

TIME DISCOUNT CORP : IN THE CIRCUIT COURT OF
a corporation, as assignee of :
WES FLADD, d/b/a : BALDWIN COUNTY, ALABAMA
WES FLADD MOTORS, :
Plaintiff, :
vs. :
JAMES R. FOWLER, :
Defendant. :

2134

COUNT ONE

Plaintiff claims of the Defendant the sum of, to-wit, SIX HUNDRED SIXTY EIGHT AND 38/100 (\$668.38) DOLLARS damages for the breach of a written agreement entered into by the Defendant on the 18th day of December, 1953, by which he promised to pay to Wes Fladd Motors the sum of Eighty-five and 83/100 (\$85.83) Dollars each month, commencing on the 18th day of January, 1953, and continuing on the 18th day of each month thereafter until the sum of ONE THOUSAND FIVE HUNDRED FORTY FOUR AND 94/100 (\$1544.94) DOLLARS had been paid for the purchase of an automobile; said written instrument provided that in the event of a default in said payments, the entire amount would then become due, and the Plaintiff could seize said automobile and sell same at a public or private sale, with or without advertisement, with or without notice to the Defendant, and apply the proceeds of said sale to the remainder due under the said written instrument, and in the event of a deficiency the Defendant agreed to pay the amount of the deficiency. Plaintiff avers that said written instrument, together with all rights thereunder, was assigned to it by the said Wes Fladd Motors, before default in said written instrument, for which a valuable consideration has been paid.

Plaintiff alleges that the Defendant defaulted in said written instrument in that he failed to make the payments provided for therein, leaving a balance of principal due of, to-wit, NINE HUNDRED SIXTY EIGHT AND 38/100 (\$968.38) DOLLARS; that the

automobile mentioned therein was seized and sold and that the sum of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS was received for the automobile, which sum the Plaintiff alleges was the reasonable market value of the automobile at the time of the seizure and at the time of the sale, and that after applying the amount received from the sale of the said automobile to the balance due under the said written instrument, a balance of SIX HUNDRED SIXTY EIGHT AND 38/100 (\$668.38) DOLLARS remains due and unpaid.

Plaintiff claims the benefit of a waiver of personal property exemption contained in said written instrument.

Plaintiff claims the additional sum of ONE HUNDRED THIRTY THREE AND 67/100 (\$133.67) DOLLARS as a reasonable attorney's fee, averring that ONE HUNDRED THIRTY THREE AND 67/100 (\$133.67) DOLLARS is a reasonable attorney's fee as is provided for in said written instrument.

COUNT TWO

Plaintiff claims of the Defendant the sum of, to-wit, SIX HUNDRED SIXTY EIGHT AND 38/100 (\$668.38) DOLLARS, due from the Defendant by promissory note executed by him on, to-wit, the 18th day of December, 1952, which sum of money with interest thereon, is now due and unpaid.

Plaintiff claims the benefit of a waiver of personal property exemption contained in said promissory note due.

Plaintiff claims the additional sum of ONE HUNDRED THIRTY THREE AND 67/100 (\$133.67) DOLLARS as a reasonable attorney's fee, averring that ONE HUNDRED THIRTY THREE AND 67/100 (\$133.67) DOLLARS is a reasonable attorney's fee and is provided for and due under the terms of the said promissory note.


Attorney for Plaintiff

Defendant's Address:
General Delivery
Foley, Alabama
or
Can be served at
Southport Seafood Company
Gulf Shores, Alabama

FILED

11-20-53

ALICE J. DUCK, Clerk

no 2134

FILED

NOV 20 1953

ALICE L. DUCK, Clerk

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2134

Fall TERM, 19 53

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James R. Fowler

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

James R. Fowler, Defendant

by

Time Discount Corp. (a corp. as assignee of Wes Fladd
d/b/a Wes Fladd Motors), Plaintiff

Witness my hand this 20th day of November 19 53

Wes Fladd, Clerk

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THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Time Discount Corp.

d/b/a Wes Fladd Motors.
Plaintiffs

vs.

James R. Fowler

Defendants

SUMMONS and COMPLAINT

Filed 11-29-53, 19____

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Nov. 20, 1953

Taylor Wilkins, Sheriff
I have executed this summons

this 5 Dec, 1953
by leaving a copy with

Taylor Wilkins, Sheriff

Ellen Stueben, Deputy Sheriff