

545-0206

April 7, 1972

STATE OF ALABAMA

CIRCUIT COURT

BALDWIN COUNTY

CASE NO: 10,342

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Robert James Banks to appear before the Circuit Court, to be held for said County, at the place of holding the same, within 30 days from service of this process, then and there to answer the complaint of Scott Southern Division Employees Credit Union, (a corp).

Witness my hand this 10 day of April 1972.

Eunice B. Blackburn

Clerk

C O M P L A I N T

SCOTT SOUTHERN DIVISION  
EMPLOYEES CREDIT UNION, (A CORP)

VS: ROBERT JAMES BANKS

PLAINTIFF

DEFENDANT

Plaintiff claims of the defendant the sum of \$278.56 with interest thereon, due by promissory note made by the defendant on to-wit: the 22nd day of June 1971 which said sum with interest thereon is past due and unpaid, and Plaintiff avers that as a part of consideration of said instrument, defendant waived right to exemptions as to personal property, and agreed to pay a reasonable attorney fee for which the plaintiff claims the additional sum of \$92.85 Dollars.

COUNT TWO

Plaintiff claims of the defendant 265.31 \$ Dollars, this amount being the unpaid balance due by a promissory note made by the defendant on, to-wit: 22nd day of June 1971 in the face amount of \$1001.61 Dollars and payable in monthly installments of \$33.28 Dollars, with a provision that in case of any default in payments the entire balance of said note would become immediately due and payable, at the option of the holder, which said unpaid balance became due and payable by virtue of default in an installment payment due on, to-wit, September 31, 1971.

Plaintiff avers that by the terms of said note, the defendant waived exemption rights as to personal property secured to Scott Southern Division Employees Credit Union, (a corp) by law, and plaintiff claims the benefit thereof.

Plaintiff further avers that by the terms of said note, the defendant agreed to pay a reasonable attorney's fee in the event said note was placed in the hands of an attorney for collection, and the plaintiff claims the further and additional amount of \$92.85 Dollars, which plaintiff avers is a reasonable fee for making said collection.

COUNT THREE

Plaintiff claims of the defendant \$265.31 Dollars, this amount being the unpaid balance due by promissory note made by the defendant on, to-wit, the 22nd day of June 1971 in the face amount of \$1001.61 Dollars and payable in monthly installments with a provision that in case of any default in payments the entire balance of said note would become immediately due and payable, at the option of the holder, which said unpaid balance became due and payable on, to-wit, 31st day of September 1971 by virtue of default in said installment payments, and plaintiff also claims interest thereon from, to-wit, 31st day of August 1971 at 1 per cent per month on the unpaid balance.

Plaintiff further avers that by the terms of said note, the defendant agreed to pay a reasonable attorney's fee in the event said note was placed in the hands of an attorney for collection, and the plaintiff claims the further and additional amount of \$92.85 Dollars, which plaintiff avers is a reasonable fee for making said collection.

COLE, WYATT & BRADSHAW, ATTORNEYS

*C. H. Wyatt Jr.*  
1117 14th St. South  
Birmingham, Alabama  
933-2100

Plaintiff's address  
Mobile, Alabama

Defendant's address  
Rt 2 Box 213  
Daphne, Alabama

FILED

APR 10 1972

HUNCE R. BLACKMON CLERK

Received 11 day of April 1972  
and on 17 day of April 1972  
I served a copy of the within ATC  
on Robert James Banks

By service on Taylor Wilkins  
TAYLOR WILKINS, Sheriff  
Donald Johnson D.S.  
Serve in Belforest

Sheriff claims 30 miles at  
Ten Cents per Mile Total \$ 3.00  
BY TAYLOR WILKINS, Sheriff  
DONALD JOHNSON

I Belforest  
10,342 (B-18)

SCOTT SOUTHERN DIVISION  
EMPLOYEES CREDIT UNION,

VS:

ROBERT JAMES BANKS

Rt. 2  
Box 213  
Daphne AL

FILED

APR 10 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

Cole, Wyatt & Bradshaw  
Attorneys At Law

APR 11 1972

545-0206

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT

CASE NO. 10342

SCOTT SOUTHERN DIVISION  
EMPLOYEES CREDIT UNION,  
(A CORPORATION),

PLAINTIFF

VS.

ROBERT JAMES BANKS

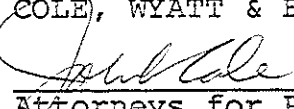
DEFENDANT

MOTION FOR JUDGMENT BY DEFAULT

Comes now the Plaintiff in the above styled cause and moves the court to enter a default judgment against the Defendant upon writ of inquiry, and assigns the following grounds:

1. Summons and complaint were personally served upon the Defendant on the 17th day of April, 1972.
2. The Defendant has failed to appear, demur, plead, or answer the said summons and complaint and has wholly defaulted.
3. More than thirty days has lapsed since said service.

COLE, WYATT & BRADSHAW

  
Attorneys for Plaintiff  
1117 South 14th Street  
Birmingham, Alabama 35205

AMOUNT OF JUDGMENT	\$	289.81
ATTORNEY'S FEE	\$	92.85
TOTAL	\$	382.66