

LAW OFFICES OF  
HOWELL, JOHNSTON, LANGFORD & FINKBOHNER  
NINTH FLOOR, E. A. ROBERTS BUILDING  
P. O. BOX 1643  
MOBILE, ALABAMA  
36601

THOMAS O. HOWELL, JR.  
THOMAS A. JOHNSTON, III  
IRVIN J. LANGFORD  
GEORGE W. FINKBOHNER, JR.  
JOHN L. LAWLER

AREA CODE 205  
TELEPHONE 432-2677

September 27, 1972

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

Dear Judge Mashburn:

Enclosed herewith please find Order which you requested that I draw with respect to Case No. 9657 1/2, with reference to the setting of a new date for oral answer of the Garnishee, since no Sheriff's return had been made with respect to the notice that such proceedings had been previously set on September 26. You will note that the Order passes the matter until October 18, 1972 at 9:30 A.M., the date you requested us to use.

Very sincerely yours,

  
For the Firm

TAJ, III/j

Encl.

WERTHAN BAG CORPORATION, A  
Corporation,

Plaintiff,

vs.

RUBE CHILDRESS,

Defendant,

PAUL CHILDRESS, JR.,

Garnishee.

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IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

AT LAW

CASE NO. 9657 1/2

ORDER

This matter coming on before the Court on the Court's Order entered on the 11th day of September, 1972, requiring PAUL CHILDRESS, JR., Garnishee herein, to appear before this Court on this day at 11:00 A.M. and make such oral answer to the Writ of Garnishment served upon him in this cause, and it appearing to the Court that there has been no return made as yet by the Sheriff with respect to the service of the notice required by the prior Order of this Court to be served on the said PAUL CHILDRESS, JR.,

NOW, THEREFORE, it is Ordered, Adjudged and Decreed by this Court that the time for the said PAUL CHILDRESS, JR. to make said oral answer in open Court is continued until the 18th day of October, 1972 at 9:30 A.M.

DONE this 26th day of September, 1972.

*J. L. Blackmon*  
\_\_\_\_\_  
Circuit Judge of Baldwin County

**FILED**

OCT 2 1972

LUNICE B. BLACKMON CIRCUIT  
CLERK

WERTHAN BAG CORPORATION,  
A Corporation,  
  
Plaintiff,  
  
vs.  
  
RUBE CHILDRESS,  
  
Defendant.

\* IN THE CIRCUIT COURT  
\*  
\* OF BALDWIN COUNTY,  
\*  
\* ALABAMA  
\*  
\* AT LAW  
\*  
\*  
\* CASE NO. 9657 1/2

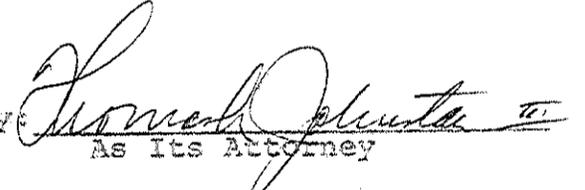
MOTION TO REQUIRE ORAL ANSWER OF GARNISHMENT

STATE OF ALABAMA  
COUNTY OF BALDWIN

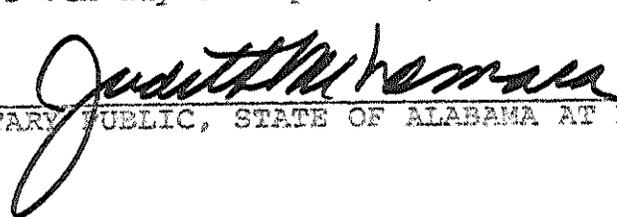
Now Comes THOMAS A. JOHNSTON, III, attorney for WERTHAN BAG CORPORATION, a corporation, the Plaintiff herein, who, having been first duly sworn on oath, says that he is informed and believes that the garnishee, PAUL CHILDRESS, JR., who was served with a Writ of Garnishment herein, is indebted to the Defendant, RUBE CHILDRESS, although the garnishee has filed a written answer denying said indebtedness and your affiant says that it is necessary that the garnishee appear and answer orally the Writ of Garnishment so that it might be determined to what extent the garnishee, PAUL CHILDRESS, JR. is indebted to the Defendant, RUBE CHILDRESS.

WHEREFORE, THE PREMISES CONSIDERED, WERTHAN BAG CORPORATION, a corporation, the Plaintiff herein, prays that the garnishee be ordered to appear and answer orally the Writ of Garnishment in the above styled cause.

WERTHAN BAG CORPORATION, A Corporation

By:   
As Its Attorney

Subscribed and sworn to before me  
this 7th day of September, 1972.

  
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

**FILED**

SEP 11 1972

EUNICE B. BLACKMON CIRCUIT CLERK

AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT

CC LAW 12-2M-6-69

9657 1/2

THE STATE OF ALABAMA }  
MOBILE COUNTY  
BALDWIN

CIRCUIT COURT

Eunice B. Blackmon

Baldwin

Personally appeared before me, ~~John E. Woodruff~~, Clerk of the Circuit Court in and for ~~Mobile~~ Mobile County and State aforesaid ..... Thomas A. Johnston, III

who being duly sworn, on oath says, that on the 12th day of March, 1971

in the Circuit Court of Mobile County, in Case No. 9657 The Plaintiff

Werthan Bag Corp., a corporation

recovered a judgment against Rube Childress

the Defendant, whose address is Loxley, Alabama

for the sum of \$3,701.00 + Court Costs and interest since that date.

Dollars, besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect;

that Paul Childress, Jr.

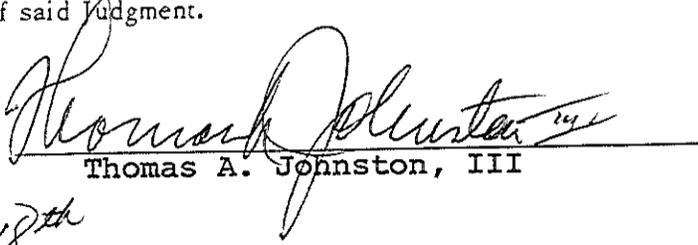
whose address is Loxley, Alabama

is supposed to be indebted to or have effects of the said Rube Childress

in his possession or under his

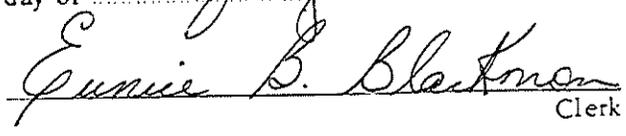
control, and that he believes process of Garnishment against the said Paul Childress, Jr.

is necessary to obtain satisfaction of said Judgment.

  
Thomas A. Johnston, III

Sworn to and subscribed this 18th

day of July A.D., 1972

  
Eunice B. Blackmon  
Clerk

AFFIDAVIT FOR GARNISHMENT  
ON JUDGMENT

CC LAW 12-2M-6-69

THE STATE OF ALABAMA }  
MOBILE COUNTY }  
BALDWIN }

CIRCUIT COURT

Eunice B. Blackmon Baldwin  
Personally appeared before me, ~~John E. Macdeville~~, Clerk of the Circuit Court in and for Mobile County  
and State aforesaid ..... Thomas A. Johnston, III .....

who being duly sworn, on oath says, that on the 12th day of March, 1971  
in the Circuit Court of Mobile County, in Case No. 19657 The Plaintiff  
..... Werthan Bag Corp., a corporation .....

recovered a judgment against Rube Childress  
.....  
..... the Defendant, whose address  
is Loxley, Alabama

for the sum of \$3,701.00 + Court Costs and interest since that date.  
Dollars, besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect;  
that Paul Childress, Jr.

whose address is Loxley, Alabama

is supposed to be indebted to or have effects of the said Rube Childress

in his possession or under his control, and that he believes process of Garnishment against the said Paul Childress, Jr.

is necessary to obtain satisfaction of said Judgment.

\_\_\_\_\_  
Thomas A. Johnston, III

Sworn to and subscribed this  
day of ..... A.D., 1972

\_\_\_\_\_  
Clerk

WERTHAN BAG CORPORATION, a Corporation

PLAINTIFF

VS

RUBE CHILDRRESS

DEFENDANT

Ø IN THE CIRCUIT COURT OF  
Ø BALDWIN COUNTY, ALABAMA  
Ø AT LAW  
Ø  
Ø  
Ø CASE NO: 9657 1/2  
Ø

ANSWER OF GARNISHEE

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, *Susan S. Presley*, a Notary Public in and for said County in said State, Paul Childress, Jr., who is personally known to me, and who being by me duly sworn, on oath says, in answering the garnishment therein that Rube Childress, the Defendant, in the above styled cause, is not an employee of the garnishee and that the garnishee is not indebted to the Defendant in any sum whatever. And he will not be liable to the Defendant for the delivery of personal property by any contract then or now existing, nor for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and that he has not in his possession or under his control money or effects belonging to the Defendant.

*Paul Childress Jr*  
Paul Childress, Jr.

Sworn to and subscribed before me this the 21<sup>st</sup> day of August, 1972.

**FILED**

AUG 21 1972

*Susan S. Presley*  
Notary Public

**EUNICE B. BLACKMON** CIRCUIT CLERK

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

March TERM, 19<sup>72</sup>

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular March Term, 19<sup>71</sup>, of the Circuit Court of Baldwin County, to-wit: On the 12th day of March, 19<sup>71</sup>, being a regular day of said term, Werthan Bag Corp. a corp.

recovered judgment against Rube Childress

no/100----

for the sum of (\$3,701.00) Three Thousand Seven Hundred One & Dollars, and cost of suit, and affidavit having been made by Thomas A. Johnston, III

that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, vis:

Paul Childress, Jr. Loxley, Alabama

has or is believed to have in its possession, or under its control money or effects belonging to said defendant Rube Childress or that it is, or is believed to be indebted to said defendant or to be liable to them, or to one of them on a contract for the delivery of personal property, on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Comanded to Summon

Paul Childress, J.r. Loxley, Alabama

to file an answer in duplicate to the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, within 30 days from

the service of the garnishment, or at the making of its answer, or at any time intervening the time of serving the garnishment, and making the answer was indebted to said defendant Rube Childress and whether it will not be indebted in future to said defendant Rube Childress by a contract then existing, and whether by a contract then existing

is, or are, liable to said defendants 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 it has not in its possession or under its control money or effects belonging to the defendant Rube Childress

Herein fail not, and have you then and there this Writ.

Eunice B. Blackmon 18th July 72  
Witness, Clerk of said Court, this day of A. D., 19

Issued 18th day of July A. D., 19<sup>72</sup>

ATTEST:

Eunice B. Blackmon Clerk

CIRCUIT COURT, BALDWIN COUNTY

No. 9657 1/2

WERTHAN BAG CORP. A CORP.

VS. } GARNISHMENT ON JUDGMENT

RUBE CHILDRESS

Issued 18th day of July 19 72

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

RECEIVED

JUL 18 1972

TAYLOR WILKINS

SHERIFF

Attorney

Moore Printing Co. - Bay Minette, Ala.

Sheriff claims 40 Dollars  
Ten Cents per mile Total \$ 4.00  
TAYLOR WILKINS, Sheriff  
BY John DEPUTY SHERIFF

Received 18 day of July 19 72  
and on 20 day of July 19 72  
I served a copy of the writ  
Rube Childress  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
D. S.  
John  
John

WERTHAN BAG CORPORATION, A CORP.

IN THE CIRCUIT COURT OF

Plaintiff

vs:

RUBE CHILDRESS

BALDWIN COUNTY, ALABAMA

Defendant

PAUL CHILDRESS, JR.

AT LAW, CASE NO. 9657½

Garnishee

ORDER REQUIRING ORAL ANSWER BY GARNISHEE

In this case 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 Notice issue to the Garnishee, requiring it to appear before this Court on the 26<sup>th</sup> day of September, 1972, at 11:20 AM, o'clock, and make oral answer to the Writ of Garnishment served upon it in said cause.

Done this 11th day of September, 1972.

J. J. Woodberry  
Circuit Judge, Baldwin County, Alabama

NOTICE TO GARNISHEE TO ANSWER ORALLY IN OPEN COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

Whereas the above order was made and entered in the above styled cause requiring Paul Childress, Jr. as Garnishee to answer orally in open Court as Garnishee, and that Notice be issued to the said Paul Childress, Jr. as Garnishee, requiring it to appear before this Court on the 26<sup>th</sup> day of September, 1972, at 11:00 o'clock and make oral answer to the writ of garnishment served upon Paul Childress, Jr. in said cause.

Now therefore, You are Hereby Commanded to summon the said Paul Childress, Jr., as Garnishee to be and appear before this Court on the 26 day of September, 1972, and make an oral answer as such Garnishee.

WITNESS my hand this 11th day of September, 1972.

Ernie B. Blackman  
Clerk of the Circuit Court  
of Baldwin County, Alabama

WERTHAN BAG CORPORATION,  
A Corporation,

Plaintiff,

vs.

RUBE CHILDRESS,

Defendant.

\* IN THE CIRCUIT COURT  
\*  
\* OF BALDWIN COUNTY,  
\*  
\* ALABAMA  
\*  
\* AT LAW  
\*  
\* CASE NO. 9657 1/2

MOTION TO REQUIRE ORAL ANSWER OF GARNISHMENT

STATE OF ALABAMA

COUNTY OF BALDWIN

Now Comes THOMAS A. JOHNSTON, III, attorney for WERTHAN BAG CORPORATION, a corporation, the Plaintiff herein, who, having been first duly sworn on oath, says that he is informed and believes that the garnishee, PAUL CHILDRESS, JR., who was served with a Writ of Garnishment herein, is indebted to the Defendant, RUBE CHILDRESS, although the garnishee has filed a written answer denying said indebtedness and your affiant says that it is necessary that the garnishee appear and answer orally the Writ of Garnishment so that it might be determined to what extent the garnishee, PAUL CHILDRESS, JR. is indebted to the Defendant, RUBE CHILDRESS.

WHEREFORE, THE PREMISES CONSIDERED, WERTHAN BAG CORPORATION, a corporation, the Plaintiff herein, prays that the garnishee be ordered to appear and answer orally the Writ of Garnishment in the above styled cause.

WERTHAN BAG CORPORATION, A Corporation

By: *Thomas A. Johnston III*  
As Its Attorney

Subscribed and sworn to before me  
this 7th day of September, 1972.

*Judith M. ...*  
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

**FILED**

SEP 11 1972

EUNICE B. BLACKMON CIRCUIT CLERK



WERTHAN BAG CORPORATION, A  
Corporation,

Plaintiff,

vs.

RUBE CHILDRESS,

Defendant,

PAUL CHILDRESS, JR.,

Garnishee.

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IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

AT LAW

CASE NO. 9657 1/2

O R D E R

This matter coming on before the Court on the Court's Order entered on the 11th day of September, 1972, requiring PAUL CHILDRESS, JR., Garnishee herein, to appear before this Court on this day at 11:00 A.M. and make such oral answer to the Writ of Garnishment served upon him in this cause, and it appearing to the Court that there has been no return made as yet by the Sheriff with respect to the service of the notice required by the prior Order of this Court to be served on the said PAUL CHILDRESS, JR.,

NOW, THEREFORE, it is Ordered, Adjudged and Decreed by this Court that the time for the said PAUL CHILDRESS, JR. to make said oral answer in open Court is continued until the 18th day of October, 1972 at 9:30 A.M.

DONE this 26th day of September, 1972.

J. J. A. Marshall  
Circuit Judge of Baldwin County

**FILED**

OCT 2 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

9657 1/2

Werthan Bay Corp.

vs.

Rube Childress

vs.  
Paul Childress, Jr.

RECEIVED

OCT 3 1972

TAYLOR WILKINS  
SHERIFF

Received 3 day of Oct. 19 72  
and on 4 day of Oct. 19 72  
I served a copy of the writthin  
on Paul Childress, Jr.  
By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By R. T. Jolly  
40 mi R.T.

TAYLOR WILKINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, CLAIM \$1.50 EACH  
FOR SERVING \_\_\_\_\_ PROCESSIES) AND  
TRAVEL EXPENSE ON EACH OF \$ \_\_\_\_\_  
PROCESSIES) OR A TOTAL OF \$ \_\_\_\_\_

Don Cents per min  
TAYLOR WILKINS, SHERIFF  
By R. T. Jolly