-9, 1948

W. J. Leach Clerk

RICKABY & RICKABY

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

Foley, Alabama

RECEIVED IN OFFICE

10-9, 1948

Taylor Wilkins, Sheriff

I have executed this summons

this Oct 9, 1948
by leaving a copy with

William Schneider

Taylor Wilkins Sheriff

H. F. Hall Deputy Sheriff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.-----

-----TERM, 194-----

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon WILLIAM SCHNEIDER

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-----

William Schneider

, Defendant----

by-----

KIRBY WHARTON

, Plaintiff----

Witness my hand this

9

day of

Oct

194

8

Alice J. Duck

, Clerk.

STATE OF ALABAMA,
BALDWIN COUNTY

TO William Schneider, Defendant....:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

Kirby W. Harton, Plaintiff....,
versus William Schneider, Defendant....,

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

State Bank of Elberta
has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 7th
day of February, 1949.

W. J. Duck
Clerk of the Circuit Court.

Received in Sheriff's Office
this 7 day of Feb, 1949
TAYLOR WILKINS, Sheriff

Executed 2-9-49
By serving copy of the
writ on
William Schneider

Taylor Wilkins Sheriff
147 1st all
D. S.

NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

TO

Plaintiff

VS.

Defendant.....

STATE OF ALABAMA:

COUNTY OF BALDWIN:

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

Whereas E. G. RICKARBY, Jr., of counsel for Plaintiff, has made affidavit as required by law that at the Fall Term, A. D., 1948, of the Circuit Court of Baldwin County, KIRBY WHARTON, the Plaintiff, recovered a judgment against WILLIAM SCHNEIDER, the Defendant, for the sum of THREE HUNDRED FOURTEEN and 77/100 DOLLARS, and the further sum of ELEVEN and 25/100 DOLLARS, cost of suit; and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that the STATE BANK OF ELBERTA, Elberta, Alabama, has, or is believed to have in its possession or under its control, money or effects belonging to the Defendant, or to be liable to William Schneider, the Defendant, on a contract for 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.

These are therefore to command you, that you summon the said STATE BANK OF ELBERTA to be and appear at the Circuit Court of Baldwin County at Bay Minette, Alabama, within thirty days after the service of this writ of garnishment, then and there to answer on oath, whether at the time of the service of this writ, or at the time of making an answer, it has in its possession, or under its control any money or effects belonging to the defendant; and whether it is indebted to said Defendant, or is liable to him 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
7th day of February, 1949.

Alice J. Duck
Clerk.

Received in Clerk's Office
this 7 day of Feb, 1949
TAYLOR WILKINS, Sheriff

Executed 7-9-49
By serving copy of
the within on
Alfred Newman agent
for Bank of Elberta.

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14 7 14 all D.S.

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KIRBY WHARTON,
Plaintiff

-VS-

WILLIAM SCHNEIDER,
Defendant

STATE BANK OF ELBERTA,
Garnishee

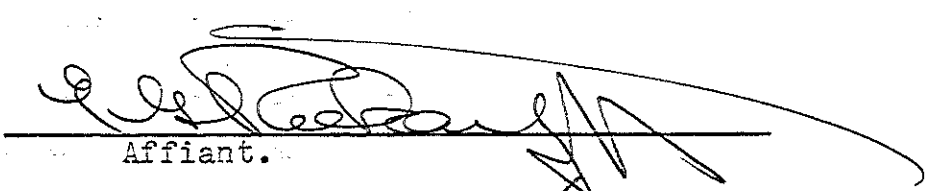
WRIT OF GARNISHMENT

FEE 7 1949

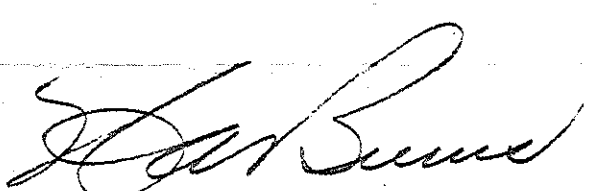
STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public in and for said State and County, personally appeared this day E. G. RICKARBY, Jr., of counsel for Plaintiff, who, being duly sworn on oath deposes and saith that at the Fall term, A. D., 1948, of the Circuit Court of Baldwin County, KIRBY WHARTON, Plaintiff, recovered a judgment against WILLIAM SCHNEIDER, Defendant, for the sum of THREE HUNDRED FOURTEEN and 77/100 DOLLARS and the further sum of ELEVEN and 25/100 DOLLARS cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that the FARMERS AND MERCHANTS BANK of Foley, Alabama, and the STATE BANK OF ELBERTA, Elberta, Alabama, have or are believed to have in their possession or under their control, money or effects belonging to the Defendant, or that they are or are believed to be indebted to the Defendant, or they are to be liable to Defendant on a contract for 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.


Affiant.

Sworn to and subscribed before me this 4 day of
January, 1949.


Notary Public, Baldwin County, Alabama.

125 3 1/2

KIRBY WHARTON,
Plaintiff
-vs-
WILLIAM SCHNEIDER,
Defendant

AFFIDAVIT ON JUDGMENT

Filed 2-7-49
Alice J. Wick

RICKARBY & RICKARBY,
Attorneys for Plaintiff.

[Handwritten signature]
J. A. Rickarby

Subscribed and sworn to before me this 7th day of February 1949.

[Handwritten signature]
J. A. Rickarby

Notary Public for the State of Texas

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

KIRBY WHARTON,
Plaintiff

-vs-

WILLIAM SCHNEIDER,
Defendant

January , 1949

FARMERS AND MERCHANTS BANK,
Garnishee

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

You are hereby commanded to notify WILLIAM SCHNEIDER,
the Defendant, that on the 7th day of February, 1949,
a Writ of Garnishment in the above stated case was issued to
THE STATE BANK OF ELBERTA, Elberta, Alabama, and to
THE FARMERS AND MERCHANTS BANK, Foley, Alabama, as garnishee.

And you will return this Writ according to law.

Witness my hand this 10th day of February, 1949.

Archie Leuck
Clerk.

Received in office 7 day of Feb., 1949.

Taylor Wilkins
Sheriff.

Executed by serving a copy of the within writ on *William Schneider*
9 day of Feb., 1949.

Taylor Wilkins
Sheriff.

H. F. Hall
Deputy.

Received in Sheriff's Office
this 7 day of Feb, 1949
TAYLOR WILKINS, Sheriff

- 42 -

KIRBY WHARTON,
Plaintiff

-vs-

WILLIAM SCHNEIDER,
Defendant

FARMERS AND MERCHANTS BANK,
Garnishee

NOTICE TO DEFENDANT ON
GARNISHMENT

FILED

FEB 1 1949

ALICE J. DUCK, Clerk

Received in Office

Feb 4 1949

1949

Sheriff

to yab

1949

Sheriff

Sheriff

STATE OF ALABAMA:

COUNTY OF BALDWIN:

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

Whereas E. G. RICKARBY, Jr., of counsel for Plaintiff, has made affidavit as required by law that at the Fall Term, A. D. 1948, of the Circuit Court of Baldwin County, KIRBY WHARTON, the Plaintiff, recovered a judgment against WILLIAM SCHNEIDER, the Defendant, for the sum of THREE HUNDRED FOURTEEN and 77/100 DOLLARS, and the further sum of ELEVEN and 25/100 DOLLARS, cost of suit; and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment; and that the FARMERS AND MERCHANTS BANK of Foley, Alabama, has, or is believed to have in its possession or under its control, money or effects belonging to the Defendant, or is to be liable to William Schneider, the Defendant, on a contract for 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.

These are therefore to command you, that you summon the said FARMERS AND MERCHANTS BANK to be and appear at the Circuit Court of Baldwin County at Bay Minette, Alabama, within thirty days after the service of this writ of garnishment, then and there to answer on oath, whether at the time of the service of this writ, or at the time of making an answer, it has in its possession, or under its control any money or effects belonging to the Defendant; and whether it is indebted to said Defendant, or is liable to him 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 7th day of February, 1949.

Alice J. Duck
Clerk.

Received in Sheriff's Office
this 7 day of Feb, 1949
TAYLOR WILKINS, Sheriff

Expenditure 2. 9-49
By receiving copy of the
Within Bureau on
Mrs Schultz
agent for 7 or more
1 m. 1/2 hours. 1/2 of
July

Taylor Williams. Recd
 14 7 14 all P. i.

no 1253 1/2

KIRBY WHARTON,
Plaintiff

vs.

WILLIAM SCHNEIDER
Defendant

FARMERS AND MERCHANTS BANK,
Garnishee

WRIT OF GARNISHMENT

FILED

FEB 7 1949

ALICE J. DUCK, Clerk

LAW OFFICES

ELLIOTT & RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

October 8, 1948

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

Dear Mrs. Duck:

With this we are handing you Summons and
Complaint in Wharton -vs- Schneider.

Please have same executed and oblige.

Yours very truly,

RICKARBY & RICKARBY

by:-

E. G. Rickarby, Jr.

EGR,jr:rs
473
CC Kirby Wharton
encl.

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

November 19, 1948

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

Dear Mrs. Duck:- IN RE KIRBY WHARTON vs.
WILLIAM SCHNEIDER

Enclosed find a Motion for Judgment
by Default. Please process same and oblige.

Yours very truly,

RICKARBY & RICKARBY

by:- 

EGR,jr:rs

473

encl.

CC Mr. Kirby Wharton
Fairhope, Alabama