

1385

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ERNEST BANNARD 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, Alabama, at Bay Minette, against ERNEST BANNARD, by MAX K. LAWRENZ, doing business as FOLEY HARDWARE COMPANY.

Witness my hand this the 3rd day of August, 1949.

Archie J. Leach
Clerk

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COMPLAINT

MAX K. LAWRENZ, doing business
as FOLEY HARDWARE COMPANY,

Plaintiff

vs.

ERNEST BANNARD,

Defendant

IN THE CIRCUIT COURT OF

THE TWENTY EIGHTH JUDICIAL

CIRCUIT OF ALABAMA

AT LAW

COUNT I

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), due from him by account, on to wit: the 31st day of July, 1949, which sum of money is still unpaid.

COUNT II

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), due from him on account stated between the Plaintiff and the Defendant on, to wit: the 31st day of July, 1949, which sum of money is still unpaid.

COUNT III

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to wit: the 31st day of August, 1949, which sum of money is still unpaid.

Forrest C. Lewis
Attorney for Plaintiff

The Plaintiff has requested a writ of attachment in this case.

Forrest C. Lewis

SUMMONS

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED to summon ERNEST BANNARD 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, Alabama, at Bay Minette, against ERNEST BANNARD, by MAX K. LAWRENZ, doing business as FOLEY HARDWARE COMPANY.

Witness my hand this the 3rd day of August, 1949.

Alice J. [Signature]
Clerk

////////////////////////////////////

COMPLAINT

MAX K. LAWRENZ, doing business
as FOLEY HARDWARE COMPANY,

Plaintiff

vs.

ERNEST BANNARD,

Defendant

)
) IN THE CIRCUIT COURT OF
)
) THE TWENTY EIGHTH JUDICIAL
)
) CIRCUIT OF ALABAMA
)
) AT LAW
)

COUNT I

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), due from him by account, on to wit: the 31st day of July, 1949, which sum of money is still unpaid.

COUNT II

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), due from him on account stated between the Plaintiff and the Defendant on, to wit: the 31st day of July, 1949, which sum of money is still unpaid.

COUNT III

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to wit: the 31st day of August, 1949, which sum of money is still unpaid.

Forrest A. [Signature]
Attorney for Plaintiff

The Plaintiff has requested a writ of attachment in this case.

Forrest A. [Signature]

WRIT OF ATTACHMENT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WHEREAS, MAX K. LAWRENZ hath complained on oath to me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, that ERNEST BANNARD is justly indebted to the FOLEY HARDWARE COMPANY in the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61); and the said MAX K. LAWRENZ having made affidavit and elected to have the writ issued without bond for the reason that the Defendant is a non-resident of the State of Alabama, as provided by law in such cases: You are hereby commanded to attach so much of the estate of said ERNEST BANNARD as will be of value to satisfy the said debts and costs, according to the complaint; and such estate, unless replevied, so to secure that the same may be liable to further proceedings thereon, to be had at the present term of the Circuit Court of Baldwin County, to be held at the Courthouse thereof, when and where you must make known how you have executed this writ.

Witness: Alice J. Duck, Clerk of said Court, my hand, this the 3rd day of August, 1949.

Alice J. Duck
Clerk

RECORDED

SUMMONS AND COMPLAINT

MAX K. LAWRENZ, doing business as
FOLEY HARDWARE COMPANY,

Complainant

vs.

ERNEST BANNARD,

Defendant

IN THE CIRCUIT COURT OF
THE TWENTY EIGHTH JUDICIAL
CIRCUIT OF ALABAMA
AT LAW

Filed 8-3-49
Alice J. Duck
Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

Received in Sheriff's Office
this 4 day of Aug, 1949
TAYLOR WILKINS, Sheriff

Executed 8-9-49
By taking into my
possession
1-223 planter & John
Duck first attach.
The above was released by my
demand from State Bank of Elberta
who holds mortgage on property
Taylor Wilkins Sheriff
18 7 Wall

D.S.

AFFIDAVIT FOR ATTACHMENT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, personally appeared MAX K. LAWRENZ, who being duly sworn, deposes and saith:

That ERNEST BANNARD is justly indebted to the FOLEY HARDWARE COMPANY in the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), which said amount is justly due, and that the said ERNEST BANNARD resides out of the state, and the said ERNEST BANNARD has absconded, and that this attachment is not sued out for the purpose of vexing or harassing the said defendant.

That your affiant believes that the said ERNEST BANNARD is somewhere in the Dominion of Canada, but his address is otherwise unknown to your affiant, and cannot be ascertained with reasonable diligence.

The Plaintiff elects to have the writ issued without bond for the reason that the Defendant is a non-resident of the State of Alabama.

Max K. Lawrenz
Max K. Lawrenz, Affiant

Sworn to and subscribed before me this the 3rd day of August, 1949.

Alice J. Duck
Clerk

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Ainsworth
Clark

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

August 3, 1949

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

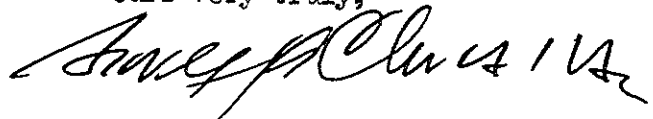
Dear Mrs. Duck:

Enclosed is a summons and complaint and affidavit for issuance of attachment of the defendant, who is a non-resident. The only property that we know of is free and clear of encumbrances is one No. 223, Planter and John Deere Fertilizer Attachment, with disc hillers, which we believe to be in the possession of Mr. Reibling, who lives just South of John Evans Packing shed on the Gulf highway, just South of Foley, or Mr. Reibling should know where this planter is located.

If the sheriff is able to get possession of this planter, it would be well for you to give notice to the defendant by publication for three successive weeks, as set out in paragraph 852, Title 7 of the Code.

Since I will be on vacation till August 22, I will appreciate it if you will look after my interests in this case.

Yours very truly,



Enclosures

AFFIDAVIT FOR ATTACHMENT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, personally appeared MAX K. LAWRENZ, who being duly sworn, deposes and saith:

That ERNEST BANNARD is justly indebted to the FOLEY HARDWARE COMPANY in the sum of FOUR HUNDRED NINETY TWO & 61/100 DOLLARS (\$492.61), which said amount is justly due, and that the said ERNEST BANNARD resides out of the state, and the said ERNEST BANNARD has absconded, and that this attachment is not sued out for the purpose of vexing or harassing the said defendant.

That your affiant believes that the said ERNEST BANNARD is somewhere in the Dominion of Canada, but his address is otherwise unknown to your affiant, and cannot be ascertained with reasonable diligence.

The Plaintiff elects to have the writ issued without bond for the reason that the Defendant is a non-resident of the State of Alabama.

Max K. Lawrenz
Max K. Lawrenz, Affiant

Sworn to and subscribed before me this the 3rd day of August, 1949.

Alice J. Duck
Clerk

10-1-50
J. H. H. H.

[illegible]

THE HOUSE OF REPRESENTATIVES
COMMITTEE ON THE BUDGET

WITNESSED AND SUBSCRIBED at the City and County of Los Angeles, California, on this 1st day of May, 1968:

[illegible][illegible][illegible]

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REC'D. MAILING DIVISION
JAN 10 1961
JAN 10 1961

[Handwritten signature]

Filed
8-3-49
Mick French
Clerk