

HAZEL BERGA,
PLAINTIFF
VS.
JOHN HONS,
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1299

Now Comes the Defendant and moves the court to dissolve the attachment heretofore issued in this cause, and for grounds thereof says:

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 Defendant prays 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.

John Hons

John Hons
Attorney for Defendant

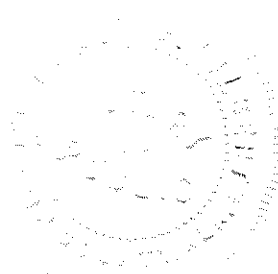
STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority in and for said County, in said State, personally appeared John Hons, who is known to me and who having been by me first duly sworn deposes and says: that the facts contained in the foregoing motions are true.

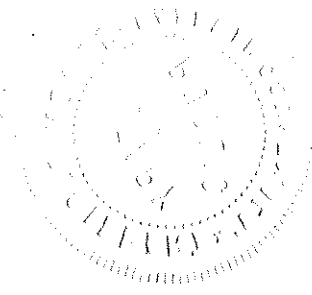
John Hons

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

Gray D. Guebert
Notary Public, Baldwin County, Alabama.
My Comm. expires 4/9/50 ✓



1299



Hazel Berga
v
John Horro

Motion to Dissolve
injunction Attachment

FILED

FEB 12 1949

ALICE L. ROCK, Clerk

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 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, at Bay Minette, Against John Hons, Defendant, by Hazel Berga, Plaintiff..

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


Clerk.

C O M P L A I N T

HAZEL BERGA,
Plaintiff

-vs-

JOHN HONS,
Defendant

L A W
Circuit Court of
BALDWIN COUNTY,
ALABAMA

The Plaintiff claims of the Defendant the sum of ONE THOUSAND SIX HUNDRED DOLLARS due by promissory note made by him on the Sixteenth day of February, 1948 and payable on, to-wit; the 1st day of July, 1948 with interest thereon from date of said note at the rate of six per cent.

Plaintiff further avers that by the terms of said note the Defendant waived all rights of exemption of personal property as against any process that might issue for the collection thereof and agreed to pay a reasonable attorney's fee if same be placed in the hands of an attorney for collection, which fee Plaintiff now claims in the additional sum of TWO HUNDRED FIFTY DOLLARS.


Attorneys for Plaintiff.

7201299

Taylor William Sheriff
By 147 Hall Deputy Sheriff

HAZEL BERGA,
Plaintiff

JOHN HONS,
Defendant

SUMMONS AND COMPLAINT

FILED
FEB 2 1949
FBI - NEW YORK

RICKARBY & RICKARBY,
Attorneys for Plaintiff

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[illegible]

the bonds of an attorney for collection; which see Chapter Four and agree to pay a reasonable attorney's fee if same be placed in an agreed-upon process and might leave for the collection thereof the Defendant waived all rights of exemption or priority proceeds of sale of said property.

Plaintiff further avers that by the terms of said note rate of six per cent.

[illegible]

THE STATE OF ALABAMA,
BALDWIN COUNTYCIRCUIT COURT OF
~~IN JUSTICE COURT~~ BALDWIN COUNTY

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 Fairhope, of the County of Baldwin, State of Alabama,
are held and firmly bound unto JOHN HONS
in the sum of THREE THOUSAND FOUR HUNDRED Dollars, to
be paid to the said John Hons, 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, firmly by these presents.

Sealed with our seals and dated the 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
for the sum of ONE THOUSAND SEVEN HUNDRED 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 Defendant all such damages as he
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.

Clifford W. Smith
Clerk Circuit Court.

ATTACHMENT AFFIDAVIT

Moore Printing Co. Bay Minette, Ala.

THE STATE OF ALABAMA, }
BALDWIN COUNTY }
IN JUSTICE COURT OF
BALDWIN COUNTY
AT Bay Minette, ALA.

Before me, the undersigned Notary Public,

in and for said county, personally appeared HAZEL BERGA
who, being duly sworn, on oath saith that John Hons is

justly indebted to her

in the sum of ONE THOUSAND SEVEN HUNDRED Dollars, which said

amount is justly due after allowing all just offsets and discounts and that the said John Hons is about to move his property out of the State so that the Plaintiff will probably lose her debt or have to sue for it from another State, or that said John Hons is about to fraudulently dispose of his property or has property or effects to satisfy his debts which he is fraudulently withholding.

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 2nd day of February, 1942.

Hazel Berga
Notary Public, Baldwin County, Alabama.

No. 1299

The State of Alabama,
BALDWIN COUNTY

JUSTICE COURT
CIRCUIT

At Bay Minette, Ala.

HAZEL BERGA,
Plaintiff.

-VS- JOHN HONS,
Defendant

ATTACHMENT BOND AND AFFIDAVIT

Filed this the 2nd day of Feb 1942

Clerk. Justice of Peace.

Attorney

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, HAZEL BERGA, the Plaintiff

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

that JOHN HONS, the Defendant

is justly indebted to the Plaintiff

in the sum of ONE THOUSAND SIX HUNDRED ----- 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

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. 1949

Alice J. Duck Clerk.

41 Ford Motor Co.
Motor Co.
184754718

Executed 2-4-49
By serving copy of the
within on John Hons and
By attaching one cabin
cruiser named Holiday
No 19 F 478 Feb. 4, 1949

Taylor Wilkins Sheriff
147 Hall P. S.

6681

No. 1299

ATTACHMENT

HAZEL BERGA
Plaintiff

Vs. { ATTACHMENT

JOHN HONS, Defendant

Issued 2-2-49, 1949

MOORE PRINTING CO.,