

State of Alabama
County of Baldwin

2072

To my Sheriff of the State of Alabama:

You are hereby to summon William Franklin Welch, to appear in the Circuit Court in the said County, within thirty days from the service of this summons and plead, answer or demur to the bill of complaint filed by J. W. Hadley as Plaintiff against William Franklin Welch as Defendant.

Witness my hand this 24th day of August 1953.

Reece J. Welch
Clerk

J. W. Hadley

Plaintiff

Vs

William Franklin Welch

Defendant

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In the Circuit Court of
Baldwin County, Alabama
At Law.

The Plaintiff claims of the Defendant the sum of Two hundred fifty dollars (\$250.00) due from him by stated account as the balance of the purchase price of land sold by the Plaintiff to the Defendant on to-wit 9/14/46, and which sum of money was due on to-wit September 15, 1948, which sum of money is still unpaid, with the interest thereon from the date it was due.

Reuben J. McKinley
Attorney for the Plaintiff.

Plaintiff demands a trial by jury

Reuben J. McKinley
Attorney for the Plaintiff

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42
500

FILED IN REPLY TO

DEFENDANT

FILED IN REPLY TO

707-076
J. W. Hadley
RECORDED
Plaintiff

420
vs
William Franklin Welch

Defendant

167
M
Summons and Complaint

EXECUTED
This 16 day of Sept 19 53
by serving a copy of the within on
Wm Franklin Welch
W. H. HOLCOMBE, Sheriff
Mobile County, Ala.
By: R. J. Matthews

FILED
AUG 24 1953
ALICE J. BUCK, Clerk

JOHN HADLEY

PLAINTIFF

VS

FRANK WELCH

DEFENDANT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 2072

AND

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TAYLOR WILKINS

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SHERIFF

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Comes now the Defendant Taylor Wilkins and for answer to the Plaintiff's motion heretofore filed in this cause says:

1.

Not guilty.

2.

That Frank Welch has filed a homestead exemption; See Exemption and Lien Book 5, page 27, in the office of the Probate Judge of Baldwin County, Alabama; that this is the only property that Taylor Wilkins has been able to find owned by Frank Welch on which a levy can be made.

3.

The Plaintiff fails to show wherein he has been made to suffer a loss because of the Defendant, Taylor Wilkins, failure to serve execution.

4.

That the Defendant, Taylor Wilkins, has not willfully nor negligently failed to serve the execution referred to in the Plaintiff's motion, but stands ready and willing to serve said execution when this motion is determined.

Walters & Brantley

by:

Robert M Brantley
Attorney for Taylor Wilkins

2072~

FILED

APR 27 1954

WACE L. DICK, Clerk

John Hadley

Plaintiff

Vs

Frank Welch

Defendant

and

Taylor Wilkins

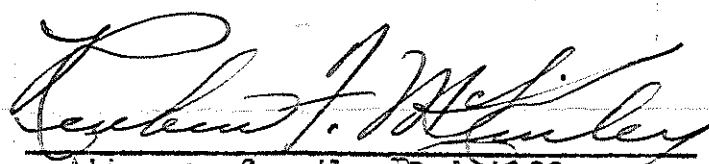
Sheriff

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* In the Circuit Court of
* Baldwin County, Alabama
* At Law.
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Now comes the Plaintiff in the above styled cause, by his Attorney and makes known to the Court that the judgment the Plaintiff has against the Defendant was for the balance of the purchase price of land sold by the Plaintiff to the Defendant as was alleged in the complaint in said cause and that by virtue of Title 7, Section 527, 1940 Code of Alabama, the claim of exemptions filed by the Defendant in said cause, April 5, 1954 is null, void and without legal effect, in that there can be no exemption in favor of the Defendant against the vendor for unpaid purchase money.

The Plaintiff therefore moves this Honorable Court to declare this so and direct the said Sheriff of Baldwin County, Alabama, Taylor Wilkins to serve said execution against the lands of the Defendant, or in the alternative, grant the Plaintiff a summary judgment for the amount of the judgment against the Defendant against said Taylor Wilkins and the sureties on his official bond, as said execution has been in the possession of said Sheriff for more than ninety days, unexecuted, in violation of Section 526, Title 7, 1940 Code of Alabama and said Section 526 provides for the judgment prayed.


Attorney for the Plaintiff

2072

John Hadley

Plaintiff

Vs

Frank Welch

Defendant

and

Taylor Wilkins

Sheriff

Motion

FILED
APR 7 1954
ALICE L. DUCK, Clerk

I hereby accept
service this 7th
day of April 1954
Taylor Wilkins
Sheriff

J. W. Hadley
Plaintiff

vs

William Franklin Welch
Defendant

In the Circuit Court of
Baldwin County, Alabama

Plaintiff withdraws demand for trial by jury
Ruben T. McInley
Attorney for the Plaintiff

FILED
OCT 31 1958
ALICE J. DECK, Registrar

STATE OF ALABAMA

BALDWIN COUNTY

I, Frank Welch, a resident of Baldwin County, Alabama, do hereby claim the following described real property:

Beginning at the Southwest Corner of the Northwest Quarter, Section 26, Township 1 North, Range 4 East, run North on West Section line of said Section 26 245 yards, East 300 yards, South 245 yards to point on East and West center line of said section, thence west along center line 300 yards to beginning, being 15 acres.

Begin at the Northwest Corner of the Northwest Quarter of the Southwest Quarter, Section 26, Township 1 North, Range 4 East, run South 140 yards, East 140 yards, North 140 yards, West 140 yards to beginning in Northwest quarter of Southwest Quarter, Section 26, Township 1 North, Range 4 East, being four acres.

as a homestead except to me from levy, seizure and sale under execution or other process for the collection of debt, and particularly do I claim said homestead against an execution levied by Taylor Wilkins on said above described property on the 5th day of April, 1954, said levy being based on a judgment secured at the Fall Term of the Circuit Court of Baldwin County, Alabama, on the 31 day of November, 1953.

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 and that its real value over and above the two mortgages now recorded against said property does not exceed \$500.00.

Witness my hand this the 5 day of April, 1954.

Sworn to and subscribed before me this the 5 day of April, 1954.

BY Scribe or

on

I sealed a copy of the within

subscribed

received

Notary Public, Baldwin County, Alabama.

Received _____ day of _____ 19____

and on 7 day of Apr 1954

I served a copy of the within _____

on _____

By service on Ruben McFarley

TAYLOR-WILKINS, Sheriff

By Pete Sullivan D.S.

DO NOT EXCEED \$200.00

THE LAST PART OF THE ABOVE ARE TWO HUNDRED AND FORTY DOLLARS AND NO OTHERS

AND THAT TO THE END OF THE YEAR 1954 THE TOTAL SHALL BE \$200.00 AND NO OTHERS

AND THAT THE ABOVE ARE TWO HUNDRED AND FORTY DOLLARS AND NO OTHERS

I do hereby certify that the above is a true and correct copy of the original

of McFarley to 23

AND THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL

ON THE 23RD DAY OF APRIL 1954 AND THAT THE ABOVE IS A TRUE AND CORRECT COPY

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JOHN HADLEY,

PLAINTIFF,

VS

FRANK WELCH,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF SAID COUNTY--Greeting:

You are hereby commanded to notify the said plaintiff that on the 5th day of April, 1954, the said defendant filed in said cause his claim of exemptions.

You are required to execute this process instantler, and return the same immediately upon the execution thereof.

Witness my hand this 5th day of April, 1954.

Alice J. Smith
Clerk of Circuit Court

2072 -

John Hadley
vs

Frank Welch

Received _____ day of _____ 19____
and on 7 day of APR 1954
I served a copy of the within _____
on _____

By service on Ruben Mc Kenney

TAYLOR WILKINS, Sheriff
By Pat Dolleds

FILED

APR 5 1954

CLERK J. CHICK, CLERK

STATE OF ALABAMA

BALDWIN COUNTY

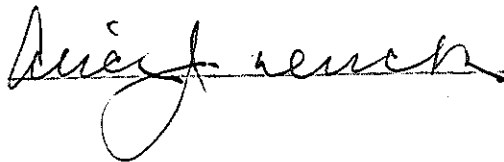
TO JOHN HADLEY, the Plaintiff in the Case of JOHN HADLEY vs FRANK WELCH:

You are hereby notified that Frank Welch, the defendant in the above named action has this day filed with me a claim in writing, verified by oath claiming as exempt to him the following described real property:

Begin at the Southwest Corner of the Northwest Quarter of Section 26, Township 1 North, Range 1 East, run North on West Section line of said Section 26, 245 yards East 300 yards, South 245 yards to point on East and West center line of said Section, thence West along center line 300 yards to beginning, being 15 acres.

Begin at the Northwest Corner of the Northwest Quarter of the Southwest Quarter, Section 26, Township 1 North, Range 1 East, run South 140 yards, East 140 yards, North 140 yards, west 140 yards to beginning in Northwest Quarter of Southwest quarter of Section 26, Township 1 North, Range 1 East, being 4 acres.

Witness my hand this the 5th day of April, 1954.

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