

1665

E. B. OVERTON
PLAINTIFF

VS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

HANS CLAUSEN AND MARIE
CLAUSEN
DEFENDANTS

AT LAW

Comes the plaintiff by W. C. Beebe, his attorney, in the above styled cause and shows unto this Honorable Court that on, to-wit, the 13th day of October, 1952, judgment was rendered by this Court in the above styled cause in favor of this plaintiff in the sum of \$950.00 and cost against the said defendants, Hans Clausen and Marie Clausen; and that he is informed and believes and upon such information and belief says that the said defendants have or are about to remove from the State of Alabama and are about to fraudulently dispose of all of their properties in this State so that the said judgment would not be collectable if execution on the said judgment is delayed for ten days; and plaintiff moves this Court that execution on the said judgment issue forthwith.

W. C. Beebe

~~Attorney for Plaintiff~~

Sworn to and subscribed before me this the 15th day of October, 1952.

Madeline L. Burgess
Notary Public, Baldwin Co., Ala.

Sufficient cause having been shown by the affidavit of the plaintiff in the case of E. B. Overton, Plaintiff vs Hans Clausen and Marie Clausen, defendants, for the issuance of execution on the judgment rendered in said cause, leave is hereby given for the issuance immediately of execution on the judgment in the aforesaid cause and the clerk of this Court be and is hereby ordered and directed to issue execution on the aforesaid judgment forthwith.

Done this the 15th day of October, 1952.

Jefferson J. Maslowsky, Jr.
Judge

RECORDED

FILED
OCT 15 1952
MRS. J. DICK, Clerk

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1665

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Hans Clausen and Marie Clauson

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 _____

Hans Clausen and Marie Clauson, Defendant

by E. B. Overton

Plaintiff.....

Witness my hand this 29th day of May 19 51.....

Wm. J. Overton, Clerk

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS and COMPLAINT

Filed, 19.....

....., Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

19.....

Sheriff

I have executed this summons

this, 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

E. B. OVERTON

PLAINTIFF

VS

HANS CLAUSEN AND MARIE
CLAUSEN

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

at Law
~~PROPERTY~~

FIRST: The plaintiff claims of the defendants the sum of Nine Hundred Fifty (\$950.00) Dollars, for this that on or about October 21, 1950, the defendants employed the plaintiff, who was a licensed real estate broker doing business in the City of Fairhope, Alabama, to obtain for them a purchaser for certain real and personal property described as follows:

The Northeast quarter of the Southwest quarter of Section 10, Township 6 South, Range 2 East, and the East 22½ feet in the West quarter of Southeast quarter of Northwest quarter in Section 10, Township 6 South, Range 2 East,

Also

10 head of cattle

Approximately 300 chickens

One 1948 Chevrolet pick-up truck motor no. BPCA-19866

at the price of Nineteen Thousand (\$19,000.00) Dollars, and agreed to pay him therefor five percent of the said selling price, and the plaintiff alleges that he did, within the time specified in his employment and while he was so employed by the defendants as aforesaid, on to-wit: March 2, 1951 obtain purchasers for said property, namely, Granville T. Patterson and Eunice B. Patterson, for and at the purchase price aforesaid, and that the said defendants did sell the said lands to the said purchasers for and at the said price; and that the said defendants have failed and refused to pay the agreed sum for such service aforesaid, namely, Nine Hundred Fifty (\$950.00) Dollars; hence this suit.

SECOND: The plaintiff claims of the defendants the sum of Nine Hundred Fifty (\$950.00) Dollars, due from them by account between the defendants and plaintiff on to-wit: the 2nd day of March, 1951, which sum of money, with interest thereon is still unpaid.

THIRD: The plaintiff claims of the defendants the sum of Nine Hundred Fifty (\$950.00) Dollars for work and labor done by the plaintiff for the defendants on to-wit: the 2nd day of March, 1951, which sum of money, with interest thereon is still unpaid.

W. C. Beebe
Attorney for Plaintiff

Mo. 1665-

RECORDED
RECORDED

E. B. Overton,
Plaintiff

vs

Hans Clausen and Marie
Clausen
Defendants

Complaint

FILED
MAY 29, 1951
ALICE J. DUCK, Clerk

Montrose also
phone 3362

Received in Sheriff's Office
this 29 day of May, 1951
TAYLOR WILKINS, Sheriff

Executed 6-16 1951
by serving copy of within Summons and
Complaint on

Hans Clausen
Marie Clausen

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

We the jury find
for the Plaintiff
and award the
sum of \$950.00 damages.

H. R. Hall
Foreman

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Madeline S. Bryars, a Notary Public in and for said State and County, this day personally W. C. Beebe, who, being duly sworn, deposes and says that he is attorney for E. B. Overton in that certain cause of E. B. Overton against Hans Clausen and Marie Clausen, in the Circuit Court of Baldwin County, Alabama, Number 1665 on the docket of the said Court; that judgment in said cause was rendered in favor of the said E. B. Overton and against the said Hans Clausen and Marie Clausen on to-wit, the 14th day of October, 1952 for the sum of \$950.00 damages and the sum of \$17.10 court cost, and that the said Hans Clausen and Marie Clausen are indebted to the said E. B. Overton under the said judgment in the sum of \$950.00, damages and \$17.10 cost and that Pitman Realty Company of Fairhope, Alabama, and Cecil Pitman of Fairhope, Alabama, and the Baldwin County Building and Loan Association of Robertsdale, Alabama are supposed to be indebted to the said defendants, or to have effects of the said defendants in their possession or under their control, and that he believes that process of garnishment against the said Hans Clausen and Marie Clausen is necessary to obtain satisfaction of the said judgment and the said Pitman Realty Company, Cecil Pitman and Baldwin County Building and Loan Association are believed to be chargeable as garnishee in said cause and this writ is not issued out for the purpose of vexing or harassing said defendants or other improper motives, and the plaintiff elects to sue out this writ of garnishment on said judgment without giving bond.

W. C. Beebe

Sworn to and subscribed before me this the 15 day of October 1952.

Madeline S. Bryars
Notary Public, Baldwin Co. Ala.

RECORDED

Owens
vs
Clawson

affidavit for
dismissal
per judgement

Filed Oct 15, 1952

Alice French
Clerk

E. B. OVERTON

PLAINTIFF

VS

HANS CLAUSEN and
MARIE CLAUSEN

DEFENDANTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 1665

Now come the Defendants separately and severally and demur to the Plaintiff's complaint, and to each count thereof separately and severally and for grounds say:

1.

That there is no equity in the bill.

2.

That the Plaintiff has an adequate and complete remedy at law.

3.

That said count does not state a cause of action.

4.

That said count does not state whether the alleged contract between the Plaintiff and the Defendants was oral or in writing.

5.

That said count does not set out the terms and conditions of the alleged contract of employment between the Plaintiff and the Defendants.

6.

That said Count does not allege that the Defendants were the owners of the property described in the bill of complaint on to-wit, March 2, 1951.

7.

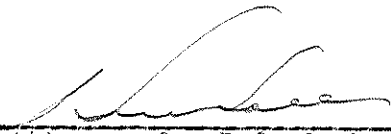
For ought appears the Defendants were not the owners of the property described in the bill of complaint on the date alleged, to-wit, March 2, 1951.

8.

That said count does not allege that the Plaintiff produced a purchaser ready, able and willing to purchase the property involved.

9.

That said count does not set out the terms and conditions under which the Plaintiff was authorized and employed to sell the property belonging to the Defendantw



Attorney for Defendants

The defendants demand a trial by jury.



Attorney for Defendants

166 RECORDED

E. B. OVERTON

PLAINTIFF

VS

HANS CLAUSEN AND
MARIE CLAUSEN

DEFENDANTS

DEMURRER

FILED

JUN 27 1951

ALICE J. DUCK, Clerk

Mr Beebe

2 - Garrison
1 - against
1 - 1
1

STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WHEREAS, at a regular term of the Circuit Court of Baldwin County, to-wit: On the 14th day of October, 1952, being a regular day of said term, E. B. Overton recovered judgment against Hans Clausen and Marie Clausen for the sum of Nine Hundred Fifty and no/100 (\$950.00) Dollars, and cost of suit, and affidavit having been made by W. C. Beebe, attorney for E. B. Overton, that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named persons, viz: W. G. McKibbon and Eunice McKibbon have or are believed to have in their possession, or under their control money or effects belonging to said defendants, or that they are, or are believed to be indebted to the said defendants 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 W. G. McKibbon and Eunice McKibbon to be and appear before the honorable the Circuit Court for Baldwin County, at the court house thereof, in the city of Bay Minette, ~~within thirty days from the service of~~ this writ, and each then and there 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 serving the garnishment and making the answer they were indebted to said defendants and whether they will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing they 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 have not in their possession or under their control money or effects belonging to the defendants, Hans Clausen and Marie Clausen, or either of them.

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

Witness, Alice J. Luck, Clerk of said Court, this the 17 day of October, 1952.

Alice J. Luck

10-22-52

Executed Oct, 22. 1952

By Serving copy on

W. G. Mc Kibben

Ernice Mc Kibben

W. H. T.

Received in Sheriff's Office
this 22 day of Oct., 1952
TAYLOR WILKINS, Sheriff

Sheriff

Taylor Wilkins

By

Edleigh Steadham

FILED

OCT 17 1952

Alice L. Dick, Clerk

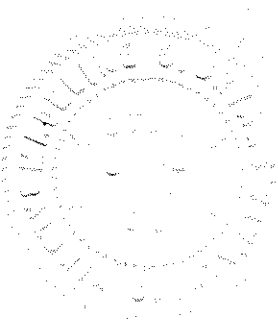
STATE OF ALABAMA
BALDWIN COUNTY

Before me, Madeline S. Bryers, a Notary Public in and for said State and County, ~~this day personally appeared~~ W. G. McKibbon, who being by me duly sworn deposes and says that he is attorney for E. B. Overton in that certain cause of E. B. Overton against Hans Clausen and Marie Clausen, in the Circuit Court of Baldwin County number 1665 on the docket of the said court; that judgment in said cause was rendered in favor of said E. B. Overton and against the said Hans Clausen and Marie Clausen on to-wit: October 14, 1952, for the sum of \$950.00 damages and the sum of \$17.10 cost, and that the said Hans Clausen and Marie Clausen are indebted to the said E. B. Overton under the said Judgment in the sum of \$950.00 damages and \$17.10 cost and that W. G. McKibbon and Eunice McKibbon are supposed to be indebted to the said defendants or to have effects of the said defendants in their possession or under their control and that he believes that process of garnishment against the said W. G. McKibbon and Eunice McKibbon is necessary to obtain satisfaction of the said judgment and the said W. G. McKibbon and Eunice McKibbon are believed to be chargeable as garnishee in said cause and this writ is not issued out for the purpose of of vexing or harassing said defendants, or other improper motives, and the plaintiff elects to sue out this writ of garnishment on said judgment without giving bond.

W. G. McKibbon
Attorney for Plaintiff

Sworn to and subscribed before me this the 17 day of October, 1952.

Madeline S. Bryers
Notary Public, Baldwin Co., Ala.



W 1665 1/2

E. B. Dorton

vs.

Wm Clauson et al

Exhibit

Appd.

FILED
OCT 17 1952
ALICE J. DUCK, Clerk

STATE OF ALABAMA

CIRCUIT COURT

BALDWIN COUNTY

BALDWIN COUNTY

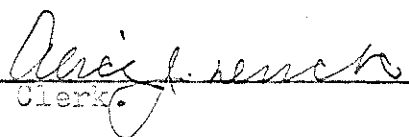
TO ANY SHERIFF OF THE STATE OF ALABAMA & GREETING:

WHEREAS, at a regular term of the Circuit Court of Baldwin County, to-wit; On the 14th day of October, 1952, being a regular day of said term, E. B. Overton recovered judgment against Hans Clausen and Marie Clausen for the sum of Nine Hundred Fifty and no/100 (\$950.00) Dollars, and cost of suit, and affidavit having been made by W. C. Beebe, attorney for E. B. Overton, that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, Viz: Cecil Pitman, and Pitman Realty Company, and Baldwin County Building and Loan Association have or is believed to have in their possession, or under their control money or effects belonging to said defendants, or that they are, or are believed to be indebted to the said defendants 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, Cecil Pitman and Pitman Realty Company and Baldwin County Building and Loan Association to be and appear before the honorable the Circuit Court for Baldwin County, at the Court house thereof, in the city of Bay Minette, within thirty days from the service of this writ, and each then and there to answer on oath, whether at the time of the service of the garnishment, or at the time making its, his or their answer, or at any time intervening the time of serving the garnishment and making the answer it, he or they were indebted to said defendant and whether it, he or they will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing it, he or they 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 it, he or they have not in its, his or their possession or under its, his or their control money or effects belonging to the defendants, Hans Clausen and Marie Clausen, or either of them.

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

Witness, Alice J. Duck, Clerk of said Court, this the 5 day of October, 1952.


Clerk.

1665 1/2 10-16-52

Executed Oct. 16. 1952

By Sewing Copy on.

Sidney L. Chandler

Asst Sec - Treas -

Cecil Pitman

Writ

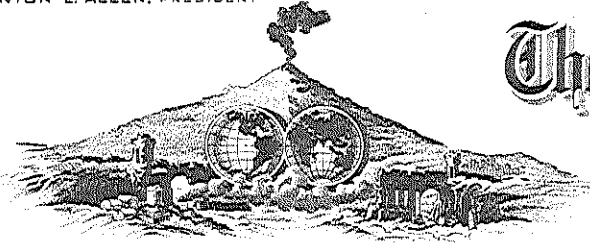
Sheriff

Taylor Wilkins

By

Edw. Steadham

1665



The Century Indemnity Company

ÆTNA INSURANCE GROUP, HARTFORD 15, CONN.

PITMAN REALTY COMPANY
General Insurance & Real Estate
FAIRHOPE, ALABAMA

11 Nov. 1952

Mr. Hubert M. Hall, Attorney at Law
Bay Minette, Alabama

Dear Hubert:

This is to confirm our phone conversation of last evening concerning Hans and Marie Clausen's acceptance of your proposal to settle the Overton judgement. The acceptance was made on the following premise: They will receive a net amount of \$750.00, of the \$1,250.00, that is presently on deposit with the Circuit Clerk. This would make the Total settlement including court costs, payment of judgement and your fee not to exceed \$500.00.

Should this arrangement not be satisfactory, I am sure of your decision that the re-hearing can be won. Since I am leaving on a vacation today I would like to ask you to please forward the Clausen's check direct to them. Address: % Palomar Trailer Park, Route 4, Vista, Calif.

Warm personal regards for your continued success.

Sincerely,

CECIL PITMAN

CP/p

Pitman Realty Company

OFFICE
PHONE 2431

"Let Us Make Your Dreams A Reality"

RESIDENCE
PHONE 8166

FAIRHOPE, ALABAMA

July 1, 1953

Clerk of the Circuit Court
Bay Minette, Alabama

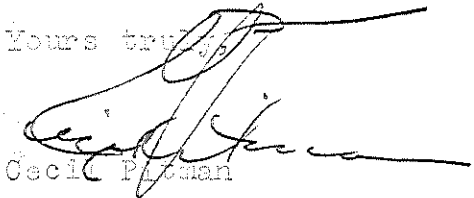
Overton-Clausen

Dear Mrs. Duck:

I am enclosing a letter from Mr. and Mrs. Hans Clausen to rectify an earlier mistake on my part. I previously wrote asking you to release all but \$500.00 of escrow payment you are holding on the above captioned case. It was my thought this would leave \$500.00 to be returned to the Clausens. I am reminded that \$1,250.00 was withheld rather than the \$1,000.00 that I had erroneously in mind. Her letter refreshed my memory.

I sincerely hope that this matter has already been closed for these fine people.

Yours truly,


Cecil Pitman

CP: SC

1051 So Santa Fe.

Vista, Calif.

June 22nd - 53

Dear Mr Pitman!

Have just recd.
your letter of June 16th
including copy of letter
to the Circuit Court. In
it however you made
a mistake. The amount
due us is 750.⁰⁰. Not
as you instructed them
500.⁰⁰. They withheld 125.⁰⁰
in all & we agreed to
accept 750.⁰⁰. I thought
I better write to you
right now & get it straight.

Hoping there want be
any more difficulties
about it we remain
as ever with best
regards to you

Hans & Marie

Clausen

2. 29.

~~2. 29.~~
~~2. 29.~~
~~2. 29.~~

~~2. 29.~~
~~2. 29.~~
~~2. 29.~~