

"DEMURRER"

1273

JOHN W. BRETT
Plaintiff

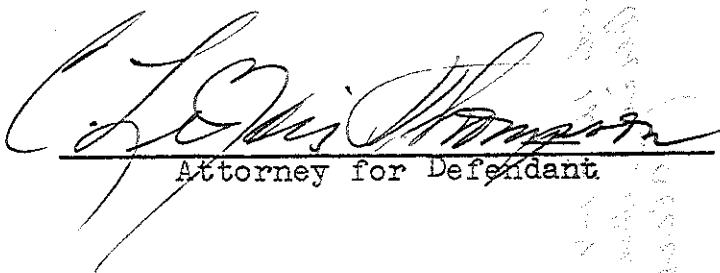
VS

HERMAN LOWREY
Defendant

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

Comes the defendant in the above entitled cause and demurs to the complaint, and separately and severally to each count thereof, and for grounds of demurrer, assigns, separately and severally the following:

1. That said complaint does not state a cause of action.
2. That said complaint does not show what defendant is alleged to have purchased.
3. That said counts are vague and indefinite.
4. That the averments of indebtedness are merely the conclusion of the plaintiff with no facts alleged in support thereof.


Attorney for Defendant

RECORDED

RECORDED

whereof.

conclusion of the district with no facts alleged in support

1. That the averments of indecentness are merely the
2. That said counts are vague and indefinite.
3. That said counts are alleged to have occurred.

section.

1. That said complaint does not state a cause of

separately and severally the following:

each count thereof, and for example of common, separate,
common to the complaint, and separately and severally to
cause the defendant in the above entitled cause and

Defendant

JOHN M. BERT

AS

Plaintiff

JOHN M. BERT

BY THE COURT, JUDGE

IN THE CIRCUIT COURT OF

"DECEMBER"

1933

RECORDED FOR RELEASE

Filed 12-23-48
Alice Luck
clerk

BOND

The State of Alabama, {
BALDWIN COUNTY.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, J. W. Brett, as principal, and the undersigned as subeties

are held and firmly bound unto Herman Lowrey

in the sum of Six hundred and fifty DOLLARS,

to be paid to the said Herman Lowrey

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, severally and firmly by these Presents.

Sealed with our seals, and dated this 24 day of November 1948

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the above bound

J. W. Brett

has commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said

Court, to recover of said Herman Lowrey

the sum of Three hundred and twenty-five Dollars,

and he on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to

James J. Palmer

summoning him to answer what he indebted to said Defendant, or what effects of said Defendant

or has in his possession, or under his control; and said Plain-

tiff having made oath as required by law in such cases, said Writ is about to issue out of said Court; returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff shall prosecute the Garnishment to effect, and pay the Defendant all such costs and damages as he may sustain, by reason of the wrongful or vexatious suing out of this Garnishment, then this obligation to be void; otherwise to remain in full force and effect.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and Laws of Alabama, and we hereby severally certify that

have property free from all incumbrance, to the full amount of the above bond.

J. W. Brett

(Seal)

P. L. Hedden

(Seal)

Amos Garrett

(Seal)

Approved this 24th day of Nov A. D., 1948

Leif J. Smith

Clerk.

The State of Alabama, {

BALDWIN COUNTY.

Before me, T. W. RICHESON, Clerk of Circuit Court,

in and for said County, personally appeared J. W. Brett

who, being duly sworn, doth depose..... and say..... that..... Herman Lowrey

indebted to him in the sum of Three hundred and twenty-five Dollars,
and that he has commenced on suit by summons and complaint on said indebtedness
against the said Herman Lowrey

and that James J. Palmer

supposed to be indebted to the said Defendant....., or to have effects of the said Defendant....., in his
possession, or under his control, and that he believe that process of Garnishment against the said
James J. Palmer

is necessary to obtain satisfaction of said claim; and that the said James J. Palmer
is believed to be chargeable as Garnishee in said cause; and that this Writ is not sued out for the purpose of vexing or
harassing said Defendant....., or other improper motives.

John W. Brett

Sworn to and subscribed before me this 24 day of November 19 48

T. W. Richeson
Notary Public, Baldwin Co., Ala. Clerk Circuit Court.

RECORDED

116.

No. 1273

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

John W. Brett

Plaintiff

TO

Herman Lowrey

Defendant

Bond and Affidavit in Garnishment on Summons

Filed this day of

19

Clerk.

Baldwin Times Print.

STATE OF ALABAMA,
BALDWIN COUNTY }

TO Herman Lowery, Defendant :

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

John W. Brett, Plaintiff.....

versus Herman Lowery, Defendant.....

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

James L. Palmer

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 24th

day of November, 194 8.

Alvin J. Leach
Clerk of the Circuit Court.

11-29-48
Received in Sheriff's Office
this 24 day of Nov, 1948
TAYLOR WILKINS, Sheriff

Executed 11-29 1948
by serving copy of within Summons and
Complaint on

Herman Lowery

Taylor Wilkins Sheriff
By Edgith Steadham Deputy Sheriff

RECORDED
NOTICE
TO DEFENDANT OF GARNISHMENT

BY
CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

TO

John W. Breit

Plaintiff

VS.

Herman Lowery

Defendant

The State of Alabama,

BALDWIN COUNTY

Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas John W. Bretthas commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said County, against Herman Loweryfor the sum of Three hundred, twenty-five no/100 Dollars and whereas, the said John W. Brett

has entered into bond, and made affidavit as required by law that the said

Herman Loweryis indebted to him in the sum of Three hundred twenty-five no/100

Dollars, and that process of garnishment is believed to be necessary to obtain satisfaction of such judgment as may be recovered by Plaintiff, and that

James J. Palmer

is believed to be Chargable as granishee in the cause.

YOU ARE THEREFORE, commanded to summon the said

James J. Palmerto be and appear at the next term of the Circuit Court, to

be holden for the County of Baldwin, on _____, 19____, then and there to answer, upon oath, whether, at the time of the service of this garnishment, or at the time of making your answer, or at any time intervening between the time of serving the garnishment and making the answer, you were indebted to the defendant, and whether, you will not be indebted to him in the future by a contract then existing, and whether by a contract then existing, you are liable to him for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether you have not in your possession or under your control money or effects belonging to the defendant.

Witness my hand this 24th day of November, 1948Alvin J. Smith
Clerk.

James J. Palmer

Taylor Wilkins Sheriff
W. R. Duckworth Deputy Sheriff

RECORDED

No. 1273

**Circuit Court Of
Baldwin County**

John W. Brett

vs. } Garnishment On Summons

Herman Lowery
and
James J. Palmer

Issued 24th day of November, 1948

Plaintiff's Attorney.

Printed By The Baldwin Times

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...

[illegible][illegible]

2. . .
5. . .

1997

STATE OF ALABAMA §

BALDWIN COUNTY §

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HERMAN LOWREY, 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 the same, then and there to answer the complaint of John W. Brett.

WITNESS my hand this 14 day of November, 1948.

Deirdre J. Leach
Clerk.

JOHN W. BRETT

PLAINTIFF

VS

HERMAN LOWREY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

1.

The plaintiff claims of the Defendant One Hundred Sixty Two Dollars and Fifty Cents (\$162.50) due from him by account on the 1st day of February, 1946, which sum of money with the interest thereon is due and unpaid.

2.

The Plaintiff claims of the Defendant One Hundred Sixty Two Dollars and Fifty Cents (\$162.50) due from him by account on the 1st day of February, 1947, for sum of money with the interest thereon is still due and unpaid.

Wm. H. Hae
Attorney for Plaintiff

Executed 11-29 1944
by serving copy of within Summons and
Complaint on

Herman Lowery

Taylor Watkins Sheriff

By Edley Steadman Deputy Sheriff

RECORDED
NO 1273

John W. Brett
ra

Herman Lowery

12/3

Summons Complaint

Filed

11-24-48

Deice Clerk
Clerk

Or Amstiae Pace