1298

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS AND ALMA B. HONS,
Defendants

L A W
CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

JOHN HONS and ALMA B. HONS

-TO-

HAZEL BERGA,

Debtor

December 6th, 1947 - February 1, 1949,
Fifteen months rent of dwelling at $25.00
per month $375.00

STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public in and for said State and County, personally appeared this day Hazel Berga, who, being sworn says that the foregoing account and each item thereof is true and correct and that the sum of THREE HUNDRED SEVENTY FIVE DOLLARS is due from John Hons and Alma B. Hons to Affiant after the allowance of all proper credits and is unpaid.

s/ HAZEL BERGA

Subscribed and sworn to before me this the First day of February, 1949.

s/ ELLIOTT G. RICKARBY
Notary Public, Baldwin County, Alabama.

No 1298

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS and ALMA B. HONS,
Defendants

. . . . . .

VERIFIED STATEMENT OF
ACCOUNT

. . . . . .

FILED
FEB 2 1949
ALICE J. BUCK, Clerk

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS AND ALMA B. HONS,
Defendants

L A W

CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA

JOHN HONS and ALMA B. HONS

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Hazel Berga

Subscribed and sworn to before me this the First day of February, 1949.

Elliott S. Rinaldy

Notary Public, Baldwin County, Alabama.

No 1298

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS and ALMA B. HONS,
Defendants.

. . . . . .

VERIFIED STATEMENT OF
ACCOUNT

. . . . . .

FILED
FEB 2 1949
ALICE J. BUCK, Clerk

STATE OF ALABAMA: CIRCUIT COURT OF

COUNTY OF BALDWIN: BALDWIN COUNTY, ALABAMA

Before me, the undersigned Notary Public in and for said State and County, personally appeared Hazel Berga who, being sworn, says that she this day prays a Writ of Attachment upon so much of the goods, furniture and effects of John Hons and Alma B. Hons as enjoyed the protection of the premises for the use of which a lien for rent is this day claimed in this cause, said premises being the dwelling and lot on which same is located one mile north of the Daphne-Loxley Highway and one-half mile west of the old Bay Minette Highway in the Belforest Community east of Daphne in Baldwin County, Alabama; and the rent here sued being due and the tenants failed to pay such rent in monthly instalments during the period from December 6th, 1947 to February 1st, 1949.

Affiant further says that she has demanded payment of said sum and that the said John Hons and Alma B. Hons have failed to pay the same and have attempted or are about to attempt to move or transfer all of their effects from the rented premises without consent of affiant and without having paid the rent for the term and this attachment is not sued out for the purpose of vexing or harassing the said John Hons and Alma B. Hons.

Hazel Berga
Affiant.

Subscribed and sworn to before me this the First day of February, 1949.

Elliott B. Rice Lenty
Notary Public, Baldwin County, Alabama.

L A W #1298

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS and ALMA B. HONS,
Defendants

. . . . . .

AFFIDAVIT FOR ATTACHMENT

. . . . . .

Filed 2-2-49
Dick J. Veuch
Clerk

ATTACHMENT BOND

Moore Ptg Co., Bay Minette

The State of Alabama,
Baldwin County.

CIRCUIT COURT AT BAY MINETTE, ALA.

Know all Men by these Presents, That we, HAZEL BERGA, as principal, and BESSIE K. ALLEGRI and GODFREY F. KLUMPP, as surety, of the County of Baldwin, State of Alabama are held and firmly bound unto JOHN HONS and ALMA B. HONS in the sum of SEVEN HUNDRED FIFTY---------- Dollars, to be paid to the said John Hons and Alma B. Hons, their 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, firmly by these presents.

Sealed with our seals and dated the 1st day of February, 1949.

The Condition of this Obligation is such:

That whereas, the above bounden, Hazel Berga has, on the day of the date hereof, prayed an Attachment at the suit of herself against the estate of above named John Hons and Alma B. Hons for the sum of THREE HUNDRED SEVENTY FIVE------- Dollars, and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said Hazel Berga should prosecute said Attachment to effect, and pay the said Defendants all such damages as they may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

Hazel Berga (Seal)

Bessie K. Allegri (Seal)

Godfrey F. Klumpp (Seal)

(Seal)

Approved, this 2nd day of February, 1949

Dixie J. Leck, Clerk.

No. 1298

The State of Alabama,

Baldwin County.

CIRCUIT COURT

AT BAY MINETTE, ALA.

HAZEL BERGA, [illegible] K.
Plaintiff,

vs.

JOHN HONS AND ALMA B. HONS,
Defendants

Attachment Bond and Affidavit

Filed this the 2nd day

of Feb 1949.

[illegible] Clerk.

Attorney.

ATTACHMENT AFFIDAVIT

Moore Ptg Co., Bay Minette

The State of Alabama,

Baldwin County.

CIRCUIT COURT AT BAY MINETTE, ALA.

Before me, _____

in and for said County, personally appeared _____

who, being duly sworn, on oath saith that _____

_____ justly indebted to

_____

in the sum of _____ Dollars, which said

amount is justly due after allowing all just offsets and discounts, and that the said _____

_____

_____

_____

_____

_____

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this _____ day of _____ 192____

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, HAZEL BERGA, the plaintiff

hath complained on oath to me, ~~ROBERT S. DUCK,~~ ALICE J. DUCK Clerk of Circuit Court of Baldwin County, Ala.,

that JOHN HONS and ALMA B. HONS, are

is justly indebeted to the Plaintiff HAZEL BERGA

in the sum of ---- THREE HUNDRED SEVENTY FIVE---------- Dollars, and

HAZEL BERGA having made affidavit and given bond

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

JOHN HONS AND ALMA B. HONS

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said County, on Monday of 1949 next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this ~~2nd~~ day of February A. D. ~~XXX~~ 1949

Alice J. Duck Clerk.

Executed 2-7-49
By serving copy of the
within on John Hons
Alma B. Hons and by
attaching one 1941
Black Sedan Ford
Tag no 5C 324
motor no 18475418

Taylor Wilkins Sheriff
147 Hall P.S.

No. 1298

ATTACHMENT

HAZEL BERGA, Plaintiff

Vs. } ATTACHMENT

JOHN HONS AND ALMA B. HONS,
Defendants

Issued 2-2-49, 193

MOORE PRINTING CO.

STATE OF ALABAMA: CIRCUIT COURT OF

COUNTY OF BALDWIN: BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John Hons and Alma B. Hons 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 John Hons and Alma B. Hons, Defendants, by Hazel Berga, Plaintiff.

Witness my hand this the 2nd day of February, 1949.

Alice L. Leach
Clerk.

COMPLAINT

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS AND ALMA B. HONS,
Defendants

LAW

CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

The Plaintiff claims of the Defendants John Hons and Alma B. Hons the sum of THREE HUNDRED SEVENTY FIVE DOLLARS due from them for rent of the dwelling and lot on which same is situated one mile north of the Daphne-Loxley Highway and one-half mile west of the old Bay Minette Highway in the Belforest Community east of Daphne in Baldwin County, Alabama, from December 6th, 1947 to February 1st, 1949, being fifteen months at the rate of Twenty-five Dollars per month, which sum of money with interest thereon is still due and unpaid.

Plaintiff hereby claims a lien upon the household furniture and effects which enjoyed the protection of the dwelling during the term of said lease and which lien is herewith sought to be enforced by an attachment issued contemporaneously herewith.

Rice & Rice
Attorneys for Plaintiff.

EVIDENCED BY ITEMIZED AND VERIFIED ACCOUNT FILED HEREWITH.

Minimum of Damages
Beach
Holiday

Disciplining

get regular pro
of Ct

Executed ..... 19 ___
by serving copy of within Summons and Complaint on

Alma B. Hons 2-3-49
John Hons 2-7-49

Taylor Mellwain Sheriff
By H. T. Hall Deputy Sheriff

1581

M1298

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS and ALMA B. HONS,
Defendants

. . . . . .

SUMMONS AND COMPLAINT

. . . . . .

FILED
FEB 2 1949
ALICE M. BOOCK, Clerk

RICKARBY & RICKARBY,
Attorneys for Plaintiff.

HAZEL BERGA,	X	IN THE CIRCUIT COURT OF
PLAINTIFF	X	BALDWIN COUNTY, ALABAMA
VS	X	AT LAW
JOHN HONS AND ALMA B. HONS	X	NO. 1290
DEFENDANTS	X	

Now come the Defendants and move the court to dissolve the attachment heretofore issued in this cause, and for grounds thereof say:

1.

That there is no affidavit to support the attachment.

2.

That the attachment was issued contrary to law.

3.

That the facts set out in the application for attachment are untrue.

4.

That the attachment was improperly executed.

5.

That the attachment was executed on property not subject to attachment.

6.

That the attachment was improperly sued out.

7.

That the attachment was issued on grounds not authorized by law.

8.

That the attachment was illegally issued.

9.

That the debt sued on was not of a class for which an attachment would lie against the property levied on in this cause.

WHEREFORE the Defendants pray that the Plaintiff be required to show cause why the attachment should not be dissolved, and that

upon a hearing hereof the attachment and the levy thereunder be dissolved.

Alma B. Hons

John Hons

S. M. Hall

Attorney for Defendants

STATE OF ALABAMA }
BALDWIN COUNTY }

Before me the undersigned authority in and for said County, in said State, personally appeared JOHN HONS and ALMA B. HONS, who are known to me and who having beenby me first duly sworn depose and say; that the facts contained in the foregoing motions are true.

Alma B. Hons

John Hons

Sworn to and subscribed before me on this the 11th day of February, 1949.

Grace P. Guckert

Notary Public, Baldwin County, Alabama.

My Comm. Expires 4/9/52

1298

Hazel Berger
v
John Hong, et al

Motion to Dissolve
Injunction Attachment

FILED
FEB 12 1949
ALICE J. DUCK, Clerk

STATE OF ALABAMA: CIRCUIT COURT OF

COUNTY OF BALDWIN: BALDWIN COUNTY, ALABAMA

Before me, the undersigned Notary Public in and for said State and County, personally appeared Hazel Berga who, being sworn, says that she this day prays a Writ of Attachment upon so much of the goods, furniture and effects of John Hons and Alma B. Hons as enjoyed the protection of the premises for the use of which a lien for rent is this day claimed in this cause, said premises being the dwelling and lot on which same is located one mile north of the Daphne-Loxley Highway and one-half mile west of the hold Bay Minette Highway in the Belforest Community east of Daphne in Baldwin County, Alabama; and the rent here sued for being due and the tenants failed to pay such rent in monthly instalments during the period from December 6th, 1947 to February 1st, 1949.

Affiant further says that she has demanded payment of said sum and that the said John Hons and Alma B. Hons have failed to pay the same and have attempted or are about to attempt to move or transfer all of their effects from the rented premises without consent of affiant and without having paid the rent for the term and this attachment is not sued out for the purpose of vexing or harassing the said John Hons and Alma B. Hons.

_____

Affiant.

Subscribed and sworn to before me this the 1st day of February, 1949.

Elliott B. Riley

Notary Public, Baldwin County, Alabama.

no 1298

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS and ALMA B. HONS,
Defendants

. . . . . .

ATTACHMENT AFFIDAVIT

. . . . . .

FILED
FEB 2 1949
ALICE L. COOK, Clerk