

NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
CLYDE PAYNE AND JOSEPH : AT LAW
CROOKS, jointly and :
individually, :
Defendants : CASE NO. 8 9 5 6

MOTION FOR RULE NI SI

Comes now the plaintiff in the above styled cause and shows unto the Court that a writ of discovery was issued to the defendant, Clyde Payne, commanding him to file in Court a sworn list of his assets; that said writ of discovery was served upon the defendant, on to-wit, May 2, 1972, and that the defendant has failed and refused to file an answer to said writ of discovery.

WHEREFORE, plaintiff moves that a rule ni si be issued to the defendant commanding him to appear at an appointed time and show cause, if any he should have, as to why he should not be adjudged in contempt of court for failure to answer said writ of discovery.

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

Box 245
Silverhill, Alabama

FILED

JUN 14 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

| | | |
|------------------------|---|-------------------------|
| NORMAN HARVILLE, | : | IN THE CIRCUIT COURT OF |
| Plaintiff, | : | |
| VS: | : | BALDWIN COUNTY, ALABAMA |
| CLYDE PAYNE AND JOSEPH | : | |
| CROOKS, jointly and | : | AT LAW |
| individually, | : | |
| Defendants | : | CASE NO. 8 9 5 6 |

Upon consideration of the petition filed herein by the above named defendant, Clyde Payne, on the 14th day of June, 1972, praying that the said defendant be cited as for a contempt, it is,

Ordered, adjudged and decreed by the Court that the said defendant, Clyde Payne, do be and appear before the Court on the 29th day of June, at 11:00 A M. and show cause, if any he have, why he should not be held in contempt for willfully refusing to file said statement of assets, as required by law.

Let a copy of said petition and this decree be served upon the said defendant.

Dated this the 14th day of June, 1972.

William A. Madole
CIRCUIT JUDGE

FILED

JUN 14 1972

EUNICE B. BLACKMON CIRCUIT CLERK

8956
Norman Harville

vs.

Clyde Payne

Motion & Order

FILED

JUN 14 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

JUN 15 1972

CLERK OF COURT
SHERIFF

Collins, Galloway & Murphy
P.O. Box 4492
Mobile

Received 17 day of June 19 72
and on 17 day of June 19 72
I served a copy of the within Motion & Order
on Clyde Payne
By service on _____
TAYLOR WILKINS, Sheriff
By W. H. T.
W. H. T.

Sheriff claims _____ miles of _____
Ten Cents per mile Total \$ _____
TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF
BY W. H. T.

| | | |
|----------------------|---|-------------------------|
| NORMAN HARVILLE, | * | IN THE CIRCUIT COURT OF |
| Plaintiff, | * | BALDWIN COUNTY, ALABAMA |
| VS: | * | AT LAW |
| CLYDE PAYNE & JOSEPH | * | |
| CROOKS, Jointly and | * | |
| Individually, | * | |
| Defendants. | * | Case No. _____ |

The Plaintiff claims of the Defendants, jointly and individually, SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS as damages for that heretofore and on, to-wit, May 29, 1969, the Defendants each so negligently drove their respective motor vehicles upon and along White Avenue, at or near its intersection with Turner Street, at which point the said White Avenue is a public road in Baldwin County, Alabama, as to cause their respective vehicles to collide, causing the vehicle driven by the Defendant Clyde Payne to strike the Plaintiff's automobile, which was then and there parked where it had a right to be, and as a direct and proximate result of the combined and concurring negligence of of the Defendants as aforesaid, the Plaintiff's automobile was bent, broken, and demolished, the front and side of the Plaintiff's automobile was crushed, and the Plaintiff's automobile was greatly damaged and rendered less valuable, all to his damage in the amount aforesaid, hence this suit.

COLLINS, GALLOWAY & MURPHY

BY:


JAMES H. LACKEY
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

Clyde Payne, P. O. Box 821, Bay Minette, Ala.

Joseph Crooks, Brownwood Avenue, Bay Minette, Ala.

FILED

OCT 25 1969

ALICE J. DUCK

CLERK
REGISTER

SUMMONS AND COMPLAINT

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No.

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon
Clyde Payne and Joseph Crooks
.....
.....
.....

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.....

Clyde Payne and Joseph Crooks Defendant.....

Norman Harville

by Plaintiff.....

Witness my hand this..... 25 day of..... October 19.. 69

Dejean Duck Clerk

24/12-15-69

2 56 A

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

NORMAN HARVILLE

Plaintiffs

vs.

CLYDE PAYNE

and

JOSEPH CROOKS

Defendants

309 Banyan St

SUMMONS AND COMPLAINT

Filed 10-25 1969

Alice J. Duck

Clerk

Collins, Galloway & Murphy

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
Received in Office

OCT 27 1969

19.....

Sheriff

I have executed this summons

this Dec 15 1969

by leaving a copy with

Clyde PayneJoseph CrooksSheriff claims 0 miles at....

Ten Cents per mile Total \$

BY TAYLOR WALKER Sheriff

DEPUTY SHERIFF

Joseph CrooksNot Foundin this countyTaylor Walker SheriffW. A. Galt Deputy Sheriff

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

October 8, 1971

Mrs. Eunice B. Blackmon
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
Vs: Clyde Payne & Joseph Crooks
Case No. 8956

Dear Mrs. Blackmon:

I have received an answer to my writ of discovery in the above styled case. Please vacate the writ of discovery against Mr. Payne.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.

WMHJr/jkl

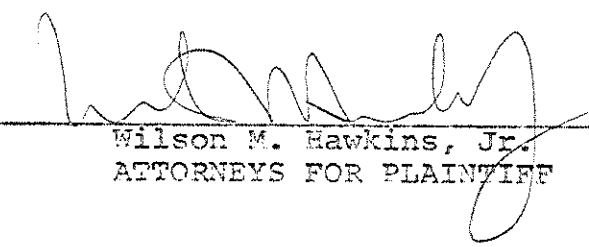
NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
VS: : AT LAW
CLYDE PAYNE & JOSEPH CROOKS, :
Defendants. : CASE NO. 8956

REQUEST FOR DISCOVERY ASSETS

220
The plaintiff herein having recovered at the March 9, 1971, term, a judgment against the defendant, Clyde Payne, in the above styled cause for the sum of SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS and costs in the amount of THIRTY-TWO AND 25/100 (\$32.25) DOLLARS, and execution having been returned endorsed by the Sheriff of Baldwin County, Alabama, "No Property Found", the plaintiff now requests in writing that the Clerk of this court issue a notice to the above named defendant requiring him, within thirty days from the service of such notice, to file in this cause a statement in writing, under oath, of all of his assets of every kind, character and description wheresoever located as provided by Title 7, Section 903 of the Code of Alabama.

COLLINS, GALLOWAY & MURPHY

BY:


Wilson M. Hawkins, Jr.
ATTORNEYS FOR PLAINTIFF

NORMAN HARVILLE, :
 Plaintiff, :
 vs: :
 CLYDE PAYNE & JOSEPH CROOKS, :
 Defendants. :
 CASE NO. 8956

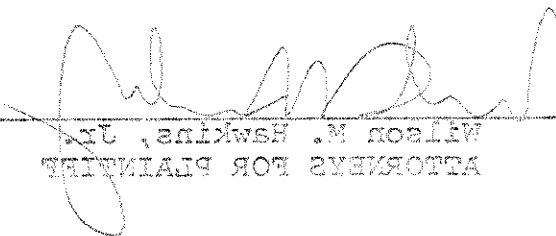
AT LAW

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA

REQUEST FOR DISCOVERY ASSETS

The plaintiff herein having recovered at the March 9, 1971, term, a judgment against the defendant, Clyde Payne, in the above styled cause for the sum of SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS and costs in the amount of THIRTY-TWO AND 25/100 (\$32.25) DOLLARS, and execution having been returned endorsed by the Sheriff of Baldwin County, Alabama, "No Property Found", the plaintiff now requests in writing that the Clerk of this court issue a notice to the above named defendant requiring him, within thirty days from the service of such notice, to file in this cause a statement in writing, under oath, of all of his assets of every kind, character and description wheresoever located as provided by Title 7, Section 903 of the Code of Alabama.

COLLINS, GALLOWAY & MURPHY

BY: 
 Wilson M. Hawkins, Jr.
 ATTORNEYS FOR PLAINTIFF

8956

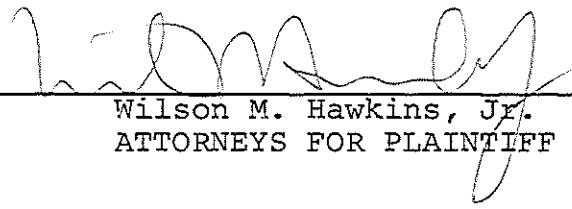
NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
VS: : AT LAW
CLYDE PAYNE & JOSEPH CROOKS, :
Defendants. : CASE NO. 8956

REQUEST FOR DISCOVERY ASSETS

The plaintiff herein having recovered at the March 9, 1971, term, a judgment against the defendant, Clyde Payne, in the above styled cause for the sum of SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS and costs in the amount of THIRTY-TWO AND 25/100 (\$32.25) DOLLARS, and execution having been returned endorsed by the Sheriff of Baldwin County, Alabama, "No Property Found", the plaintiff now requests in writing that the Clerk of this court issue a notice to the above named defendant requiring him, within thirty days from the service of such notice, to file in this cause a statement in writing, under oath, of all of his assets of every kind, character and description wheresoever located as provided by Title 7, Section 903 of the Code of Alabama.

COLLINS, GALLOWAY & MURPHY

BY:


Wilson M. Hawkins, Jr.
ATTORNEYS FOR PLAINTIFF

FILED

MAR 14 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

| | | |
|------------------|---|-------------------------|
| NORMAN HARVILLE, | : | IN THE CIRCUIT COURT OF |
| Plaintiff, | : | BALDWIN COUNTY, |
| VS: | : | ALABAMA |
| CLYDE PAYNE and | : | AT LAW |
| JOSEPH CROOKS, | : | |
| jointly and in- | : | |
| dividually, | : | |
| Defendants. | : | CASE NO. 8 9 5 6 |

Comes now the plaintiff in the above styled cause and moves this Honorable Court to issue a writ of discovery directed to the defendant, Clyde Payne, requiring him to file a list of his assets, under oath, with this Honorable Court within the time allowed by law for same.

COLLINS, GALLOWAY & MURPHY

BY:

Wilson M. Hawkins, Jr.
 WILSON M. HAWKINS, JR.
 ATTORNEYS FOR PLAINTIFF

Serve Clyde Payne at:
 P. O. Box 821
 Bay Minette, Alabama

FILED

April 30, 1971
~~APR 28 1971~~

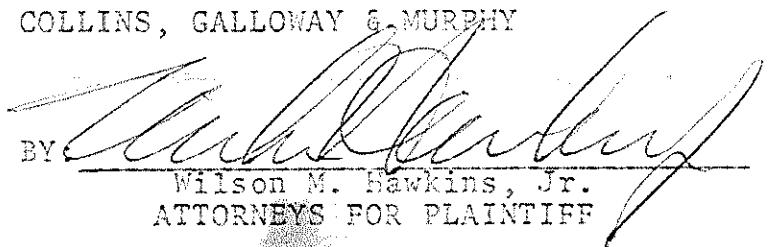
EUNICE B. BLACKMON CIRCUIT CLERK

NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY,
VS: : ALABAMA
CLYDE PAYNE and : AT LAW
JOSEPH CROOKS, :
jointly and in- :
dividually, :
Defendants. : CASE NO. 8 9 5 6

Comes now the plaintiff in the above styled cause and moves this Honorable Court to issue a writ of discovery directed to the defendant, Clyde Payne, requiring him to file a list of his assets, under oath, with this Honorable Court within the time allowed by law for same.

COLLINS, GALLOWAY & MURPHY

BY


Wilson M. Hawkins, Jr.
ATTORNEYS FOR PLAINTIFF

Serve Clyde Payne at:
P. O. Box 821
Bay Minette, Alabama

FILED

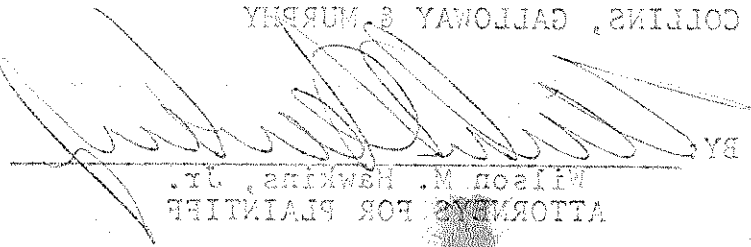
APR 22 1971

EUNICE B. BLACKMON CIRCUIT CLERK

NORMAN HARVILLE, :
 Plaintiff, :
 VS: :
 CLYDE PAYNE and :
 JOSEPH CROOKS, :
 jointly and :
 severally, :
 Defendants. :
 CASE NO. 8956 :
 ALABAMA :
 AT LAW :
 IN THE CIRCUIT COURT OF :

Comes now the plaintiff in the above styled cause and
 moves this Honorable Court to issue a writ of discovery
 directed to the defendant, Clyde Payne, requiring him to file
 a list of his assets, under oath, with this Honorable Court
 within the time allowed by law for same.

COLLINS, GALLOWAY & MURPHY

BY 
 Wilson M. Hawkins, Jr.
 ATTORNEYS FOR PLAINTIFF

Serve Clyde Payne at:
 P. O. Box 821
 Bay Minette, Alabama

FILED

APR 22 1971

EUNICE B. BLACKMON
 CLERK

8956

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

March 8, 1972

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

Mrs. Eunice B. Blackmon
Circuit Court Clerk
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
Vs: Clyde Payne & Joseph Crooks
Case No. 8956

Dear Mrs. Blackmon:

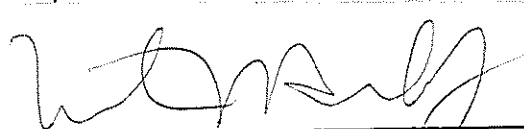
Would you please issue a writ of discovery in the above referenced matter against the defendant, Clyde Payne, at his address of Box 245, Silverhill, Alabama. All necessary papers to issue the writ of discovery are enclosed.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY:


Wilson M. Hawkins, Jr.

WMHJr/jkl
Enclosures

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8956

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon
Clyde Payne and Joseph Crooks

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.....

.....Clyde Payne and Joseph Crooks..... Defendant.....

byNorman Harville.....

....., Plaintiff.....

Witness my hand this.....25.....day of.....October.....19..69

.....*Reese J. Duck*....., Clerk

No.....

Page.....

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

| | | |
|----------------------|---|-------------------------|
| NORMAN HARVILLE, | * | IN THE CIRCUIT COURT OF |
| | * | |
| Plaintiff, | * | BALDWIN COUNTY, ALABAMA |
| | * | |
| VS: | * | AT LAW |
| | * | |
| CLYDE PAYNE & JOSEPH | * | |
| CROOKS, Jointly and | * | |
| Individually, | * | |
| | * | |
| Defendants. | * | Case No. |

The Plaintiff claims of the Defendants, jointly and individually, SEVEN HUNDRED FIFTY AND 00/100 (\$750.00) DOLLARS as damages for that heretofore and on, to-wit, May 29, 1969, the Defendants each so negligently drove their respective motor vehicles upon and along White Avenue, at or near its intersection with Turner Street, at which point the said White Avenue is a public road in Baldwin County, Alabama, as to cause their respective vehicles to collide, causing the vehicle driven by the Defendant Clyde Payne to strike the Plaintiff's automobile, which was then and there parked where it had a right to be, and as a direct and proximate result of the combined and concurring negligence of of the Defendants as aforesaid, the Plaintiff's automobile was bent, broken, and demolished, the front and side of the Plaintiff's automobile was crushed, and the Plaintiff's automobile was greatly damaged and rendered less valuable, all to his damage in the amount aforesaid, hence this suit.

COLLINS, GALLOWAY & MURPHY

BY: James H. Lackey
JAMES H. LACKEY
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

Clyde Payne, P. O. Box 821, Bay Minette, Ala.

Joseph Crooks, Brownwood Avenue, Bay Minette, Ala.

FILED

OCT 25 1969

ALICE J. DUCK CLERK
REGISTER

A N S W E R

Comes the defendant, Clyde Payne, and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

1. Not guilty.
2. The defendant for answer to said complaint says that he has paid the debt for recovery for which the suit was brought before the action was commenced.
3. Now comes the defendant, Clyde Payne, and for answer to the complaint and for each phase thereof separately and severally says that there has been an accord and satisfaction of the demand upon which this suit was brought in this:

That heretofore on to-wit, the 29th day of May, 1969, before the filing of this suit there was a bona fide dispute between the plaintiff and defendant, Clyde Payne, as to the amount of plaintiff's claim; that the defendant, Clyde Payne, prior to the filing of this suit agreed with the said plaintiff to a settlement in full satisfaction of said claim the sum of One Hundred (\$100.00) Dollars, and said defendant, Clyde Payne, paid over to the plaintiff the sum of Forty (\$40.00) Dollars of said sum and herewith tenders and pays into court the remaining sum of Sixty (\$60.00) Dollars in full satisfaction and discharge of said claim.

Wherefore, the plaintiff ought not to maintain this action. The said defendant, Clyde Payne, pleads said facts as an accord and satisfaction of said debt.

FILED

FEB 2 1970

ALICE J. BUCK

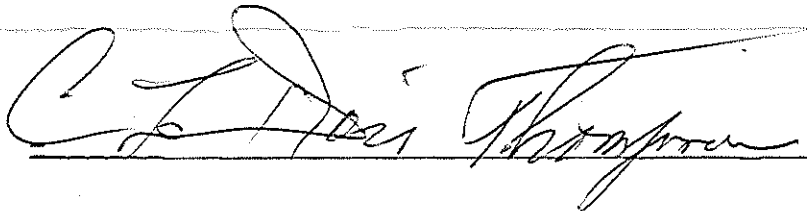
CLERK
REGISTER

VOL

64 PAGE 258

I hereby certify that I have this day mailed a copy of the foregoing Answer to Honorable James H. Lackey, Attorney for Plaintiff, Mobile, Alabama and to the Office of Chason, Stone and Chason, Attorneys at Law, Bay Minette, Alabama, by depositing a copy of same in the United States Mail, postage prepaid.

Done this 31st day of January, 1970.



FILED

FEB 3 1970

ALICE J. BAKER

THE
FEDERAL
BUREAU OF
INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

MEMORANDUM FOR THE DIRECTOR

70-8956

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

959 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)

ROBERT H. SMITH
WILSON M. HAWKINS, JR.

P. O. Box 4492
TELEPHONE
422-0568
AREA CODE 205

July 22, 1971

Mrs. Eunice B. Blackmon
Circuit Court Clerk
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
Vs: Clyde Payne
Case No. 3956

Dear Mrs. Blackmon:

On June 16, 1971 I wrote you a letter and asked you to issue an alias writ of discovery to the defendant, Clyde Payne, at his address of Box 245, Silverhill, Alabama. Please tell me if we have gotten service on Mr. Payne and if we have on what date it was served.

A copy of this letter is enclosed for your convenience so that you can reply thereon, and also find a self-addressed stamped envelope.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: _____

Wilson M. Hawkins, Jr.

WMHJr/jk
Enclosure

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED C. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

June 16, 1971

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

Mrs. Eunice B. Blackmon
Circuit Court Clerk
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
Vs: Clyde Payne
Case No. 8956

Dear Mrs. Blackmon:

In this matter we have taken a judgment against Mr. Payne and have requested that a writ of discovery be issued to him. That writ of discovery was returned "not found", and subsequent investigation has revealed that his address is Box 245, Silverhill, Alabama. Please issue the writ of discovery to him at this address. If you require additional copies of the notice to the defendant and motion for writ of discovery please advise me and I will furnish them to you.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.

WMHJr/jk

NORMAN HARVILLE,

Plaintiff,

Vs.,

CLYDE PAYNE and
JOSEPH CROOKS,
Jointly and in-
dividually,

Defendants.

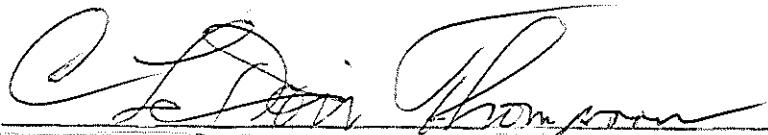
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER: 8956

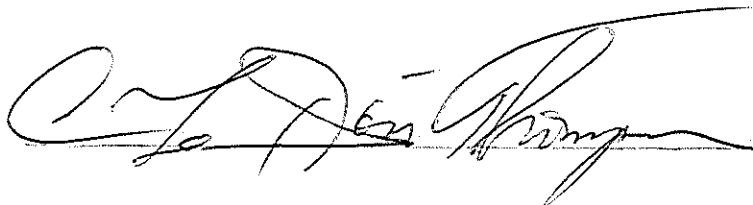
Comes Clyde Payne, defendant in the above styled cause, by his attorney of record, C. LeNoir Thompson, and with the consent of the attorney for the plaintiff respectfully withdraws his demand for jury trial in this case.



Attorney for Defendant, Clyde Payne

I hereby certify that I have this day mailed a copy of the above instrument to Honorable James H. Lackey, Attorney at Law, at his office at P.O. Box 4492, Mobile, Alabama by depositing a copy of the same in the United State Mail postage prepaid.

Done this 20 day of February, 1970.



Filed
2-20-70
Ernest D. Duck
Clerk

NORMAN HARVILLE,

Plaintiff

vs

CLYDE PAYNE and
JOSEPH CROOKS,
Jointly and in-
dividually,

Defendants

X
X
X
X
X
X
X
X
X
X
X
X

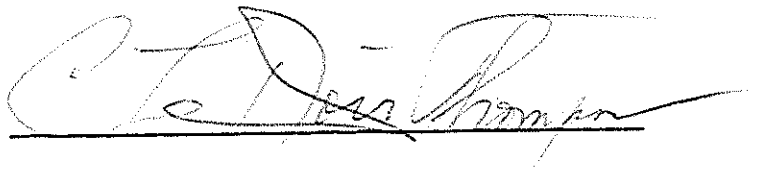
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER: 8956

Comes C. LeNoir Thompson and withdraws his appearance
as attorney of record for defendant, Clyde Payne.

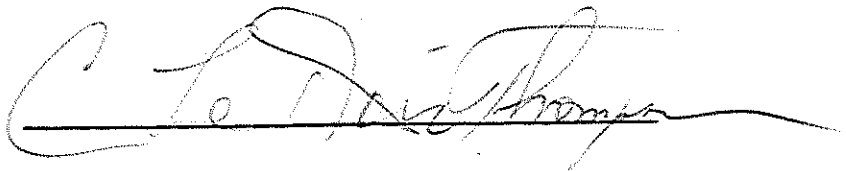


I hereby certify that I have this day mailed a copy of
the above instrument to Mr. Clyde Payne P.O. Box 821,
Bay Minette, Alabama, by depositing a copy of the same in
the United State Mail postage prepaid.

Done this 28 day of July, 1970

I hereby certify that I have this day mailed a copy of
the above instrument to Honorable James H. Lackey, Attorney
at Law, at his office at P.O. Box 4492, Mobile, Alabama
by depositing a copy of the same in the United State Mail
postage prepaid.

Done this 28 day of July, 1970.



FILED

JUL 28 1970

ALICE J. DUCK CLERK
REGISTER

1. The first...

2. The second...

3. The third...

4. The fourth...

5. The fifth...

6. The sixth...

7. The seventh...

8. The eighth...

8956

9. The ninth...

10. The tenth...

11. The eleventh...

12. The twelfth...

13. The thirteenth...

14. The fourteenth...

NORMAN HARVILLE,
Plaintiff,

VS:

CLYDE PAYNE & JOSEPH
CROOKS, Jointly and
Individually,
Defendants

. IN THE CIRCUIT COURT OF
.
BALDWIN COUNTY, ALABAMA
.
AT LAW
.
Case No. 8 9 5 6

Comes now the Plaintiff in the above styled cause and moves this Honorable Court to vacate, set aside and hold for naught its order of August 3, 1970, dismissing this cause, and for grounds for said motion would show unto this Honorable Court that the Attorney for the Plaintiff failed to receive notice that said case was set for trial on said date, and due to this mistake failed to appear for the trial of this case.

COLLINS, GALLOWAY & MURPHY

BY:


JAMES H. LACKEY
ATTORNEYS FOR PLAINTIFF

FILED

SEP 2 1970

ALICE J. DUCK CLERK
REGISTER

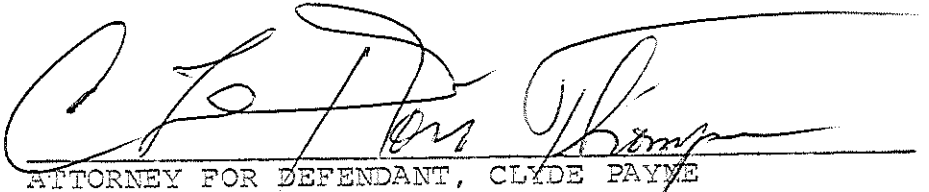
vol 64 Page 259A

NORMAN HARVILLE, X
Plaintiff, X IN THE CIRCUIT COURT OF
Vs., X BALDWIN COUNTY, ALABAMA
CLYDE PAYNE & JOSEPH X AT LAW
CROOKS, jointly and X CASE NUMBER: _____
individually, X
Defendants. X

DEMURRER:

Comes the defendant, Clyde Payne, and for demurrer to the complaint filed in said cause shows unto this Honorable Court as follows:

1. Said complaint fails to state cause of action.

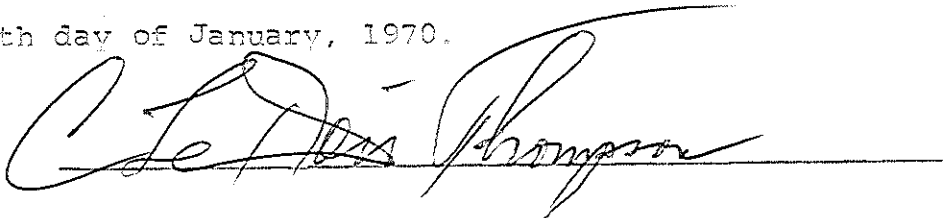

ATTORNEY FOR DEFENDANT, CLYDE PAYNE

The defendant, Clyde Payne, respectfully asks that he be granted a trial by jury.


ATTORNEY FOR DEFENDANT, CLYDE PAYNE

I hereby certify that I have this day served a copy of the above demurrer on James H. Lackey, Attorney for the Plaintiff, by depositing same in the U.S. Mail at his address in Mobile, Alabama

Done this 29th day of January, 1970.



FILED

JAN 29 1970

ALICE J. DUCK CLERK
REGISTER

1970 29 JAN

CLERK REGISTER

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

956 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

August 23, 1971

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

Hon. Telfair Mashburn
Judge of Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
Vs: Clyde Payne & Joseph Crooks
Case No. 8956

Dear Sir:

Enclosed you will find the order commanding the defendant, Clyde Payne, to show cause why he should not be held in contempt of court for failure to answer writ of discovery. Please indicate a date for the defendant to show up at court and we will make arrangements to be present on that date.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: Wilson M. Hawkins, Jr.
Wilson M. Hawkins, Jr. (Jp)

WMHJr/jk
Enclosures

*you failed to sign your
Petition, J.J.M.*

NORMAN HARVILLE,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

-vs-

X

BALDWIN COUNTY, ALABAMA

CLYDE PAYNE & JOSEPH
CROOKS, jointly and
individually,

X

AT LAW

X

CASE NO.

8956

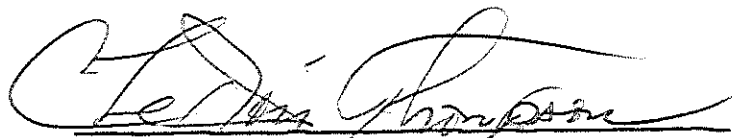
Defendants.

X

Comes C. LeNoir Thompson, Attorney for Clyde Payne,
Defendant in the above styled cause and withdraws as said
Defendant's attorney.


C. LeNoir Thompson

I hereby certify that I have this day mailed a copy
of the foregoing to Honorable James H. Lackey, Attorney
for the Plaintiff and to Clyde Payne, Defendant.


C. LeNoir Thompson

FILED

MAY 26 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

COLLINS, GALLOWAY & MURPHY
ATTORNEYS AT LAW
958 DAUPHIN STREET
MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
JAMES H. LACKEY

October 24, 1969

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

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

no. 8956

Re: Norman Harville
Vs: Clyde Payne & Joseph Crooks
Our File 1550-S

Dear Mrs. Duck:

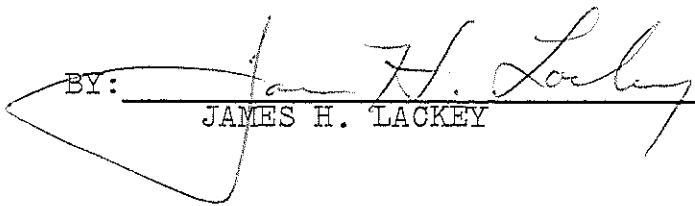
Would you please file the enclosed complaint in the above captioned law suit and notify me that same has been done.

Thank you very much.

Sincerely,

COLLINS, GALLOWAY & MURPHY

BY:


JAMES H. LACKEY

JHL/mec
enclosures

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED C. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)

ROBERT H. SMITH
WILSON M. HAWKINS, JR.

April 20, 1971

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

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

Re: Norman Harville
Vs: Clyde Payne & Joseph Crooks
Case No. 8956
Our File No. 1550-S

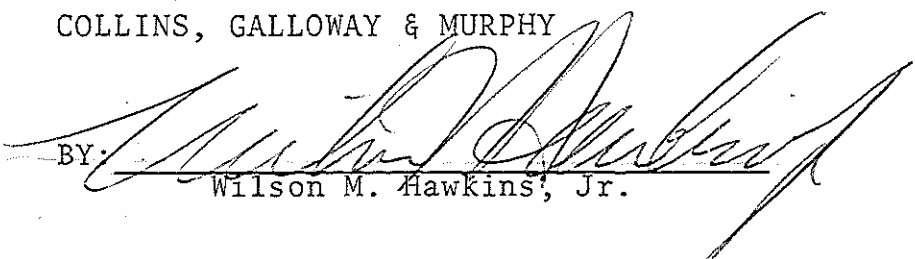
Dear Mrs. Duck:

Would you please issue a writ of discovery in the
referenced case against the defendant, Clyde Payne.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY:


Wilson M. Hawkins, Jr.

WMHJr/jk
encl.

~~The Execution must be Returned by the
Sheriff marked "No Property Found", for a
writ of discovery to be issued by the clerk.
is my understanding & this is not the case
on this.~~

4-29-71
Letter to Sher. 6/4
to Return
issue when
returned
Ernice B. Blackman
Clerk

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

April 27, 1971

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

Re: Norman Harville
Vs: Clyde Payne & Joseph Crooks
Case No. 8956
Our File No. 1550-S

Dear Mrs. Duck:

In regard to the above referenced matter I requested the Sheriff of Baldwin County to return the execution "no property found". I received a letter from the Sheriff indicating that there had been no execution sent over to him in this case, therefore I request that you send one over to the Sheriff with a notation for him to return it to you "no property found". I have on April 20, 1971 sent you a request for a writ of discovery against Clyde Payne along with the necessary Affidavit and Notice to the Defendant. As soon as the Sheriff returns the execution, "no property found", would you please issue this writ of discovery in order that I can ascertain what assets the defendant has.

Thank you very much.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.

WMHJr/jk

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED C. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

June 13, 1972

P. O. Box 4492
TELEPHONE
432-0568
AREA CODE 205

Hon. Telfair Mashburn
Judge of Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
vs: Clyde Payne & Joseph Crooks
Case No. 8956

Dear Sir:

This is the case I called you about last Monday. Enclosed you will find our motion for a rule nisi along with an appropriate order for you to sign. I do not have any particular preference as to which date I can come over to Baldwin County, and if you would fill in the date and time in your order and note this on the enclosed copy of this letter I would greatly appreciate it. A self-addressed stamped envelope is enclosed for your convenience.

Thank you very much for your assistance in this matter.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.

WMHJr/brm

Encls.

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED O. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)
ROBERT H. SMITH
WILSON M. HAWKINS, JR.

June 13, 1972

P. O. BOX 4492
TELEPHONE
432-0368
AREA CODE 205

Hon. Telfair Mashburn
Judge of Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Norman Harville
vs: Clyde Payne & Joseph Crooks
Case No. 8956

Dear Sir:

This is the case I called you about last Monday. Enclosed you will find our motion for a rule nisi along with an appropriate order for you to sign. I do not have any particular preference as to which date I can come over to Baldwin County, and if you would fill in the date and time in your order and note this on the enclosed copy of this letter I would greatly appreciate it. A self-addressed stamped envelope is enclosed for your convenience.

Thank you very much for your assistance in this matter.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.

WMHJr/brm

Encls.

NORMAN HARVILLE,

Plaintiff,

VS:

CLYDE PAYNE & JOSEPH
CROOKS, Jointly and
Individually,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 8 9 5 6

The motion of the Plaintiff to vacate, set aside and hold for naught the dismissal of the above captioned case and to grant unto the Plaintiff a new trial now coming on to be heard and the same having been argued and submitted to the Court, the Court is of the opinion that said motion is well taken, it is, therefore,

CONSIDERED, ORDERED AND ADJUDGED by the Court that the motion of the Plaintiff by and the said motion is hereby granted, and the said dismissal is hereby set aside and the said Plaintiff granted a new trial.

DATED, this the 2nd day of September, 1970.

J. H. A. Maslowski
CIRCUIT JUDGE

FILED

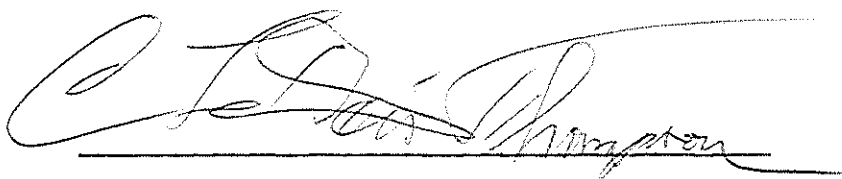
SEP 2 1970

ALICE J. DUCK

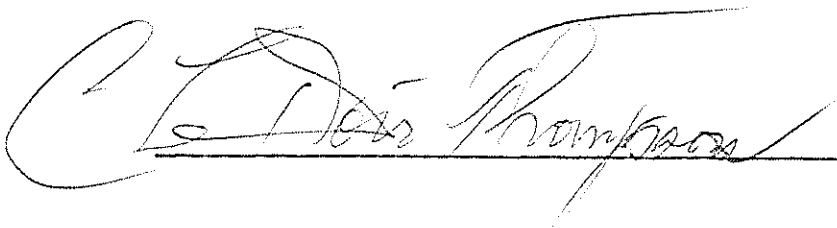
CLERK
REGISTER

| | | |
|-----------------|---|-------------------------|
| NORMAN HARVILLE | * | IN THE CIRCUIT COURT OF |
| PLAINTIFF | * | BALDWIN COUNTY, ALABAMA |
| VS | * | AT LAW. |
| CLYDE PAYNE and | * | CASE NO. 8956 |
| JOSEPH CROOKS | * | |
| DEFENDANTS | * | |

Comes C. LeNoir Thompson listed as attorney for Clyde Payne, defendant, and having previously withdrawn his appearance in said cause again gives notice of said withdrawal.



I hereby certify that I have this the 29 day of November, 1972, served a copy of the foregoing notice of withdrawal on Collins Galloway & Murphy, Attorneys at Law, 958 Dauphin Street, Mobile, Alabama, Attorneys for Norman Harville, Plaintiff, by depositing a copy of same in the United States Mail postage prepaid.



FILED

NOV 30 1972

EUNICE B. BLACKMON CIRCUIT CLERK

NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
CLYDE PAYNE AND JOSEPH : AT LAW
CROOKS, jointly and :
individually, :
Defendants : CASE NO. 8 9 5 6

MOTION FOR RULE NI SI

Comes now the plaintiff in the above styled cause and shows unto the Court that a writ of discovery was issued to the defendant, Clyde Payne, commanding him to file in Court a sworn list of his assets; that said writ of discovery was served upon the defendant, on to-wit, May 2, 1972, and that the defendant has failed and refused to file an answer to said writ of discovery.

WHEREFORE, plaintiff moves that a rule ni si be issued to the defendant commanding him to appear at an appointed time and show cause, if any he should have, as to why he should not be adjudged in contempt of court for failure to answer said writ of discovery.

COLLINS, GALLOWAY & MURPHY

BY: 

Wilson M. Hawkins, Jr.
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

Box 245
Silverhill, Alabama

FILED

JUN 14 1972

EUNICE B. BLACKMON CIRCUIT CLERK

| | | |
|------------------|---|-------------------------|
| NORMAN HARVILLE, | * | IN THE CIRCUIT COURT OF |
| Plaintiff, | * | BALDWIN COUNTY, |
| VS: | * | ALABAMA |
| CLYDE PAYNE | * | AT LAW |
| Defendant. | * | CASE NO. 8 9 5 6 |

ANSWER TO WRIT

Now comes Clyde Payne the defendant in the above styled cause and in obedience to the notice heretofore served on him in this cause for a statement of his assets, and says:

The the said service of discovery was issued at a time when said defendant was in the National Guard, on duty, and he respectively asks permission to file this, his answer.

He is presently unemployed, his last employment being Woodhaven Dairy, Robertsedale, Alabama and said defendant has know income, as a result of having no job.

He has no outstanding notes and no outstanding bonds, and has no accounts payable to him.

Defendant further states that he owns no real property.

That he has no cash on hand except \$3.00.

That he has undertaken to do some paint jobs for householders as a means for providing for himself, his wife, and month old child.

That he has engaged during the past 3 months in "shade tree" mechanic work.

That he has no automobile.

That because of his lack of work he and his family live with his parents.

That his only regular income is that paid to him as a member of the Army Reserve, approximately \$50.00 a month.

Clyde Payne
CLYDE PAYNE

Sworn to and subscribed before me this 5 day of October, 1971

C. L. Dair
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

I hereby certify that I have this 5 day of October mailed a copy to Collins, Galloway & Murphy, postage pre-paid.

attention Atty. Hawkins 259 H. C. Le Dear Thompson Atty 6

FILED

OCT 6 1971

CLERK OF CIRCUIT COURT
JENNIE B. BLACKBURN

NORMAN HARVILLE

IN THE CIRCUIT COURT OF

Plaintiff

vs:

BALDWIN COUNTY, ALABAMA

CLYDE PAYNE & JOSEPH CROOKS

Defendant

AT LAW, CASE NO. 8956

NOTICE TO DEFENDANT

TO: CLYDE PAYNE

Take notice that upon the written request of Wilson M. Hawkins, Jr., Attorney for the Plaintiff, filed in this Court in this cause, you are commanded to file in this Court within thirty days from the service of this notice a statement in writing, under oath, of employment, wages and assets, including money, choses in action, notes, bonds and accounts and all other property, real, personal or mixed or any interest therein, including wages due or payable, 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 14 day of March 19 72.

Ernest B. Blackman
Clerk of Circuit Court of
Baldwin County, Alabama.

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

COUNTY OF BALDWIN

BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA --GREETING:

YOU ARE HEREBY COMMANDED to serve a copy of the above notice upon Clyde Payne Defendant, and make due return thereon, according to law.

Witness my hand this the 14 day of March, 19 72.

Ernest B. Blackman
Clerk, Circuit Court of
Baldwin County, Alabama

8956

Norman Harville

vs.

Clyde Payne

Sheriff claims 6.00 fines of
Ten Cents per mile Total \$ 6.00
TAYLOR WALKINS, Sheriff
BY DMR
DEPUTY SHERIFF

Received 15 day of March 1972
and on 2 day of March 1972
I served a copy of the within Notice
on Clyde Payne

By service on _____

MAR 15 1972

TAYLOR WALKINS
SHERIFF

Collins, Galloway +
Murchie, Attys

TAYLOR WALKINS, Sheriff
BY 1st Deputee D. B.
6000 R. I. Rd.
E. I. Rd.

NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff : BALDWIN COUNTY, ALABAMA
VS: : AT LAW
CLYDE PAYNE and JOSEPH :
CROOKS, jointly and :
individually, :
Defendants. : CASE NO. 8 9 5 6


MOTION FOR RULE NI SI

Comes now the plaintiff in the above styled cause and shows unto the Court that a writ of discovery was issued to the defendant, Clyde Payne, commanding him to file in Court a sworn list of his assets; that said writ of discovery was served upon the defendant, on to-wit, July 18, 1971 and that the defendant has failed and refused to file an answer to said writ of discovery.

WHEREFORE, plaintiff moves that a rule ni si be issued to the defendant, commanding him to appear at an appointed time and show cause, if any he should have, as to why he should not be adjudged in contempt of court for failure to answer said writ of discovery.

COLLINS, GALLOWAY & MURPHY

BY:


Wilson M. Hawkins, Jr.
ATTORNEYS FOR PLAINTIFF

DEFENDANT'S ADDRESS:

Clyde Payne
Box 245
Silverhill, Alabama

FILED

AUG 27 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
 Plaintiff, : BALDWIN COUNTY, ALABAMA
 VS: : AT LAW
 CLYDE PAYNE and JOSEPH :
 CROOKS, jointly and :
 individually, :
 Defendants. : CASE NO.8956

Upon consideration of the petition filed herein by the above named defendant, Clyde Payne, on the 20th day of August, 1971, praying that the said defendant be cited as for a contempt, it is,

Ordered, adjudged and decreed by the Court that the said defendant, Clyde Payne, do be and appear before the Court on the 10th day of September, at 10:00 A.M. and show cause, if any he have, why he should not be held in contempt for willfully refusing to file said statement of assets, as required by law.

Let a copy of said petition and this decree be served upon the said defendant.

Dated this the 27th day of August, 1971.

James D. Wallis
 CIRCUIT JUDGE

FILED

AUG 27 1971

EUNICE B. BLACKMON CIRCUIT CLERK

259 8

5

8936

Norman Hawville

vs.
serve:
Clyde Payne et al

AUG 27 1971

TAYLOR WILKINS
SHERIFF

Collins, Galloway & Murphy

Received 27 day of Aug 19 71
and on 1 day of Dec 19 71
I served a copy of the within on Clyde Payne
By service on _____

TAYLOR WILKINS, Sheriff
By A. H. Jones D. S.
A. H. Jones

Sheriff claims 60 miles at
Ten Cents per mile Total \$ 6.00
TAYLOR WILKINS, Sheriff
BY [Signature] DEPUTY SHERIFF

NOTICE OF DISCOVERY OF ASSETS

NORMAN HARVILLE, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY,
VS: : ALABAMA
CLYDE PAYNE and : AT LAW
JOSEPH CROOKS, :
jointly and in- :
dividually, :
Defendants. : CASE NO. 8 9 5 6

NOTICE TO DEFENDANT

TO: Mr. Clyde Payne

Take notice that upon the written request of Mr. Wilson M. Hawkins, Jr., Attorney for the plaintiff, filed in this Court in th s cause, you are commanded to file in this Court within thirty days from the service of this notice a statement in writing, under oath, of employment, wages and assets, including money, choses in action, notes, bonds and accounts and all other property, real, personal or mixed or any interest therein, including wages due or payable, 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 30 day of April, 1971.

Ernie B. Blackmon
Clerk of Circuit Court of Baldwin County,
Alabama.

STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA --- GREETING

YOU ARE HEREBY COMMANDED to serve a copy of the above notice upon Clyde Payne, defendant, and make due return thereon according to law.

Witness my hand this the 30 day of April, 1971.

Ernie B. Blackmon
Clerk, Circuit Court of Baldwin County,
Alabama

259

8956

Norman Harville

vs.

Clyde Payne
Box 245
Silverhill, Ala -

JUN 17 1971

Notice of Discovery
of Assets

Collins, Galloway & Murphy

Sheriff claims 600 miles at
Ten Cents per mile Total \$ 60.00
TAYLOR WILKINS, Sheriff
by N. A. Brown
DEPUTY SHERIFF

Received 17 day of June 19 71
and on 18 day of June 19 71
I served a copy of the within Notice of Disc.
on Clyde Payne

By service on _____

TAYLOR WILKINS, Sheriff
By H. J. Brown D. S.
W. H. I.

100 miles for
county after diligent search and
return of property
100 miles for
county after diligent search and
return of property

DETACH BEFORE DEPOSITING

| INVOICE DATE | INVOICE NUMBER OR DESCRIPTION | GROSS AMOUNT | DISCOUNT | CREDITS | NET AMOUNT |
|--------------|------------------------------------|--------------|----------|---------|------------|
| | Garnishment Aubrey Potter # 10,462 | 254.92 | | | 254.92 |
| | 8956 Harris- Parker | | | | |

CHECK ATTACHED IS IN FULL PAYMENT OF ABOVE ITEMS.
ENDORSEMENT CONSTITUTES RECEIPT. IF INCORRECT
PLEASE RETURN CHECK AND STATEMENT.

GRAND HOTEL COMPANY
POINT CLEAR, ALA.

Wm B. Stanford

9/170