

SUMMONS

STATE OF ALABAMA )  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon DONALD FORSYTH, BOX 143, ROBERTSDALE, ALABAMA, to appear within thirty days after the service of this summons in the Circuit Court to be held for said County, then and there to demur or to plead to the complaint of Kenneth Totsch, d/b/a/Totsch Boat Works.

Witness my hand this 29 day of November, 1971.

Eunice B. Blackmon  
Clerk

\* \* \* \* \*

KENNETH TOTSCH, d/b/a	)	IN THE CIRCUIT COURT OF
TOTSCH BOAT WORKS	)	BALDWIN COUNTY, ALABAMA
Plaintiff	)	AT LAW
vs.	)	NO <u>10,132</u>
DONALD FORSYTH,	)	
Defendant	)	

COMPLAINT

And the Plaintiff, Kenneth Totsch, d/b/a Totsch Boat Works, further claims of the Defendant, Donald Forsyth, Three Hundred and Twenty-one and 49/100ths Dollars (\$321.49), due for work and labor done by the Plaintiff for the Defendant, at the Defendant's request on the days of July 20, 1971 thru October 22, 1971.

Daniel E. Robison  
Daniel E. Robison  
Attorney for the Plaintiff

FILED

NOV 29 1971

EUNICE B. BLACKMON CIRCUIT CLERK

Case # 10,132

KENNETH TOTSCH, d/b/a  
TOTSCH BOAT WORKS

VS:

DONALD FORSYTH

FILED

NOV 29 1971

EUNICE B. BLACKMON  
CIRCUIT CLERK

NOV 29 1971

JAYLOR WILKINS  
SHERIFF

Daniel E. Robison

Wright  
947-5854

Received 29 day of Nov 19 71  
and on 14 day of Dec 19 71  
I served a copy of the writ on Donald Forsyth

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By T. F. Hall D.S.

Sheriff claims 50 miles at  
Ten Cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff  
by Jed  
DEPUTY SHERIFF

IRBY AND POGGI  
ATTORNEYS AT LAW  
305 NORTH SECTION STREET  
FAIRHOPE, ALABAMA 36532

SAMUEL W. IRBY  
FRANCIS A. POGGI, JR.

MAILING ADDRESS  
P O DRAWER B  
TELEPHONE 928-8285  
AREA CODE 205

February 1, 1973

Eunice B. Blackmon  
P. O. Box 239  
Bay Minette, Alabama 36507

Dear Eunice:

As you know, Dan Robison is no longer practicing law in this area. Please place Irby and Poggi as attorneys of record on the following cases that were turned over to us by Dan.

Dr. D. K. Cooper -vs- J. Wade	Case No. 10,156✓
Farmers & Merchants Bank -vs- Clifford McLain & Louise McLain	Case No. 10,366
Donald Gaar, d/b/a/ Foley Auto Parts -vs- Jaye Truck Lines, Inc.	Case No. 10,346
Jerry Hance, d/b/a/ Magnolia Springs Garage -vs- Laura Williams	Case No. 10,348
Kenneth Totsch, d/b/a/ Totsch Boat Works -vs- Donald Forsyth	Case No. 10,132✓
Jerry Hance, d/b/a/ Magnolia Springs Garage -vs- Ralph Dubuison	Case. No. 10,349
Baptist Hospital -vs- Fannie Mae Walden	Case No. 10,373✓
La Rue Flying Service, Inc. -vs- John R. Childress	Case No. 9,469✓

FILED

FEB 2 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

Eunice B. Blackmon  
February 1, 1973  
Page 2

Jerry Hance, d/b/a/ Magnolia Springs  
Garage -vs- Rodney Carver

Case No. 10,346

George W. Markham, Sr. and Randall  
Markham, d/b/a/ George Markham &  
Sons Signs -vs- H. Rowland Clifton

Case No. 10,458

Foley Tractor Co., Inc -vs- Paul L.  
Bonnell

Case No. 9,215 ✓

La Rue Flying Service -vs- Henry King

Case No. 9,615

Eddie Sweat -vs- John A. McDuffie

Case No. 9,455

If you have any questions concerning this matter, please do  
not hesitate to call.

Yours very truly,

*Sam W. Libby*  
For the Firm

SWI/akb

FILED

FEB 2 1973

EUNICE B. BLACKMON CIRCUIT  
CLERK

KENNETH TOTSCH d/b/a  
TOTSCH BOAT WORKS,

Plaintiff

vs.

DONALD FORSYTH,

Defendant

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY, ALABAMA  
\* AT LAW  
\*  
\*  
\* CASE NO. 10,132

REQUEST FOR WRIT OF DISCOVERY


TO THE HONORABLE EUNICE BLACKMON, CLERK OF CIRCUIT COURT:

WHEREAS, in the above entitled cause, Plaintiff recovered a judgment against the said Defendant in Case No. 10,132, at law, on the 25th day of February, 1972, for the sum of \$321.49, besides the cost of said cause; and

WHEREAS, execution was issued on said judgment against the said Donald Forsyth on the 6th day of July, 1972, said execution was returned by the Sheriff of Baldwin County, Alabama, with the endorsement thereon "no property found", and said judgment remains unpaid and unsatisfied.

Now, therefore, this is to request you as Clerk of said Court to issue a notice to said Donald Forsyth requiring him to file in the Circuit Court, within 30 days from service of notice, a statement in writing under oath of all the assets of said Donald Forsyth, including money, personal or real property, choses in action, bonds and accounts, with a detailed description of the same, the location and reasonable value of each item thereof, together with a detailed statement of all liens, mortgages and encumbrances thereon, showing the amounts due upon each, and the owner or holder of such lien, mortgage or encumbrances.

DATED this 2 day of August, 1972.

  
DANIEL E. ROBISON  
Attorney for Plaintiff

Defendant lives at:  
Box 143  
Robertsdale, Alabama

FILED

AUG 4 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

KENNETH TOTSCH d/b/a  
TOTSCH BOAT WORKS,

Plaintiff

vs.

DONALD FORSYTH,

Defendant

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY, ALABAMA  
\* AT LAW

\* CASE NO. 10,132

REQUEST FOR WRIT OF DISCOVERY

TO THE HONORABLE EUNICE BLACKMON, CLERK OF CIRCUIT COURT:

WHEREAS, in the above entitled cause, Plaintiff recovered a judgment against the said Defendant in Case No. 10,132, at law, on the 20th day of February, 1972, for the sum of \$12,000.00, besides the cost of said cause; and

WHEREAS, execution was issued on said judgment against the said Donald Forsyth on the 20th day of July, 1972, said execution was returned by the Sheriff of Baldwin County, Alabama, with the endorsement thereon "no property found", and said judgment remains unpaid and unsatisfied.

Now, therefore, this is to request you as Clerk of said Court to issue a notice to said Donald Forsyth requiring him to file in the Circuit Court, within 30 days from service of notice, a statement in writing under oath of all the assets of said Donald Forsyth, including money, personal or real property, choses in action, bonds and accounts, with a detailed description of the same, the location and reasonable value of each item thereof, together with a detailed statement of all liens, mortgages and encumbrances thereon, showing the amounts due upon each, and the owner or holder of such lien, mortgage or encumbrances.

DATED this 2 day of August, 1972.

  
DANIEL E. ROBISON  
Attorney for Plaintiff

Defendant lives at:  
Box 143  
Robertsdale, Alabama

FEIBELMAN & SILVER  
ATTORNEYS AT LAW  
2103 FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA 36601

HERBERT P. FEIBELMAN, JR.  
IRVING SILVER  
DANIEL E. ROBISON

P. O. BOX 2082  
TELEPHONE 205 433-1597  
205 438-9717

October 12, 1972

Mrs. Eunice Blackmon  
Clerk of the Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Totsch vs. Forsyth  
Case No. 10,132

Dear Eunice:

In August of this year, I requested a Writ of Discovery to be issued against the Defendant, Donald Forsyth. I also mentioned that I did not have any data in my file indicating the date or amount of the judgment which we took. I would assume that it would be for \$321.49, the amount we sued for.

Would you please send me a short note, giving me the date and amount of the judgment? I am really in some dread of a wrongful execution.

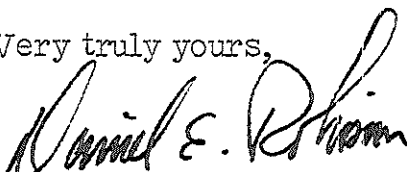
If, however, your records show you that we do have a judgment, while you are sending me the short note giving me the data on the date and amount of the judgment, please issue a levy of execution to the Sheriff for the following property which the Defendant has listed as being in his name, and without any outstanding mortgages:

Seven thousand BTU window air conditioner;  
Tools and drills;  
Gas stove;  
1955 Ford half ton pickup truck;  
16 gauge shotgun; and,  
25 chickens.

We would like the Sheriff to levy execution only on that amount of property necessary to satisfy our judgment.

Thank you for your help.

Very truly yours,

  
Daniel E. Robison

DER/law

STATE OF ALABAMA )

VERIFICATION OF ACCOUNT

BALDWIN COUNTY )

Before me, the undersigned authority on this day personally appeared Kenneth L. Totsch known to me, who being by me duly sworn states on oath that the foregoing and annexed account in favor of Kenneth Totsch, d/b/a against DONALD FORSYTH for the sum of \$321.49

is within the knowledge of affiant, just and true; that it is due and unpaid and that all lawful offsets, payments and credits have been allowed.

*Kenneth L. Totsch*  
Affiant

Subscribed and sworn to before me this 2d. day of

*F. E. Evers* . . . . . 1972

*Daniel E. P. Brown* . . .  
Notary Public



DANIEL FORSYTH

Boat 143

REPAIR ORDER #797

TYPE OF BOAT 26' HULLMAN

R.H.

REGISTRATION NO. AL-2441-WM

## MATERIALS

PLEASE MAKE THE FOLLOWING REPAIRS OR ALTERATIONS ON THE ABOVE DESCRIBED BOAT.

1	HAIRLINE REPAIR	2.00	REPAIR HAIRLINE REPAIR
1	HAIRLINE REPAIR HOUSING	194.75	11" DIA. 1" THICK ALUM. W/ 1/2" DIA. HOLES + 1/2" DIA. HOLES
1	HAIRLINE REPAIR	14.50	" " " " " " " " " " " "
1	HAIRLINE	43.50	" " " " " " " " " " " "
1	HAIRLINE HOUSING	6.00	" " " " " " " " " " " "
1	HAIRLINE + GEAR SHIFT	62.25	" " " " " " " " " " " "
1	HAIRLINE + SHIFT	76.25	" " " " " " " " " " " "
1	HAIRLINE SHIFT	21.00	" " " " " " " " " " " "
1	THROAT WASHER	2.25	" " " " " " " " " " " "
1	SWITCH HOUSING	17.25	" " " " " " " " " " " "
1	PISTON	1.75	" " " " " " " " " " " "
1	PISTON RING	8.15	" " " " " " " " " " " "
1	HOUSING	4.50	" " " " " " " " " " " "
1	PISTON	4.00	" " " " " " " " " " " "
1	GEAR SHIFT HOUSING	61.00	" " " " " " " " " " " "
1	GEAR	2.00	" " " " " " " " " " " "
1	POCKET LINER	312.25	" " " " " " " " " " " "
1	POCKET LINER	44.00	" " " " " " " " " " " "
1	POCKET LINER	1.45	" " " " " " " " " " " "
1	POCKET LINER	14.50	" " " " " " " " " " " "
1	POCKET LINER	41.75	" " " " " " " " " " " "
1	POCKET LINER	32.25	" " " " " " " " " " " "
1	POCKET LINER	61.75	" " " " " " " " " " " "
1	POCKET LINER	31.45	" " " " " " " " " " " "
1	POCKET LINER	6.75	" " " " " " " " " " " "
TOTAL		1264.25	

BOATS PULLED OUT AT OWNERS RISK. NOT RESPONSIBLE FOR DAMAGE CAUSED BY FIRE, WIND OR THEFT.

WORK AUTHORIZED BY

LABOR

MATERIALS

MISCELLANEOUS

TAX

TOTAL THIS LIST

2336.80  
1955.31 P.D. 4/13/71

381.29

321.29 LOSS

1955.31 P.D. 4/13/71

KENNETH TOTSCH, d/b/a TOTSCH  
BOAT WORKS,

Plaintiff

vs:

DONALD FORSYTH,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 10, 132

WRIT OF DISCOVERY

TO DONALD FORSYTH

TAKE NOTICE, THAT, WHEREAS THE PLAINTIF IN THE ABOVE ENTITLED CAUSE HAS REQUESTED IN WRITING, THE UNDERSIGNED, AS CLERK OF SAID COURT TO ISSUE NOTICE TO YOU AS DEFENDANT IN THE ABOVE ENTITLED CAUSE AND IN THE JUDGEMENT THEREIN, REQUIRING YOU TO FILE THE STATEMENT IN WRITING UNDER OATH OF ALL YOUR ASSETS, AS PROVIDED IN THE ACT OF THE LEGISLATURE OF ALABAMA, APPROVED SEPTEMBER 28, 1915, "TO PROVIDE FOR THE DISCOVERY OF ASSETS OF JUDGEMENT DEBTORS, AND TO FACILITATE THE ENFORCEMENT OR COLLECTION OF JUDGEMENTS IN COURTS OF LAW AND EQUITY IN THIS STATE," AND HAS FILED SAID REQUEST, IN WRITING, IN THIS CAUSE ENDORSED "NO PROPERTY FOUND" BY THE SHERIFF OF BALDWIN COUNTY, AND THAT YOU RESIDE IN THE STATE OF ALABAMA.

NOW THEREFORE, YOU, THE SAID DONALD FORSYTH ARE HEREBY REQUIRED, WITHIN 30 DAYS FROM THE SERVICE HEREOF, TO FILE IN THIS COURT A STATEMENT, IN WRITING, UNDER OATH, OF ALL YOUR ASSETS, INCLUDING MONEY, CHOSSES IN ACTION, NOTES, BONDS AND ACCOUNTS, AND ALL OTHER PROPERTY, REAL, PERSONAL OR MIXED, OR ANY INTERESTS THEREIN, WITH A DETAILED DESCRIPTION OF THE SAME, THE LOCATION AND REASONABLE VALUE OF EACH ITEM THEREOF, TOGETHER WITH A DETAILED LIST OR STATEMENT, OF ANY AND ALL LEADS, MORTGAGES OR ENCUMBRANCES THEREON.

WITNESS MY HAND THIS 4th DAY OF August

1972.

Erinice B. Blackmon  
CLERK

\*\*\*\*\*

TO ANY SHERIFF IN THE STATE OF ALABAMA: GREETINGS.

YOU ARE HEREBY COMMANDED TO SERVE THE FOREGOING NOTICE UPON THE ABOVE NAMED Donald Forsyth AND MAKE DUE RETURN OF YOUR SAID SERVICE AND OF THIS NOTICE.

Erinice B. Blackmon  
CLERK

Received 4 day of Aug. 19 72  
and on 28 day of Aug. 19 72  
I served a copy of the within Writ of Disc.  
on Donald Forsyth

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By John F. Hall D.S.

50 mi  
R. Dale

Sheriff claims 50 miles at  
Ten Cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff  
BY [Signature]  
DEPUTY SHERIFF

CASE NO. 10,132

KENNETH TOTSCH, d/b/a TOTSCH  
BOAT WORKS,

Plaintiff,

vs:

DONALD FORSYTH,  
Box 143  
Robertsdale Defendant

WRIT OF DISCOVERY

RECEIVED

AUG 1972

TAYLOR WILKINS  
SHERIFF

DANIEL E. ROBISON

KENNETH TOTSCH, d/b/a TOTSCH  
BOAT WORKS,

Plaintiff

vs:

DONALD FORSYTH,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 10, 132

WRIT OF DISCOVERY

TO DONALD FORSYTH

TAKE NOTICE, THAT, WHEREAS THE PLAINTIF IN THE ABOVE ENTITLED CAUSE HAS REQUESTED IN WRITING, THE UNDERSIGNED, AS CLERK OF SAID COURT TO ISSUE NOTICE TO YOU AS DEFENDANT IN THE ABOVE ENTITLED CAUSE AND IN THE JUDGEMENT THEREIN, REQUIRING YOU TO FILE THE STATEMENT IN WRITING UNDER OATH OF ALL YOUR ASSETS, AS PROVIDED IN THE ACT OF THE LEGISLATURE OF ALABAMA, APPROVED SEPTEMBER 28, 1915, "TO PROVIDE FOR THE DISCOVERY OF ASSETS OF JUDGEMENT DEBTORS, AND TO FACILITATE THE ENFORCEMENT OR COLLECTION OF JUDGEMENTS IN COURTS OF LAW AND EQUITY IN THIS STATE," AND HAS FILED SAID REQUEST, IN WRITING, IN THIS CAUSE ENDORSED "NO PROPERTY FOUND" BY THE SHERIFF OF BALDWIN COUNTY, AND THAT YOU RESIDE IN THE STATE OF ALABAMA.

NOW THEREFORE, YOU, THE SAID DONALD FORSYTH ARE HEREBY REQUIRED, WITHIN 30 DAYS FROM THE SERVICE HEREOF, TO FILE IN THIS COURT A STATEMENT, IN WRITING, UNDER OATH, OF ALL YOUR ASSETS, INCLUDING MONEY, CHOSSES IN ACTION, NOTES, BONDS AND ACCOUNTS, AND ALL OTHER PROPERTY, REAL, PERSONAL OR MIXED, OR ANY INTERESTS THEREIN, WITH A DETAILED DESCRIPTION OF THE SAME, THE LOCATION AND REASONABLE VALUE OF EACH ITEM THEREOF, TOGETHER WITH A DETAILED LIST OR STATEMENT, OF ANY AND ALL LENDS, MORTGAGES OR ENCUMBRANCES THEREON.

WITNESS MY HAND THIS 4th DAY OF August, 1972.

Ernest B. Blackmer  
CLERK

\*\*\*\*\*

TO ANY SHERIFF IN THE STATE OF ALABAMA: GREETINGS.

YOU ARE HEREBY COMMANDED TO SERVE THE FOREGOING NOTICE UPON THE ABOVE NAMED Donald Forsyth AND MAKE DUE RETURN OF YOUR SAID SERVICE AND OF THIS NOTICE.

Ernest B. Blackmer  
CLERK

Cope

FEIBELMAN & SILVER

ATTORNEYS AT LAW

2103 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA 36601

HERBERT P. FEIBELMAN, JR.  
IRVING SILVER

P. O. BOX 2082  
TELEPHONE 205 433-1597

- August 2, 1972
- Mrs. Eunice Blackmon  
Clerk-Circuit Court  
Baldwin County Court House  
Bay Minette, Alabama 36507
- 

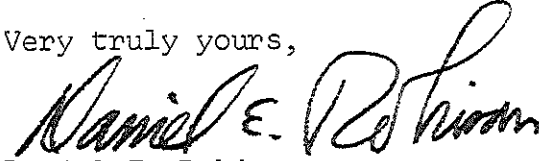
✓ Re: Totsch vs. Forsyth, Case No. 10,132

Dear Eunice:

From checking my file, I have a gap where I should have the date of judgment and amount of judgment. Could it be that I have not yet taken a judgment?

I have enclosed a request for Writ of Discovery. If I have truly taken a judgment against the defendant, then please fill in the blanks where appropriate. If not, let me know and I will quickly move to take the judgment.

Very truly yours,



Daniel E. Robison

DER/lc

Enclosure

FILED

OCT 6 1972

In the circuit court  
of Paulden Co. ALA.

EUNICE B. BLACKMON CIRCUIT  
CLERK 4

Writ of Discovery

I Donald D. Foyette have in my  
possession the foregoing property

House & 1 Acre of land	\$3000.00
one 1955 Ford pickup	100.00
one TV	488.00
one living room set	450.00
Baby Furniture	20.00
Bed - playpen - <del>High chair</del> stools	15.00
Stone - GAS HEATING	40.00
STOVE ELEC. COOKING	360.00
REFRIG.ATOR	350.00
Deep FREEZER	389.00
WASHING machine & DRYER.	500.00
Dish WASHER	213.00
Bedroom set	200.00
Busk Bed	124.00
2 Air conditioners one 7000, 18000	500.00
tools & Drill	500.00
25 chickens	10.00
1 Hog.	50.00
one Lawn Mower	47.00
one 16' shrimp net. & BOW	30.00
one Desk	10.00
ONE GUN 16 GAUGE	50.00
single BATTLE single shot,	

The items listed above are owned or  
belong to the following people.

2

House + Land merged Claude Phillips  
owe \$1500.00

1955 Ford 1/2 ton pickup clear

ONE TV. WESTERN AUTO wife

one Living Room set clear 14 yrs old

Baby Furniture clear

STOVE GAS clear

STOVE Elec cooking BANK AMER CARD. mobile

Refrige GOVERNMENT IMPROVEMENT home

Deep Freeze mother's

WASHER & DRYER BANK AMER CARD

DRYER wife's

Dishwasher mother's

Bed room set mother's

BANK Bed's WESTERN AUTO wife

9000 BTU Air conditioner clear

18000 BTU Air " " step dad's

Tools & Drills clear

25 chicken mine & step dad's

1 Hog wife's

ON LAWN MOWER WESTERN AUTO

one shrimp net clear

one DEST mother's

GUN 16 GAUGE LEFT TO ME WHEN MY FIRST STEP DAD DIED.

Will owe money to the following

Barbancian \$800.00 Husband + wife

GOVERNMENT 380.00

Claude Phillips \$9500.00 Husband + wife

Lee's Drugs 70.00 wife

INTERSTATE SEC. 190.00 wife

AMERICAN FINANCE 380.00 Husband

WESTER AUTO 800.00 wife's

WESTER AUTO 125.00 Husband

Campbell HW. 75<sup>00</sup> Husband  
 Bruce Tervey 95<sup>00</sup> House Treatment  
 Maxine Wright 600<sup>00</sup> personal.  
 Medical's Arts Center 25<sup>00</sup> Kids  
 Lights  
 GAS  
 Medical Art Center Wife's teeth 150<sup>00</sup>  
 Dr. Russel Wife & Kids 16<sup>00</sup>  
 White Auto 14<sup>00</sup>

this is as complete as I can make  
 this statement. It lists about everything.  
 I don't own hardly anything my self.  
 most belongs to my wife or mother.  
 Judge Blackburn gave most to my  
 wife when we had some trouble the first  
 of the year.

Donald D. Fungtch

As Judge Blackburn knows my job I  
 had wasn't much. I have a good one now  
 and we are starting to get out of debt. But  
 it will take a little time.

Also this Mr. Totsch told my wife  
 that he would accept 15<sup>00.00</sup>. we  
 could pay him when we got it up. If  
 he hadn't of got smart, he would  
 have already gotten his money.

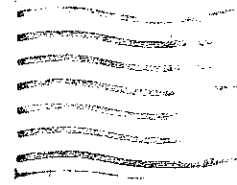
FILED

OCT 6 1972

EUNICE B. BLACKMON CIRCUIT CLERK

I could not afford a lawyer to type this  
 out. If it is not complete to suit, find me  
 and I will answer any question I  
 can.





Baldwin county COURT  
circuit COURT  
COUNTY clerk  
BAY MINETTE, ALA

Donald D. Forsyth  
RT 2 Box 5826  
Robertsdale, ALA  
36567