

1746

SUMMONS AND COMPLAINT

STATE OF ALABAMA X

BALDWIN COUNTY X

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. W. Hayles to appear within thirty days from the service of this writ in the Circuit Court, to be heard for said county at the place of holding the same then and there to answer the complaint of SCHEUER BROS. & CO., INC., a corporation.

Witness my hand, this 21st day of December, 1951.

Reece L. Hensley
Clerk

C O M P L A I N T

*In the Circuit Court of
Baldwin Co. at Law*
Case No.
J. W. HAYLES,

SCHEUER BROS & CO., INC., X X
A CORPORATION, VS. X
 PLAINTIFF, X X DEFENDANT.

COUNT ONE: Plaintiff claims of the defendant NINE HUNDRED SIXTY-FOUR AND 38/100 (\$964.38) DOLLARS due from him on account stated between plaintiff and defendant on the 5th day of February, 1948, which sum of money, with the interest thereon is due and unpaid.

COUNT TWO: The plaintiff claims of the defendant NINE HUNDRED SIXTY-FOUR AND 38/100 (\$964.38) DOLLARS due from the defendant on account stated on, to-wit, the 5th day of February, 1948, which sum of money together with interest thereon, is still due and unpaid.

COUNT THREE: The plaintiff claims of the defendant the sum of NINE HUNDRED SIXTY-FOUR AND 38/100 (\$964.38) DOLLARS due from him by account on, to-wit, the 5th day of February, 1948, which

SUm of money with interest thereon is still unpaid.

An itemized statement of the account sued on,
verified by the affidavit of a competent witness is attached
hereto as exhibit A and made a part thereof.


Attorney for Plaintiff

STATE OF ALABAMA

MONTGOMERY COUNTY

Before me, the undersigned Notary Public, personally
appeared L. S. WARD, who being first duly sworn deposes
and says: That he is Vice President,
for Scheuer Brothers & Company, an Alabama Corporation of Montgomery,
Alabama, and as such has knowledge of the correctness of the account
between said Scheuer Brothers & Company, an Alabama Corporation of
Montgomery, Alabama, and J. W. Hayles, and that the attached itemized
statement correctly shows such account after allowing all proper credits.

L. S. Ward
Title: Vice President

Subscribed and sworn to before me
this 21 day of July, 1950.

Paula Eubank
Notary Public, Montgomery County, Alabama.

Received in Sheriff's Office
this 21 day of Dec, 1951
TAYLOR WILKINS, Sheriff

Executed Dec. 22 1951
by serving copy of within Summons and
Complaint on

J. W. Hayles

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

BALDWIN COUNTY, ALABAMA.

IN LAW. CASE NO. 1746.

SCHEUER BROS. & CO., INC.,
a corporation,
Plaintiff,

vs.

J. W. HAYLES,
Defendant.

SUMMON AND COMPLAINT

FILED: 12-21-51.


Alice J. Leach
Clerk

STATEMENT
SCHEUER BROS. & Co., INC.
P. O. BOX 138 106 COMMERCE
TELEPHONE 5078
MONTGOMERY, ALABAMA

J. W. Hayles

"EXHIBIT A"

Rabun,
Alabama

DATE	FOLIO	DR.	CR.	BALANCE
Sept 6, 1947	7487	98.32		98.32
Sept 9, 1947	7559	27.92		126.24
Sept 21, 1947	7883	7.43		133.67
Oct. 1, 1947	8169	8.43		142.10
Oct 15, 1947	8659	97.72		239.82
Oct 21, 1947	8804	296.00		535.82
Oct 20, 1947	8776	335.75		871.57
Nov. 25, 1947	12066	192.02		1,063.59
Nov 28, 1947	10364	538.62		1,602.21
Dec 19, 1947	11159	10.43		1,612.64
Oct 18, 1947	132		40.00-	1,572.64
Jan 30, 1948	9637	23.77		1,596.41
Feb 5, 1948	27		632.03	964.38
Accumulated interest at 6% per annum				144.66
				1,109.04
I certify that the above is true and correct to the best of my knowledge and belief.				
		Signed:	 L.S. Ward J.P.	

SCHEUER BROS. & COMPANY, INC.	X	
a corporation,		
	X	
Plaintiff,		IN THE CIRCUIT COURT OF
	X	
Vs.		BALDWIN COUNTY, ALABAMA
	X	
J. W. HAYLES,		AT LAW
	X	
Defendant.	X	

Comes now the Plaintiff in the above styled cause and files the following demurrers to answers (pleas) 1,2,3 & 4, separately and severally:

1.

Each plea is an attempt to make a collateral attack on a judgment rendered in this Court on the 3rd day of November, 1953; this judgment is immune from a collateral attack.

2.

The pleas of the Defendant make a collateral attack on the Final Decree heretofore rendered by this Court, hence are ineffective.

3.

Decrees of the Circuit Court can be attacked only by direct impeachment, hence, these pleas should be stricken.

The following answers are made to the pleas heretofore filed in this cause by the Defendant.

1.

Answer to Plea #1 - The allegations contained in the Plaintiff's Petition to revive judgment are a matter of record. The judgment referred to was obtained in Case No. 1746, in the Circuit Court of Baldwin County, Alabama. This judgment was made a matter of record; the same is recorded in the office of the Probate Judge of Baldwin County, Alabama, in Judgment Book 5, page 409 and is re-recorded in Judgment Book 7, page 477.

2.

Answer to plea #2 - The allegations contained in the Plaintiff's Petition to revive judgment are a matter of record. The judgment referred to was obtained in Case No. 1746, in the Circuit Court of Baldwin County, Alabama. This judgment was made a matter of record; the same is recorded in the office of the Probate Judge of Baldwin County, Alabama, in Judgment Book 5, page 409 and is re-recorded in Judgment Book 7, page 477.

3.

Answer to Plea #3 - The judgment obtained in this cause has been twice recorded; once in Judgment Book 5, page 409, and once in Judgment Book 7, page 477, in the office of the Probate Judge of Baldwin County, Alabama.

4.

Answer to Plea #4 - The pleading in this cause that Scheuer Bros. & Company, Inc., a corporation, filed this suit against J.W. Hayles on December 21, 1951, Case No. 1746; that the person who has made the affidavit ^{pleading} ~~pled~~ nul tiel corporation, filed demurrers for the Defendant in this cause on the 3rd day of January, 1952; that he took the acknowledgment of the Defendant in this cause on the 15th day of November, 1954, wherein the Defendant claimed a homestead exemption and this is the first time the question of nul tiel corporation has been raised, hence it is too late.

5.

For answer to Plea #5 - The Plaintiff says that this debt has not yet been paid.

As relates to demand for trial by jury

The Defendant in this cause is not entitled to a trial by jury. This matter first came before the court some ten years ago. The Defendant had thirty days within which to demand a trial by jury, and this time has long been passed.

FILED

JUL 8 1955

ALICE J. DUCK, CLERK
REGISTER

WILKERS & BRANTLEY

BY:

William M. Brantley
Attorney for Plaintiff

224

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared
Tolbert M. Brantley, Attorney for the Plaintiff, who being by me
first duly sworn says:

That he has read the foregoing answers and on oath
says that the answer to plea #5 is true and correct
to the best of his information, knowledge and belief.

Tolbert M. Brantley
Tolbert M. Brantley

Sworn to and subscribed before me on this the ____ day of July, 1963.

Notary Public, State of Alabama at Large

220, 1746

SCHEUER BROS. & CO., INC.,
a corporation,

Plaintiff,

Vs.

J. W. HAYLES,

Defendant.

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1746

PETITION TO REVIVE JUDGMENT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes now the Plaintiff in the above entitled cause and shows unto the Court as follows:

1.

That the Plaintiff owns a judgment obtained in this Court, in Case #1746, on the 3rd day of November, 1953, for the sum of \$1,109.04, against the above named Defendant. That said judgment remains unpaid and unsatisfied. That ten years will have elapsed with in the near future since the rendition of said judgment, original execution having heretofore issued, which was subsequently returned by the Sheriff and a claim of exemption filed by the Defendant on the 16th day of November, 1954.

Wherefore, Petitioner prays that a Writ of Scire Facias issue out of this Court requiring the Defendant to show cause, if any he has, within thirty days after service of such writ, why said judgment should not be in all things revived and execution issued on the same, and that upon the hearing of this Petition, if no legal reason be shown why said judgment should not be revived, an order reviving the same be entered with provisions for execution.

EXECUTED
JUNE 4, 1963

WILLIERS & BRANTLEY

BY:

Robert M Brantley
Attorney for Plaintiff

Upon consideration of the foregoing Petition, it is Ordered that a Writ of Scire Facias issue by the Clerk of this Court to the said J. W. Hayles in the manner and form provided by law.

Done this the 31 day of May, 1963.

221

Hubert M Hall, Circuit Judge

FILED

MAY 31 1963

J. DUCK, CLERK
REGISTER

Raburn

No. 1746

Scheurer Bros. & Co

vs

J. W. Hayles

1. Petition

2. Order

FILED

(MAY 31 1963)

ALICE J. DUCK, CLERK
REGISTER

Received 31 day of May 1963
d on 4 day of June 1963
served a copy of the within Petition
J. W. Hayles Order

service on

TAYLOR WILKINS, Sheriff
By W. C. Zalutsky S.
Raburn

Sheriff claims 22 miles at
Ten Cents per mile Total \$ 2.20.
TAYLOR WILKINS, Sheriff
BY DEPUTY SHERIFF

221

SCHEUER BROS. & COMPANY,
INC., a corporation

Plaintiff

vs

J. W. HAYLES

Defendant

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Comes the defendant in the above styled cause and moves to strike plaintiff's pleading, to-wit: demurrers and answers filed therein, and as grounds for said motion shows unto this Honorable Court as follows:

-1-

That said defendant has a motion pending which has not been acted upon by this Honorable Court.

THOMPSON & WHITE

BY: 

Attorneys for defendant

FILED

OCT 23 1964

ALICE J. DICK, CLERK
REGISTER

1172

1172

1172

SCHUEER BROS. & CO., INC.
a Corporation

Plaintiff

VS

J. W. HAYLES

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

Comes the defendant, J. W. Hayles, in the above styled cause
and amends his answer heretofore filed in said cause to read as
follows:

-1-

He denies the allegations of said complaint as untrue.

-2-

Nul tiel record.

-3-

Nul tiel judgment.

-4-

Nul tiel corporation.

-5-

That said corporation having failed for a period of more than
five consecutive years to use the said corporate franchise through
having failed to pay its franchise or other lawful taxes due the
State of Alabama, has forfeited said franchise and is no longer an
entity capable of suing in the courts of Alabama.

-6-

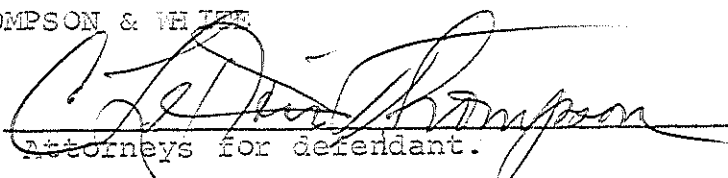
That said corporation is no longer in existence in that the
said corporation has failed to pay its corporate or franchise taxes
for a period of more than five years to the State of Alabama and in
accordance with Title 10, section 21 (85) has forfeited said fran-
chise.

-7-

The defendant for answer to the said complaint, saith that he has
paid the debt, for the recovery of which this suit was brought before
the action was commenced.

THOMPSON & WHITE

BY:


Attorneys for defendant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared, C.
LeNoir Thompson, attorney for the defendant, who being informed of

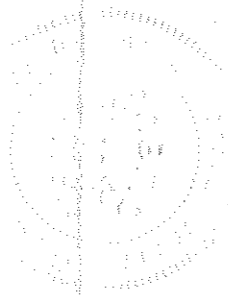
the contents of the foregoing plea, says under oath, that same is true and correct, to the best of his knowledge, information and belief.


[Signature]

[Signature]
sworn to and subscribed before me, this the 31st day of
1963.

[Signature]
Notary Public, Baldwin County, Alabama

FILED
OCT 31 1963
ALICE J. DUCK, CLERK
REGISTER



1746

SCHEUER BROS. & CO., INC.,
a corporation

Plaintiff

vs

J. W. HAYLES

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO.

Comes the defendant, J. W. Hayles, in the above styled cause and
for answer to the complaint, and to each and every phase thereof sep-
arately, and severally, says:

-1-

He denies the allegations of said complaint as untrue.

-2-

Nul tiel record.

-3-

Nul tiel judgment.

-4-

Nul tiel corporation.

-5-

The defendant for answer to the said complaint, saith that he has
paid the debt, for the recovery of which this suit was brought before
the action was commenced.

Defendant demands trial
by jury.

[Signature]
Attorney for defendant

THOMPSON & WHITE

BY: *[Signature]*
Attorneys for defendant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared, C. LeNoir
Thompson, attorney for the defendant, who being informed of the contents
of the foregoing plea, says under oath, that same is true and correct,
to the best of his information, knowledge and belief.

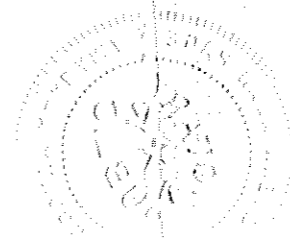
[Signature]

Sworn to and subscribed to before me, this the 21st day of June
1963.

[Signature]
Notary Public, Baldwin County, Alabama

FILED
JUN 21 1963
ALICE I. DUCK, CLERK
REGISTER

1746



SCHEUER BROS. & COMPANY,
INC., a corporation,

Plaintiff,

Vs.

J. W. HAYLES,

Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER

Comes now the Plaintiff in the above styled cause and
files the following demurs to the Defendant's Amended Answer:

1.

The following demurs are filed to Plea #1, 2, 3, and 4:

a.

Each plea is an attempt to make a collateral attack on
a judgment rendered in this Court on the 3rd day of November,
1953; this judgment is immune from a collateral attack.

b.

The pleas of the Defendant make a collateral attack on
the Final Decree heretofore rendered by this Court, hence are
ineffective.

c.

Decrees of the Circuit Court can be attacked only by
direct impeachment, hence, these pleas should be stricken.

2.

The following demurs are directed to Plea #5 and 6:

a.

These pleas are no bar to the Plaintiff's right to main-
tain his cause of action.

b.

These pleas are but a conclusion of the pleader.

.....

ANSWER

1.

Answer to Plea #1 - The allegations contained in the Plaintiff's Petition to revive judgment are a matter of record. The judgment referred to was obtained in Case No. 1746, in the Circuit Court of Baldwin County, Alabama. This judgment was made a matter of record; the same is recorded in the office of the Probate Judge of Baldwin County, Alabama, in Judgment Book 5, page 409 and is re-recorded in Judgment Book 7, page 477.

2.

Answer to Plea #2 - The allegations contained in the Plaintiff's Petition to revive judgment are a matter of record. The judgment referred to was obtained in Case No. 1746, in the Circuit Court of Baldwin County, Alabama. This judgment was made a matter of record; the same is recorded in the office of the Probate Judge of Baldwin County, Alabama, in Judgment Book 5, page 409 and is re-recorded in Judgment Book 7, page 477.

3.

Answer to Plea #3 - The judgment obtained in this cause has been twice recorded; once in Judgment Book 5, page 409, and once in Judgment Book 7, page 477, in the office of the Probate Judge of Baldwin County, Alabama.

4.

Answer to Plea #4 - The pleading in this cause that Scheuer Bros. & Company, Inc., a corporation, filed this suit against J. W. Hayles on December 21, 1951, Case No. 1746; that the person who has made the affidavit pleading nul tiel corporation, filed demurrers for the Defendant in this cause on the 3rd day of January, 1952; that he took the acknowledgment of the Defendant in this cause on the 15th day of November, 1954, wherein the Defendant claimed a homestead exemption and this is the first time the question of nul tiel corporation has been raised, hence it is too late.

5.

Plaintiff neither admits nor denies that it has lost its franchise, but demands strict proof of the same. For further answer to Plea #5, the Plaintiff says that it would take at least a ten year period of time to bar the Plaintiff's right to recover because of dis-use of its franchise.

6.

Plaintiff neither admits nor denies that it has lost its franchise, but demands strict proof of the same. For further answer to Plea #6, the Plaintiff says that it would take at least a ten year period of time to bar the Plaintiff's right to recover because of dis-use of its franchise.

7.

For answer to Plea #7 - The Plaintiff says that this debt has not yet been paid.

As relates to demand for trial by jury

The Defendant in this cause is not entitled to a trial by jury. This matter first came before the court some ten years ago. The Defendant had thirty days within which to demand a trial by jury, and this time has long been passed.

WILTERS & BRANTLEY

FILED

OCT 22 1964

BY:

Stephen M Brantley
Attorney for Plaintiff

ALICE L. DUCK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared
Tolbert M. Brantley, Attorney for the Plaintiff, who being by
me first duly sworn says:

That he has read the foregoing answers and on oath
says that the answer to plea #7 is true and correct
to the best of his information, knowledge and belief.

Tolbert M. Brantley
Tolbert M. Brantley

Sworn to and subscribed before me on this the 22nd day of October,
1964.

June B. Hedge
Notary Public, State of Alabama at Large

1746



1746

SCHEUER BROS. & CO., INC., a corporation

Plaintiff

VS

J. W. HAYLES

Defendant

X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 1746

Comes the defendant in the above styled cause and having propounded interrogatories to the plaintiff corporation in the above styled cause; and the said plaintiff corporation through one, Charles D. Denio, as President of said corporation refused to answer interrogatories 3, 4, 5 and 6.

-1-

Wherefore, your petitioner moves this Honorable Court to attach the said Charles D. Denio and require his personal appearance for an oral hearing before this Honorable Court.

-2-

To require the said Charles D. Denio to produce all of the corporate records showing the years which it has exercised corporate functions and the years which the corporation has paid a franchise tax or permit fee since 1954.

-3-

In the alternative to enforce the penalties provided under Title 7, Section 483 and Title 7, Section 486 of the 1940 Code of Alabama, as amended and reprinted in 1960.

-4-

And as further grounds for said motion your defendant shows unto this Honorable Court that the answers to interrogatories 3, 4, 5, and 6 are pertinent and material and are necessary information to this Honorable Court that a legal and proper decision may be reached.

Wherefore, this motion.

THOMPSON & WHITE

BY:

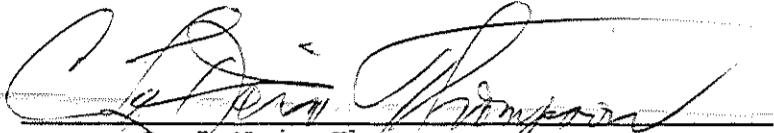

Attorneys for defendant.

STATE OF ALABAMA
BALDWIN COUNTY

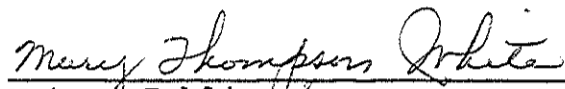
Before me, the undersigned Notary Public, in and for said

State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff as noted, if truthfully made, will be material evidence for the defendant on the trial of said cause.


C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 4th day of October, 1963.


Notary Public State of Alabama at Large

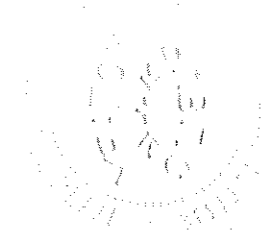
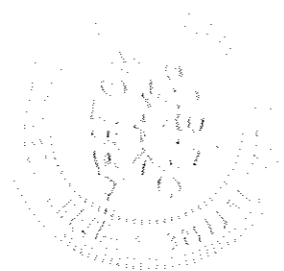
FILED

OCT 4 1963

ALICE L. DUCK, CLERK
REGISTER



1746



FILED

OCT 4 1963

STATE OF ALABAMA

BALDWIN COUNTY

TO THE SHERIFF OF SAID COUNTY - - GREETINGS:

You are hereby commanded to forthwith serve the within writ personally on the Defendant, J. W. Hayles.

Witness my hand this the 31 day of May, 1963.

Alvin L. French
Clerk of Circuit Court of Baldwin County

SCHEUER BROS. & CO., INC., X
a corporation,

Plaintiff, X

Vs.

J. W. HAYLES,

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

TO J. W. HAYLES:

You will take notice that Plaintiff in the above entitled cause has filed a petition in the Circuit Court of Baldwin County, Alabama, to revive a judgment rendered on the 3rd day of November, 1953, against you, in said court in Case No. 1746, for the sum of \$1,109.04, and costs of suit.

Now, therefore, you are hereby notified to show cause, if any you have, why said judgment should not be revived against you within 30 days after the date of service hereof.

Witness my hand this the 31 day of May, 1963.

Alvin L. French
Clerk of Circuit Court of Baldwin County

Filed in office, 5-31, 1963.

Alvin L. French
Clerk

Executed by serving a copy of the within on _____, 1963.

Sheriff, Baldwin County, Alabama

By: _____
Deputy Sheriff

SCHEUER BROS. & CO., INC., A	*	IN THE
CORPORATION,	*	
	*	
PLAINTIFF	*	CIRCUIT COURT OF
	*	
VS.	*	BALDWIN COUNTY, ALABAMA,
	*	
J. W. HAYLES,	*	AT LAW
	*	
DEFENDANT	*	

ANSWERS TO INTERROGATORIES

Comes now Charles D. Denio, as President of Scheuer Bros. & Co., Inc., a Corporation, the Plaintiff in the above styled cause, and for answer to the interrogatories heretofore propounded to the Plaintiff in the above styled cause, being first duly sworn to speak the truth, the whole truth, and nothing but the truth, deposes and says as follows:

1. To the First Interrogatory Charles D. Denio says:

The name of the Plaintiff is Scheuer Bros. & Co., Inc., a Corporation; my name is Charles D. Denio.

2. To the Second Interrogatory Charles D. Denio says:

President.

3. To the Third Interrogatory Charles D. Denio says:

I decline to answer this interrogatory on advice of my counsel, the said interrogatory and the answer thereto not being pertinent to the issues in dispute between the parties.

4. To the Fourth Interrogatory Charles D. Denio says:

I decline to answer this interrogatory on advice of my counsel, the said interrogatory and the answer thereto not being pertinent to the issues in dispute between the parties.

5. To the Fifth Interrogatory Charles D. Denio says:

I decline to answer this interrogatory on advice of my counsel, the said interrogatory and the answer thereto not being pertinent to the issues in dispute between the parties.

6. To the Sixth Interrogatory Charles D. Denio says:

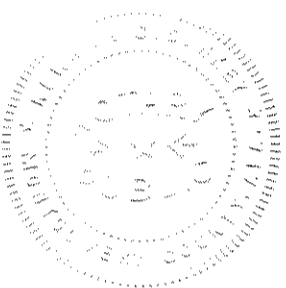
I decline to answer this interrogatory on advice of my counsel, the said interrogatory and the answer thereto not being pertinent to the issues in dispute between the parties.

Charles D. Denio

Charles D. Denio, as President
of Scheuer Bros. & Co., Inc.,
a Corporation

Sworn to and subscribed before me this 24th day of
September, 1963.

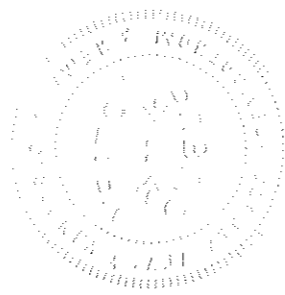
Neuman C. Sankey
NOTARY PUBLIC
MONTGOMERY COUNTY, ALABAMA



FILED

SEP 26 1963

ALICE L. DICK, CLERK
REGISTER

[illegible][illegible]

FILED
SEP 26 1968
ALICE L. DUCK, CLERK
REGISTER

SCHEUER BROS. & CO., INC.,
a corporation

Plaintiff

vs

J. W. HAYLES

Defendant

X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1746

Comes the defendant in the above styled cause and propounds the following interrogatories to the plaintiff, Scheuer Bros. & Co., Inc.:

1. State your name.

2. State what office you held in Scheuer Bros & Co., Inc., in 1953.

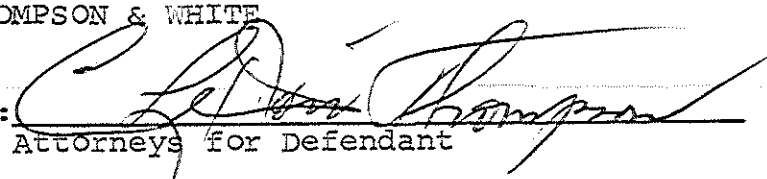
3. Is it not true that you have not paid a franchise tax or permit fee with the State Department of Revenue as an Alabama Domestic Corporation since 1954?

4. Is it not true that an officer of your company made a statement to the State Department of Revenue representative in 1954 that the corporation was out of business and had neither assets nor liabilities outstanding?

5. Is it not true that the said corporation has ceased to do business and has not exercised its franchise or corporate charter in any manner since 1954?

6. If your answer to the foregoing question is not "yes", then state the last date on which Scheuer Bros. and Co., Inc., a corporation, functioned as a corporation paying a franchise tax or permit fee.

THOMPSON & WHITE

BY: 
Attorneys for Defendant

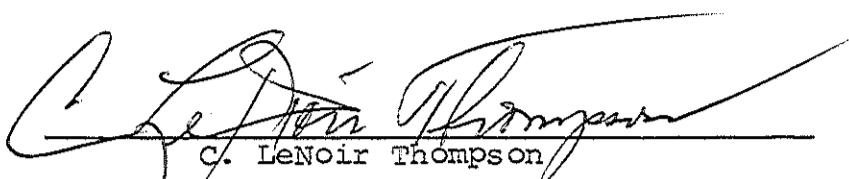
STATE OF ALABAMA

BALDWIN COUNTY

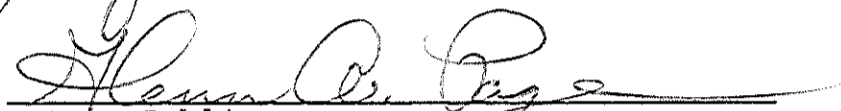
Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such,

I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.


C. LeNoir Thompson

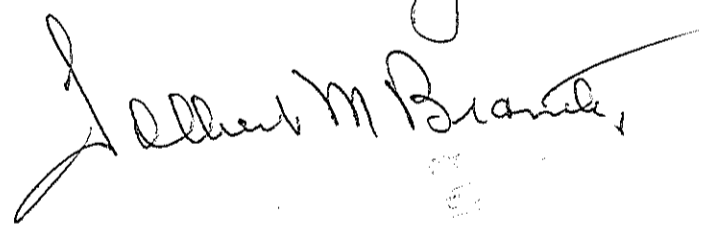
Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 22nd day of July, 1963.


Notary Public

FILED
JUL 22 1963

ALICE J. DUCK, CLERK
REGISTER

I, Robert M Brantley attorney for Scheuer Bros. Co. Inc. hereby accept service of the foregoing interrogatories, this the 21st July 1963





FILED

JUL 22 1983

ALICE J. DUCK, CLERK
REGISTER

SCHEUER BROS. & CO., INC.,
a Corporation,

Plaintiff

vs

J. W. HAYLES,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 1746

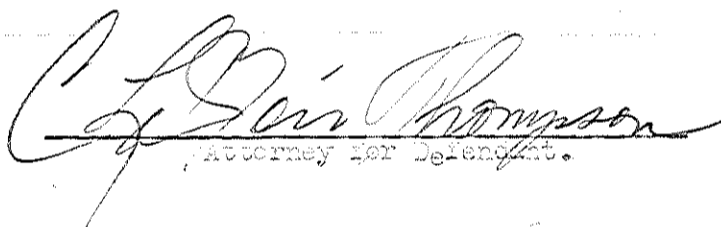
Comes the Defendant in the above styled cause and demurs to each
count thereof separately and severally and says:

1.

For aught alleged by the Plaintiff the account is not due and
unpaid.

2.

For aught alleged by the Plaintiff the account is not the obligation
of the Defendant.


Attorney for Defendant.

RECORDED

SCHUEER BROS. & CO., INC.,
a Corporation,

Plaintiff

vs

J. W. HAYLES,

Defendant

DEMURRERS

FILED

JAN 3 1952

ALICE J. DUCK, Clerk

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama

SCHUELER BROTHERS & COMPANY,
INC., A CORPORATION,

PLAINTIFF

VS

J. W. HAYLES

DEFENDANT

CIVIL # 1746

STATE OF ALABAMA

BALDWIN COUNTY

IN RE: J. W. HAYLES, claim of exemption

Before me, Harry J. Wilters Jr., Notary Public, State of Alabama at Large, personally appeared Tolbert M. Brantley, Attorney for Scheuler Brothers & Company, Inc., a corporation, who being by me first duly sworn, deposes and says that he is the attorney for Scheuler Brothers & Company, a corporation in a cause wherein J. W. Hayles is defendant, and that in his belief that claim of exemption filed in the office of the Judge of Probate of the above named county on to-wit, 15th day of November, 1954, by J. W. Hayles is entirely invalid.

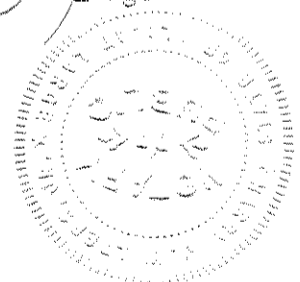
Scheuler Brothers & Company, Inc.,
A corporation,

BY:

Tolbert M. Brantley
As its attorney.

Sworn to and subscribed before me on this the 2nd day of December, 1954.

Harry J. Wilters Jr.
Notary Public, State of Ala. at Large



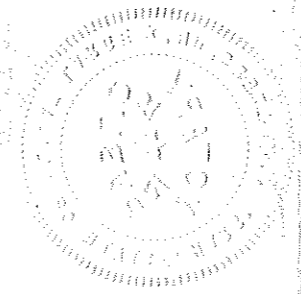
1746 -

Vol. 7 of Dec 54
TAYLOR WILKINS, Sheriff

Serve on
J. W. Hayles
c/o John Hadley

Received _____ day of _____ 19____
and on _____ day of _____ 19____
I served a copy of the within _____
on _____
By service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

DEC 22 1954
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



BALDWIN COUNTY

That parcel of land lying South of the Jack Springs Highway in Baldwin County and situate in the West Half of the North-east Quarter of the Southeast Quarter of the Southeast Quarter Section 24, Township 1 North Range 3 East, containing three (3) acres more or less and being the only portion of said legal description lying South of the Jack Springs Highway in Baldwin County, Alabama.

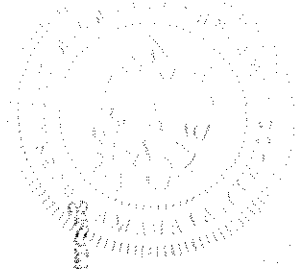
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

I do hereby declare and claim that the lands above described, on which I reside, constitute my homestead and residence, that I own no other land, that said land is less than 160 acres in area and is worth less than \$2,000.00 and that its real value does not exceed \$1,500.00.

Witness my hand this the 15 day of November, 1954.

Sworn to and subscribed before me this the 15 day of November, 1954.

~~Notary Public, Baldwin County, Alabama.~~



Subscribed and sworn to before me this 12 day of November, 1934.

[Signature]
Notary Public, Baldwin County, Alabama.

Witness my hand this 12 day of November, 1934.

I am then \$5,000.00 and that the real value does not exceed \$15,000.00 other land, and said land is less than 100 acres in size and its worth which I receive, constitutes my homestead and residence, that I am no

I do hereby declare and claim that the lands above described, on February, 1934.

Term of the Circuit Court of Baldwin County, Alabama, on the 12th day of October, 1934, said land being passed on judgment secured at the Spring Election County, Alabama, on said above described lands in on the 12th day and homestead against an execution levied by Taylor Williams, Sheriff of Baldwin County, Alabama, for the collection of debts and liabilities do I claim as a homestead exempt for me from said seizure and sale under execution of

FILED

County, Alabama.
description lying within of the Jack Springs Highway in Baldwin (2) acres more or less and being the only portion of said land owned by the said J. H. Williams, Jr. and his wife, and being the only portion of the County, Alabama, and situate in the West Half of the North-East Quarter of land lying within of the Jack Springs Highway

claim the following described real property:

J. H. Williams, Jr. & wife of Baldwin County, Alabama, do hereby
BALDWIN COUNTY
STATE OF ALABAMA

C. Melvin Thompson
Attorney at Law
Bay Minette, Alabama

Filed 11-16-34
Alice L. French
Clerk

STATE OF ALABAMA

BALDWIN COUNTY

TO THE SHERIFF OF SAID COUNTY - - GREETINGS:

You are hereby commanded to forthwith serve the within writ personally on the Defendant, J. W. Hayles.

Witness my hand this the 31 day of May, 1963.

Alvin L. Smith
Clerk of Circuit Court of Baldwin County

SCHEUER BROS. & CO., INC., X
a corporation,

Plaintiff, X

Vs.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

J. W. HAYLES,

AT LAW

Defendant. X

TO J. W. HAYLES:

You will take notice that Plaintiff in the above entitled cause has filed a petition in the Circuit Court of Baldwin County, Alabama, to revive a judgment rendered on the 3rd day of November, 1953, against you, in said court in Case No. 1746, for the sum of \$1,109.04, and costs of suit.

Now, therefore, you are hereby notified to show cause, if any you have, why said judgment should not be revived against you within 30 days after the date of service hereof.

Witness my hand this the 31 day of May, 1963.

Alvin L. Smith
Clerk of Circuit Court of Baldwin County

Filed in office, 5-31, 1963.

Alvin L. Smith
Clerk

Executed by serving a copy of the within on _____, 1963.

Sheriff, Baldwin County, Alabama

By: _____
Deputy Sheriff

SCHEUER BROS. & CO., INC.,
a corporation,

Plaintiff,

Vs.

J. W. HAYLES,

Defendant.

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1746

PETITION TO REVIVE JUDGMENT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT:

Comes now the Plaintiff in the above entitled cause and shows unto the Court as follows:

1.

That the Plaintiff owns a judgment obtained in this Court, in Case #1746, on the 3rd day of November, 1953, for the sum of \$1,109.04, against the above named Defendant. That said judgment remains unpaid and unsatisfied. That ten years will have elapsed with in the near future since the rendition of said judgment, original execution having heretofore issued, which was subsequently returned by the Sheriff and a claim of exemption filed by the Defendant on the 16th day of November, 1954.

Wherefore, Petitioner prays that a Writ of Scire Facias issue out of this Court requiring the Defendant to show cause, if any he has, within thirty days after service of such writ, why said judgment should not be in all things revived and execution issued on the same, and that upon the hearing of this Petition, if no legal reason be shown why said judgment should not be revived, an order reviving the same be entered with provisions for execution.

WILKERS & BRANTLEY

BY:

John M. Brantley
Attorney for Plaintiff

Upon consideration of the foregoing Petition, it is Ordered that a Writ of Scire Facias issue by the Clerk of this Court to the said J. W. Hayles in the manner and form provided by law.

Done this the 31 day of May, 1963.

Hubert M. Hall, Circuit Judge

FILED

MAY 21 1963

CLERK
REGISTER

WIDE L. DICK

SCHEIDT & CO., INC.,
 a corporation,
 Plaintiff,
 vs.
 J. W. HAYLES,
 Defendant.
 IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 AT LAW
 CASE NO. 1746

PETITION TO REVIVE JUDGMENT

TO THE HONORABLE HUBERT N. HALL, JUDGE OF SAID COURT:

Comes now the Plaintiff in the above entitled cause and shows unto the Court as follows:

1. That the Plaintiff owns a judgment obtained in this Court, in Case #1746, on the 3rd day of November, 1953, for the sum of \$1,109.04, against the above named Defendant. That said judgment remains unpaid and unsatisfied. That ten years will have elapsed with in the next future since the rendition of said judgment, original execution having heretofore issued, which was subsequently returned by the Sheriff and a claim of exemption filed by the Defendant on the 18th day of November, 1954. Wherefore, Petitioner prays that a Writ of Seize Facias issue out of this Court requiring the Defendant to show cause, if any he has, within thirty days after service of such writ, why said judgment should not be in all things revived and execution issued on the same, and that upon the hearing of this Petition, if no legal reason be shown why said judgment should not be revived, an order reviving the same be entered with provisions for execution.

WITNES & SIGNED
 BY: *[Signature]*
 Attorney for Plaintiff

Upon consideration of the foregoing Petition, it is ordered that a Writ of Seize Facias issue by the Clerk of this Court to the said J. W. Hayles in the manner and form provided by law.

Done this 10th day of May, 1963.
[Signature]
 Hubert N. Hall, Circuit Judge