

E. R. NANCE,  
Complainant,  
v.  
EUGENE BRYARS,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER 1622.

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared E. R. Nance, who, after being by me first duly and legally sworn, deposes and says: I am personally acquainted with Eugene Bryars, sometimes known as Gene Bryars, of Bay Minette, Alabama, and know that he was not in the armed services of the United States on the date of the filing of this action and at any time since that date. I saw him on the streets of Bay Minette on April 21, 1951.

ER Nance

Sworn to and subscribed before me on  
this 26th day of April, 1951.

Ora S. Nelson

Notary Public, State of Alabama at Large.

RECORDED

FILED

APR 25 1951

ALICE J. BUCK, Clerk

LAW OFFICES OF  
**HOWELL AND JOHNSTON**  
FIRST NATIONAL BANK ANNEX  
P. O. BOX 1652  
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.  
THOMAS A. JOHNSTON, III  
ALICE LOUISE MANRY  
IRVIN J. LANGFORD

July 10, 1953

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

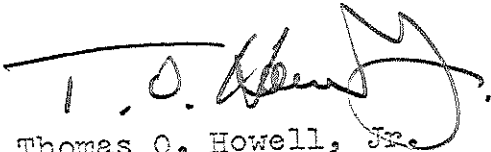
Dear Mrs. Duck:

In the case of E. R. Nance vs. Eugene Bryars, No. 1622,  
I would appreciate it if you would issue a writ of dis-  
covery against the defendant Eugene Bryars, who may be  
served at his residence on the north side of Highway 31  
west of Bay Minette on the road to the Beebe place.

With our appreciation, we remain

Very sincerely yours,

HOWELL & JOHNSTON

  
Thomas O. Howell, Jr.

TOH:ee

1622

E. R. Nance

OS.

Eugene Bryan

Filed 7-10-53  
A. J. French  
clerk

E. R. NANCE  
Plaintiff

vs

EUGENE BRYARS  
Defendant

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA

TO EUGENE BRYARS:

Take notice that upon the written request of Howell & Johnston, attorneys, a judgment creditor, filed in this Court in this cause, you are to file in this Court within thirty days from the service of this notice, a statement in writing, under oath, of all of your assets including money, choses in action, notes, bonds, and accounts, and all other property, real personal or mixed or any interest therein, with a detailed description of same, the location and reasonable value of each item thereof, together with a detailed list or statement of any and all liens, mortgages or incumbrances thereon showing the amounts due upon each, and the owner or holder of such liens incumbrances or mortgages.

Be governed accordingly.

Dated this 13th day of July, 1953.

Rebecca J. Nance  
Clerk of the Circuit Court

E. R. NANCE

VS

EUGENE BRYARS

*Recovery of assets*

Howell & Johnston

Received by  
this day  
TAYLOR WILKINS, Sheriff

Received in Sheriff's Office  
this 13 day of July, 1953  
TAYLOR WILKINS, Sheriff

By *Robert S. Taylor*  
TAYLOR WILKINS, Sheriff

By service on *Eugene Bryars*

Received on 18 day of July, 1953  
and on 18 day of July, 1953  
I served a copy of the within

STATE OF ALABAMA )

COUNTY OF BALDWIN )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EUGENE BRYARS  
to appear within thirty days from the service of this  
writ in the Circuit Court to be held for said county  
and, at the place of holding the same, to then and there  
answer the complaint of E. R. NANCE.

WITNESS MY HAND this 1 day of March, 1951.

CLERK

NO 16222

E. R. Vance

vs.

Engine Buyer

damages

Howell Johnson



E. R. NANCE,

Plaintiff,

VS.

EUGENE BRYARS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER 1622.

TESTIMONY TAKEN IN CHAMBERS ON APRIL 26, 1951

APPEARED: For Plaintiff

Howell & Johnston

Mr. E. R. Nance, having been first duly and legally  
sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Jansen (of the firm of Howell & Johnston)

Q. Is your name E. R. Nance?

A. E. R. Nance, yes sir.

Q. I will ask you<sup>to</sup> state whether or not during the month of December  
1950, you were the owner of a 1941 Chevrolet Club Coupe?

A. Right.

Q. Which was involved in an accident on or about the 12th of the  
month?

A. Yes sir, that's right.

Q. Who was driving the automobile?

A. I was.

Q. The other automobile at the time of the accident, who was driving  
that?

A. Eugene Bryars at the time, I believe they call him Gene.

Q. Was your automobile damaged in that accident?

A. Right.

Q. How long have you been driving an automobile, Mr. Nance?

A. Probably twenty years.

Q. You are familiar with the market value of that car, you have bought  
and sold automobiles?

A. Yes.

Q. What, in your opinion, was the reasonable market value of that  
automobile immediately preceding the accident?

- A. According to what I would have valued it?
- Q. No sir. What, in your opinion was the reasonable market value of the car immediately preceding the accident?
- A. Seven Hundred and Fifty Dollars.
- Q. On what do you base that?
- A. It sold for Eighty-five Dollars.
- Q. What do you base that estimate of Seven Hundred and Fifty Dollars on?
- A. I don't quite get you.
- Q. You say in your opinion it was worth that much money?
- A. Yes sir.
- Q. Did you have an offer of that much?
- A. A few days before that I was offered that much.
- Q. Seven Hundred and Fifty Dollars?
- A. Yes sir.
- Q. What, in your opinion, was the reasonable market value of that automobile immediately after the accident?
- A. Eighty-five Dollars.
- Q. In your opinion that was the reasonable market value?
- A. That was, yes sir.
- Q. This accident happened where, Mr. Nance?
- A. On the Daphne Road near what is known as the old Thompson place.
- Q. A short distance from Highway 31?
- A. Yes sir.
- Q. Last December 12th?
- A. December 12, 1950.
- TO THE COURT: I will ask for a judgment for Six Hundred and Sixty-five Dollars (\$665.00).
- THE COURT: All right.
- 

I, Ora S. Nelson, Court Reporter in and for the Twenty-eighth Judicial Circuit of Alabama, do hereby certify that the above and foregoing is a true and correct copy of the evidence given at the hearing of the above cause on April 26, 1951.  
Dated this 26th day of April, 1951.

Ora S. Nelson  
Court Reporter

FILED  
APR 25 1951  
ALICE J. BAKER Clerk

STATE OF ALABAMA       )  
COUNTY OF BALDWIN     )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EUGENE BRYARS  
to appear within thirty days from the service of this  
writ in the Circuit Court to be held for said county  
and, at the place of holding the same, to then and there  
answer the complaint of E. R. NANCE.

WITNESS MY HAND this 3<sup>rd</sup> day of March, 1951.

Archie J. Leach  
CLERK

E. R. NANCE,

Plaintiff,

vs

EUGENE BRYARS,

Defendant.

\*

IN THE CIRCUIT COURT OF

\*

BALDWIN COUNTY, ALABAMA.

\*

AT LAW. NO.

\*

\*

COUNT ONE:

Plaintiff claims of the defendant the sum of Seven Hundred Fifty and no/100 (\$750.00) Dollars as damages in this that heretofore on, to-wit, the 12th day of December, 1950, the defendant so negligently operated a motor vehicle which he was then driving northwardly on Old Daphne Road at or near its intersection with Highway 31, both of which are public highways in Baldwin County, Alabama, as to cause or allow said motor vehicle to collide with or run against the automobile of the plaintiff which was then being driven southwardly on said Old Daphne Road and as a proximate consequence thereof plaintiff's automobile was badly bent, broken and damaged to the injury of the plaintiff, hence this suit.

*Howell Johnston*  
ATTORNEYS FOR PLAINTIFF  
*Mobile Alabama*

DEFENDANT'S ADDRESS:

North side of Highway 31  
west of Bay Minette on road  
to Bebe Place.

Received in Sheriff's Office  
this 3 day of Mar, 1951  
TAYLOR WILKINS, Sheriff

W1622

RECORDED

E. R. Nance.

vs.

Eugene Bryars

Executed 3-6-51  
By serving a copy  
of the Within  
Summons + complaint  
on Gene Bryars  
Taylor Wilkins Sheriff  
147 Hall D.S.

FILED

MAR 3 1951

ADA 1 2000 CH

LAW OFFICES OF  
**HOWELL AND JOHNSTON**  
FIRST NATIONAL BANK ANNEX  
P. O. BOX 1652  
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.  
THOMAS A. JOHNSTON, III  
ALICE LOUISE MANRY  
IRVIN J. LANGFORD

July 15th, 1952

Mrs. Alice Duck  
Clerk of the Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: E. R. Nance  
Vs: Eugene Bryars  
Case No. 1622

Dear Mrs. Duck:

Enclosed herewith, please find Garnishment Affidavit to be filed with reference to the above mentioned matter. We would appreciate your having the Writ of Garnishment issued to the Alabama Dry Dock and Shipbuilding Company and the notice of same to the defendant as soon as possible.

With best regards, we remain

Sincerely yours,

HOWELL & JOHNSTON

  
Thomas A. Johnston, III

TAJ:jg

enc. 1

STATE OF ALABAMA,  
BALDWIN COUNTY }

TO EUGENE BRYARS, Defendant ..:

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

E. R. NANCE, Plaintiff ..,

versus EUGENE BRYARS, Defendant ..,

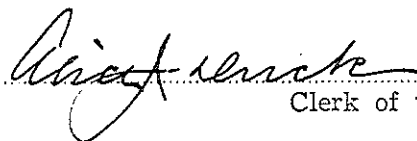
now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which .....

ALABAMA DRY DOCK AND SHIPBUILDING, a corporation

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 16th .....

day of July ....., 1945..



Clerk of the Circuit Court.



Received in Sheriff's Office  
this 16 day of July 1932  
TAYLOR WILKINS, Sheriff

Exhited - 25 - July 1932  
by leaving copy on  
Eugene Bryars

Taylor Wilkins Sheriff  
George F. Potts D. L.

1622½

RECORDED

NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT  
BALDWIN COUNTY, ALABAMA

TO

.....EUGENE BRYARS.....

.....E. B. NANCE.....

Plaintiff .....

VS.

.....EUGENE BRYARS.....

Defendant .....

THE STATE OF ALABAMA,  
MOBILE COUNTY

CIRCUIT COURT

Notary Public

Personally appeared before me, ~~John E. Moxley, Clerk of the Circuit Court~~ in and for Mobile County and State aforesaid Thomas A. Johnston, III, Attorney who being duly sworn, on oath says, that on the 26th day of April, 1951 of the Circuit Court of ~~Mobile~~ County, Baldwin E. R. Nance

recovered a judgment against Eugene Bryars

Case No. 1622 for the sum of Six Hundred Sixty-five and no/100 Dollars, besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect; that Alabama Dry Dock and Shipbuilding Company, a corporation, is

supposed to be indebted to or have effects of the said Eugene Bryars

in its possession, or under its control, and that he believes process of Garnishment against said Alabama Dry Dock and Shipbuilding Company, a corporation,

is necessary to obtain satisfaction of said Judgment,

Thomas A. Johnston III  
Attorney

Sworn to and subscribed this 15 day of July, A. D., 1952

Blair Murray  
Notary Public, Mobile County, ~~Ala.~~

State of Alabama at Large

RECORDED

1622 1/2

No. 1622 1/2

CIRCUIT COURT

E. R. Nance

vs.

Eugene Bryars

AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT

Filed in Office,

7-16

1952

*Reich J. Lench*  
Clerk.

HOWELL & JOHNSTON

**THE STATE OF ALABAMA,** {  
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

WHEREAS, At a regular Spring Term, 1951 of the Circuit Court of Baldwin County,  
to-wit: On the 26th day of April, 1951, being a regular day of  
said term, E. R. NANCE

recovered judgment against EUGENE BRYARS

for the sum of Six hundred, sixty-five and no/100 Dollars, and cost of suit,  
and affidavit having been made by THOMAS JOHNSTON III.  
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the  
following named persons or corporations, viz:

ALABAMA DRY DOCK AND SHIPBUILDING COMPANY, a corporation

has or is believed to have in their possession, or under their control money  
or effects belonging to said defendant Eugene Bryars or that Ala. Drydock and Shipbuilding Co  
is believed to be indebted to said defendant Eugene Bryars or to be liable to them, or to one of them 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.

You Are Therefore Hereby Commanded to Summon

ALABAMA DRY DOCK AND SHIPBUILDING COMPANY, a corporation

to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in  
the city of Bay Minette, on the Monday in within 30 days A. D. 19452,  
then and there within the three first days of the term, to answer on oath, whether at the time of the service  
of the garnishment, or at the time making their answer, or at any time intervening the time of serv-  
ing the garnishment and making the answer they was                      indebted to said defendant  
Eugene Bryars and whether they will not be indebted in future to said defendant  
Eugene Bryars by a contract then existing, and whether by a contract then existing                       
is, or are, liable to said defendants 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 they has not in their possession or under their control money or  
effects belonging to the defendant Eugene Bryars

Herein fail not, and have you then and there this Writ.

Witness, Alice J. Duck, Clerk of said Court, this 16th day of July

A. D., 19452. ISSUED 16th day of July A. D. 19452

ATTEST:

Alice J. Duck Clerk.

Received in Sheriff's Office  
this 16 day of July, 1952  
TAYLOR WILKINS, Sheriff

CD  
331

RECORDED

Circuit Court, Baldwin County

ET  
No. 1622 $\frac{1}{2}$

E. R. NANCE

VS. } GARNISHMENT ON JUDGMENT

EUGENE BRYARS

Issued 16th day of July, 1952

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 1952

Harvey Johnston  
Attorney

Moore Printing Co., Bay Minette, Ala.

Received 17 Day of July, 1952  
and on 21 Day of July, 1952  
I served a copy of the within 17 above  
on W. H. Holcombe  
& W. H. Holcombe  
by service on W. H. Holcombe

W. H. HOLCOMBE, Sheriff

By W. H. Holcombe D.S.

STATE OF ALABAMA:

COUNTY OF MOBILE:

E. R. Nance

PLAINTIFF

Eugene Bryars

DEFENDANT

Your # 1622 $\frac{1}{2}$

VS:

ALABAMA DRY DOCK & SHIPBUILDING COMPANY, Garnishees:

Before the Circuit Court, Baldwin County  
Court of Mobile in and for said County and State:

And now comes the Alabama Dry Dock and Shipbuilding Company, through and by H. H. Wilson its agent duly authorized by it to make this answer, and for answer to the garnishment in this cause says:

That at the service of this writ of garnishment and at the time of making its answer thereto, it is not indebted to said defendant in the sum of \_\_\_\_\_ Dollars, (\$ \_\_\_\_\_) being wages, salary or compensation for personal services rendered by defendant, who is a resident of the State of Alabama, and that neither at the time of the service of said writ, nor at any time since has it been indebted to said defendant in any other and further sum; and that it will not be indebted in the future to said defendant by a contract now or previously existing; and that it is not liable to said defendant by a contract now or previously existing 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 that it has not now in its possession or under its control any money or effects belonging to said defendant, and that it has not had in its possession or under its control since the service of said writ any money belonging to said defendant, and that it does not know or believe that any other person is indebted to said defendant; and that it does not know or believe that any other person has effects of said defendant in his possession or under his control.

We have checked with our Employment Department and they report no record of employment on the above named defendant,

And having answered said Garnishment, prays to be hence dismissed with its reasonable costs in his behalf expended.

ALABAMA DRY DOCK & SHIPBUILDING CO.

By H. H. Wilson Agent.  
H. H. Wilson

Subscribed and sworn to before me, this

23rd. day of July, 19 52

[Signature]  
Notary Public, Mobile County, Alabama.

refer to our # 28

no 1622 1/2

N

RECORDED

2291

4 filed.  
7-24-52  
A. J. French  
Clerk