IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA

STANDARD EQUIPMENT COMPANY, I a corporation, I Plaintiff, I AT LAW NO.

Defendant.

#### MOTION FOR ORAL EXAMINATION OF GARNISHEE

Comes now Standard Equipment Company, a corporation, plaintiff, and Robert R. Nahrgang as garnishee having filed an answer to an attachment heretofore issued in this cause, moves the court, and pursuant to Section 1011 of Title 7 of the Code of Alabama of 1940 demands, an oral examination of said Robert R. Nahrgang, garnishee.

This the 29th day of July, 1952.

Attorneys for Plaintiff

In this cause came the Plaintiff by attorney and moves the Court to require said garnishee to answer orally in open Court as such garnishee: Whereupon, it is ordered by the Court that a citation issue to the said garnishee, requiring it to appear before the Court on the 14th day of August, 1952, and make an oral answer to the writ of

garnishment served upon it in said cause. This Chuy lether 199

A. H. Elliott

AT IAW NO. 1821

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BECORDED:

STANDARD EQUIPMENT COMPANY, a corporation,

Plaintiff,

vs.

M. J. JANSEN,

Defendant.

### MOTION FOR ORAL EXAMINATION OF

GARNISHEE

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

FILED

JUL SO 1952

ALICE J. DUCK, Clark

VICKERS AND THORNTON
ATTORNEYS AT LAW
MERCHANTS NATIONAL BANK BUILDING

Mobile, Alabama

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Plaintiff

VS

M. J. JAMSEN, SR.,

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THE THE CENTURY OF THE PARTY OF THE LARK.

Personally appeared before me the undersigned authority, a Kotary Public in and for said State and County, Robert R. Mahrgang, who being by me duly sworn on cath says:

That he is Robert R. Makrgang of Fairhope, Alabama, and as Garmishee in the above styled cause, and answering said garmishment says that he entered into a contract with a M. J. Jansen, Sr to construct three houses in the town of Fairhope, Alabama, said contract being dated 18th day of January, 1950.

And that Article Rine states of said contract, " The contractor agrees to prosecute the work diligently."

whom I contracted abandened the construction of these buildings, yet unfinished, and left the State becoming a non-resident.

That I had endorsed a note of the said M. J. Jansen, Sr., in the amount of \$3000.00 at the American National Early in Mobile, Alabama, said note being dated December 22, 1950, and that on June 22, 1951 said note was charged to my account in the American National Early, and was paid on that date. That the said M. J. Jansen, Sr., has never made good this note, nor has the M. J. Jansen, Sr., completed his contract.

In view of those facts it is the opinion of the said garnishes in this cause that said contract was terminated by the failure of the said M. J. Jansen, Sr. to comply with Article Nine as stated herein, and that the said garnishes is not indebted under the terms of that contract now or in the future to the said M. J. Jansen, Sr.; nor will the parmishes be liable for any delivery of any personal property, or the payment of money which may be discharged by the delivery of personal property, wer which is payable in personal property, nor has the said garnishes under his control money of personal effect belonging to the Defendant; and due answer having been made the garnishes prays that he may be allowed to go hence with costs for his inconvenience.

John Prahagan

Sworm to and subscribed before me this the 26 day of

July, 1952.

Jan Mampan

RECORDED

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THE LEW 1952

JUL 26 1952

ALICE J. DUCK, CHICK

THE STATE OF ALABAMA
BALDWIN COUNTY

STANDARD EQUIPMENT COMPANY, A CORPORATION

PLAINTIFF

VS

M. J. JANSEN

DEFENDANT.

In this cause it being made to appear to the Clerk of this Court by the affidavit of J. Edward Thornton that certain property of the defendant has been levied upon, to-wit: Eight Hundred Sixty-one and 90/100 (\$861.90), by virtue of an attachment issued from my office returnable within thirty days, and that said defendant is a non-resident of this State, it is therefore, ordered that said notice of attachment and the return thereof be given to the said M. J. Jansen by publication once a week for three successive weeks before the said 24th day of July, 1952, in the Baldwin Times, a newspaper published in said County, and a copy thereof mailed to the said defendant at his place of residence when known.

Given under my hand and seal this 1st day of July, 1952.

alice Junch

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# The State of Alabama, | Baldwin County

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Received in Ekelin's Circo this Eday of All, 1957 TAYLOR WILKINS, Sheriff

RECORDED

No. 1821

## **ATTACHMENT**

STANDARD EQUIPMENT COMPANY, A CORP.

ATTACHMENT Vs.

M. J. JANSEN

June 28

, 1932\_\_\_

MOORE PRINTING CO.,

#### AFFIDAVIT FOR ATTACHMENT

STATE OF ALABAMA, COUNTY OF MOBILE.

Personally appeared before me, the undersigned Notary Public in and for said county in said state, J. EDWARD THORNTON who, being by me first duly sworn, deposes and says:

That he is one of the attorneys for STANDARD EQUIP-MENT COMPANY, a corporation, and as such is authorized to make this affidavit; that said STANDARD EQUIPMENT COMPANY has a just claim or demand against M. J. JANSEN; that the said above named M. J. JANSEN is a non-resident of the State of Alabama and that this attachment is not sued out for the purpose of vexing or harassing the said defendant or for any other improper motive.

J. Edward Thornton

Sworn to and subscribed before me on this the and day of June, 1952.

Notary Public, Mobile County, Alabama.

STANDARD EQUIPMENT COMPANY, a corporation,

Plaintiff,

vs.

M. J. JANSEN,

Defendant,

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

#### AFFIDAVIT FOR ATTACHMENT

FILED
JUN 28 1952
AUCE 1. DUCK, Clork

VICKERS AND THORNTON
ATTORNEYS AT LAW
MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

#### SUMMONS TO ANSWER SHERIFF'S GARNISHMENT

STATE OF ALABAMA, COUNTY OF BALDWIN.

TO ROBERT R. NAHRGANG, FAIRHOPE, ALABAMA:

Whereas, a suit has been commenced by writ of attachment in the Circuit Court for the Twenty-eighth Judicial Circuit of Alabama, wherein STANDARD EQUIPMENT COMPANY, a corporation, is plaintiff, and M. J. JANSEN is defendant, for the sum of Eight Hundred Sixty-One and 90/100 (\$861.90) Dollars, which writ of attachment has been placed in my hands for the due execution thereof.

These are, therefore to command you, that you personally be and appear before the Honorable Judge of said Circuit Court, at the present session of said Court, to be holden for the said County, ROBERT R. NAHRGANG then and there to answer on oath, within thirty days after the service of this writ upon you, what you are indebted to said defendant at the time of the service of this writ of garnishment, or may be indebted at the time of making your answer, or at any time intervening the time of serving this garnishment and the time of making such answer and whether you will not be indebted in future to him by a contract now existing and whether by contract now or then existing you are liable to said defendant 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 you have not in possession, or under your control, money or effects belonging to the defendant.

Witness TAYLOR WILKINS, Sheriff of Baldwin County, this day of June, 1952.

Sheriff of Baldwin County.

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M. J. Jansen

#### THE STATE OF ALABAMA,

BALDWIN COUNTY

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No.	1821		٠

CIRCUIT COURT, BALDWIN COUNTY

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## THE STATE OF ALABAMA,

BALDWIN COUNTY

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## IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT OF ALABAMA

STANDARD EQUIPMEN a corporation,	T COMPANY, )				
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M. J. JANSEN,					
	Defendant. (				

#### COMPLAINT

Count 1. Plaintiff claims of the defendant the sum of, to-wit, Eight Hundred Sixty-One and 90/100 (\$861.90)

Dollars due from him by account on, to-wit, the sixth (6th) day of July, 1950, which sum of money together with interest thereon is still unpaid.

Attorneys for plaintiff.

Defendants address: McEwen, Tennessee

\*\*\*\* RECORDE

STANDARD EQUIPMENT COMPANY, a corporation,

Plaintiff,

vs.

Let search and HT

SE OF

M. J. JANSEN,

Defendant.

COMPLAINT

FILED JUN 28 1952

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VICKERS AND THORNTON
ATTORNEYS AT LAW
MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

# The State of Alabama, Baldwin County

TO ANY SHERIFF OF THE STA	TE OF ALABAMA	.*		
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## ATTACHMENT

STANDARD EQUIPMENT COMPANY, A CORP.

Vs. {ATTACHMENT

M. J. JANSEN

Issued June 28th

1982

MOORE PRINTING CO.,

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## THE STATE OF ALABAMA,

BALDWIN COUNTY

.*	CIRCUIT COURT, BALDWIN	COUNT	Y
No.	1821		

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Defendants							:
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VICKERS & THORNTON				<u> </u>	:		1
Plaintiff's Attorney			· · · · · · · · · · · · · · · · · · ·				Sheriff
Defendant's Attorney		į.				Dept	ıty Sherifí

this Zday of 1111952 TAYLOR WILKINS, Sheriff

Returned Day of the diligent search and inquiry,

By

Deputy Sheriff

STANDARD EQUIPMENT COMPANY, a corporation,

Plaintiff,

vs.

M. J. JANSEN,

Defendant.

COMPLAINT

FILED:
JUN 28 1952
ALICE J. DUCK, Clerk

VICKERS AND THORNTON
ATTORNEYS AT LAW
MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

VICKERS AND THORNTON ATTORNEYS AT LAW MERCHANTS NATIONAL BANK BUILDING MOBILE, ALABAMA MARION R. VICKERS J. EDWARD THORNTON June 27, 1952 Mrs. Alice Duck Circuit Clerk Court House Bay Minette, Alabama STANDARD EQUIPMENT COMPANY VS. M. J. JANSEN Dear Mrs. Duck: We are herewith enclosing an original and one copy of a complaint in the above noted case and an affidavit for an attachment to issue in this case. Since the defendant is a non resident we have elected not to file a bond. At your earliest convenience please issue an attachment in this cause and deliver the same to the sheriff. Under separate letter we are requesting the sheriff to issue a garnishment and we are enclosing a form for him to execute. When these documents are returned to you, sec. 852 of Tit. 7 of the Code provides that you will cause a notice of the attachment and levy by serving a sheriff's garnishment to be advertised once a week for 3 successive weeks and a copy of which is to be sent by mail to the defendant. You will note that we have set out the residence of the defendant on the complaint. You will make the appropriate certificate that such a copy was sent by mail and also place a copy of the published notice in the file. If there are any further questions concerning this case, do not hesitate to call us by phone. With kind personal regards, Yours very truly, VICKERS AND THORNTON

Édward Thornton

jet/msa encl. Standard Co

M. Jansen

Wiled 6-26152

IN THE CIRCUIT COURT FOR THE TWENTY-RIGHTH JUDICIAL CIRCUIT OF ALABAMA

STANDARD EQUIPMENT COMPANY, a corporation,

Plaintiff,

VS.

M. J. JANSEN,

Defendant.

AT LAW NO.

#### COMPLAINT

Count 1. Plaintiff claims of the defendant the sum of, to-wit, Eight Hundred Sixty-One and 90/100 (\$861.90)

Dollars due from him by account on, to-wit, the sixth (6th) day of July, 1950, which sum of money together with interest thereon is still unpaid.

Attorneys for plaintiff.

Defendants address: McEwen, Tennessee

# VICKERS AND THORNTON

ATTORNBYS AT LAW
MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

MARION R. VICKERS J. EDWARD THORNTON June 27, 19

Honorable Taylor Wilkins, Sheriff of Baldwin County Court House Bay Winette, Alabama

Dear Sheriff Wilkins:

Couldment Company against N. J. Jansen. We are requesting that an attachment issue and Mrs. Duck will
furnish you with the attachment as soon as the papers
for received by her. Thereupon, we would appreclate
it if you would execute the original and copy of the
enclosed sheriff's writ of carmishment. Thereupon,
blease serve a copy of the writ of garmishment on Mrs.
Rehreaug in Fairhope. As soon as you have, make this
readener with the write of attachment to Mrs. Duck for Standard Duck for with me. A CO の日本 further proceedings in have filled 0

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your attention to this, Thanking you for

Yours very thuly,

VICKERS AND PRORREDU

Addiend Thornton

Jet/mea CC: Mrs. Alloe Duck

## UBAL/DWIN

ALABAMA'S BEST COUNTY'S- MES

BEST NEWSPAPER

BAY MINETTE, ALABAMA

#### AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA. BALDWIN COUNTY.

that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of COST STATEMENT 175 WORDS @ \_\_\_\_\_\_ \$\_\_\_\_\_\_\$ I hereby certify this is correct, due and unpaid (paid). Was published in said newspaper for 3 consecutive weeks in the following issues: , 195 2 Vol. 63 No. 24 Date of 1st publication. , 1952 Vol. 63 No. 25 Date of 2nd publication\_ \_, 1951 Vol. 63 No. 16 Date of 3rd publication\_ \_\_, 195\_\_\_ Vol.\_\_\_\_ No.\_ Date of 4th publication\_ Subscribed and sworn before the undersigned this 23day of graly, 1952 Dorotly Mart Notary Public, Baldwin County. Publisher.

M. I. IANSEN

Mi. I. IANSEN

Defendant

In this cause it being made to appear to the Clerk of this Court by the diddavit of J. Edward Thernton that testdin property of the defendant has been levied upon to witt. Eight Hundred Sixty-one and 90/100 (\$861.90) by virtue of an attachment issued from my office returnable within thirty days, and that said defendant is ghon-resident of this State. It is the return and the return the said and the return the said cleshaden is ghon-resident of the State. It is the return and the return thereof be given to the said M. I. I ansen by publication once a week for three successive week shefore the said 24th day of fully, 1952, in the baldwin Times, a newspaper published in said County, and a copy thereof madied to the said defendant at his place of residence when known.

Given under my hand and seal this 1st day of July, 1952.

Alice I. DUCK

Clerk.

Vickers & Thornton

Attorneys

Vickers & Thornton Attorneys

24-3tc.

FILE DIEN. Clark

RECEIPT FOR REGISTERED ARTICLE No.  [Date] Pee paid 30  Class postage paid Return receipt fee Special delivery fee In person or order (Accepting employee will place initials in proper agase)  From (Benday) Restricted delivery or order (Renday) Pee paid (Renday) (Renday) Restricted delivery or order (Renday) Or order (Renday) Order (Re	Ostmaster, per

The State Of Alabataa, Baldwia County STANDARD EQUIPMENT COMPANY, A CORPORATION Plaintiff

Plaintiff

Vs. M. I. IANSEN

M. 1. IANSEN

Defendant
In this cause it being made to appear to the Clerk of this Court by the affidavit of J. Edward Thornton that pertain property of the defendant has been levied upon, to wits Eight Hundred Sixty-one and 90/100 (\$661.90) by virtue of an attachment issued from my office returnable within thirty days, and that said defendant is a non-resident of this State, it is therefore, ordered that said notice of the attachment and the return thereof be given to the said M. I. Iamsen by publication once a week for three successive weeks before the said 24th day of July, 1952, in the Baldwin Times, a newspaper published in said County, and a copy thereof malled to the said defendant at his place of residence when known.

Given under my hand, and seal this 1st day of July, 1952.

ALICE I, DUCK Clerk

Vickers & Thornton

Attorneys

Registered "Deliver to Adressee Only" Return Receipt Requested

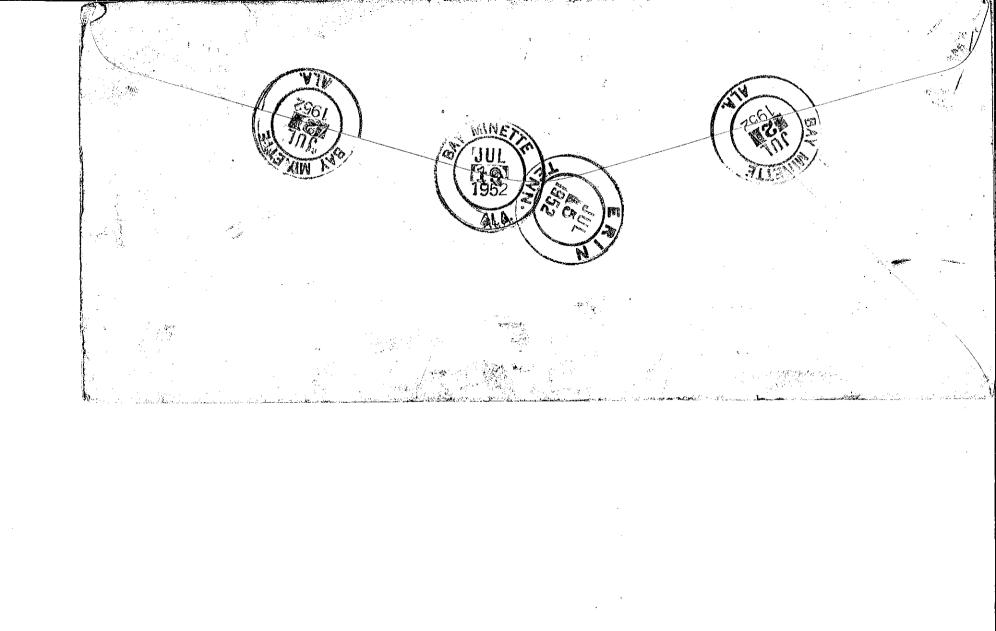
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RICH REEP ROCKS

ALICE-J. DUCK, Circuit Clerk

BAY MINETTE. ALA



THE STATE OF ALABAMA BALDWIN COUNTX

STANDARD EQUIPMENT COMPANY, A CORPORATION

PLAINTIFF

VS

M. J. JAMSEN

DEFINIANT.

In this cause it being made to appear to the Glerk of this Court by the affidavit of J. Edward Thornton that certain property of the defendant has been levied upon, to-wit: Right Hundred Sixty-one and 90/100 (\$861.70), by wirtue of an attachment issued from my office returnable within thirty days, and that said defendant is a non-resident of this State, it is therefore, ordered that said notice of attachment and the return thereof be given to the said M. J. Jamsen by publication once a week for three successive weeks before the said 2hth day of July, 1952, in the Baldwin Times, a newspaper published in said County, and a copy thereof mailed to the said defendant at his place of residence when known.

Given under my hand and seal this 1st day of July, 1952.

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Filed 7-1-5'2 aucyl, Much STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF IN STATE OF ALABAMA:

By order of the court, you are hereby directed to cite Robert N.

Nahrgang garnishee to appear before the court on the 14th day of August
1952; and make an oral answer to the writ of garnishment served on
him in the case of Standard Equipment Co. vs. M. J. Jansen.

Witness my hand this 7th day of August 1952.

Clerk of Circuit Court



VS

W. J. CJANSEN

Robert R Nahrgang, 5... Garnishee

Citation

Executed aug. 13, 1952 By Sewing copy on Robert. R. Nahagang

Sheriff Jaylor Wiebins By Edligh Steatham

8-7-5-2

#### VICKERS AND THORNTON

ATTORNEYS AT LAW

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

MARION R. VICKERS J. EDWARD THORNTON

July 29, 1952

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

Dear Mrs. Duck:

Standard Equipment Company v. M. J. Jansen

We have received the answer of the garnishee in the above noted case filed July 26, 1952. We are herewith making a demand for oral examination and enclosing an original and one copy of such demand. The usualjudgment entry on such order in this case is substantially as follows:

"In this cause came the plaintiff by attorney and moves the Court to require said garnishee to answer orally in open Court as such garnishee: Whereupon, it is ordered by the Court that a citation issue to the said garnishee, requiring it to appear before this Court on the Aday of Answer to the writ of garnishment served upon it in said cause."

When the Judge has signed such an order and has set the time of the hearing for the examination, please notify us so that we may be present to examine the garnishee on such hearing.

With kind personal regards, I am

Yours very truly,

JET:mb

Encls.

ALICE I. DUCK. Circuit Clerk

Raldwine County

Retured



Registered For Delivery Only To Person To Whom Addressed Return Receipt Requested

## RETURN RECEIPT REQUESTED

Deliver to Addressee Only

M. J. Jansen, P. D. Box 881



