

INTERSTATE SECURITIES COMPANY, INC.,) IN THE CIRCUIT COURT OF
a corporation,

Plaintiff

) BALDWIN COUNTY, ALABAMA

) AT LAW

vs.

)

AUBREY POTTER,

)

CASE NO. 10,462-1/2

Defendant

)

MOTION TO CONDEMN

Comes now the plaintiff in the above-styled cause and shows to the Court that the Garnishee in the above-styled matter, GRAND HOTEL COMPANY, INC., a corporation, of Point Clear, Alabama, has filed with this Court on, to-wit, the 10th day of October, 1972, its answer wherein it says that the defendant, AUBREY POTTER, is employed by it and works regularly.

WHEREFORE, plaintiffs moves that this Honorable Court condemn the sum of EIGHT HUNDRED SIXTY-NINE AND 80/100 DOLLARS (\$869.80), which constitutes EIGHT HUNDRED FORTY-FOUR AND 80/100 DOLLARS (\$844.80) judgment plus TWENTY-FIVE DOLLARS (\$25.00) costs of court in the above-styled matter, and further moves that the Garnishee herein be ordered to withhold from the wages of the defendant and forward the same to the Circuit Clerk of this Court as sum equal to the lesser of (a) 20% of the disposable earnings per week of the defendant, or (b) the amount by which the disposable earnings of the defendant exceed 50 times the federal minimum wage per week.

Respectfully submitted this 12 day of Oct,

1972.

This Instrument Was
Prepared By
DANIEL A. BENTON
Attorney At Law
Box 471
Fairhope, Ala. 36532

Daniel A. Benton
DANIEL A. BENTON, Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in an envelope with adequate postage prepaid thereon and properly addressed.

This 13th day of Oct, 19 72

Daniel A. Benton
Attorney for Plaintiff
P. O. Box 471, Fairhope, Ala. 36532

FILED

OCT 17 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

1
INTERSTATE SECURITIES COMPANY, INC.,) IN THE CIRCUIT COURT OF
a corporation,

Plaintiff

) BALDWIN COUNTY, ALABAMA

) AT LAW

vs.

AUBREY POTTER,

Defendant

) CASE NO. 10,462-1/2

MOTION TO CONDEMN

Comes now the plaintiff in the above-styled cause and shows to the Court that the Garnishee in the above-styled matter, GRAND HOTEL COMPANY, INC., a corporation, of Point Clear, Alabama, has filed with this Court on, to-wit, the 10th day of October, 1972, its answer wherein it says that the defendant, AUBREY POTTER, is employed by it and works regularly.

WHEREFORE, plaintiffs moves that this Honorable Court condemn the sum of EIGHT HUNDRED SIXTY-NINE AND 80/100 DOLLARS (\$869.80), which constitutes EIGHT HUNDRED FORTY-FOUR AND 80/100 DOLLARS (\$844.80) judgment plus TWENTY-FIVE DOLLARS (\$25.00) costs of court in the above-styled matter, and further moves that the Garnishee herein be ordered to withhold from the wages of the defendant and forward the same to the Circuit Clerk of this Court a sum equal to the lesser of (a) 20% of the disposable earnings per week of the defendant, or (b) the amount by which the disposable earnings of the defendant exceed 50 times the federal minimum wage per week.

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DANIEL A. BENTON, Attorney for Plaintiff

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This 13th day of Oct, 1972

Daniel A. Benton
Attorney for
P. O. Box 471, Fairhope, Ala. 36532



10/07/72

Ms. Eunice Blackmon
Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Ms. Blackmon:

We are attaching hereto executed Garnishee's Answer in connection with Interstate Securities Co. vs Aubrey Potter.

This employee is presently hospitalized after having suffered a heart attack. When he returns to work we will start making the necessary deductions to satisfy this garnishment. At this time, however, the length of his disability is unknown.

Yours very truly,

GRAND HOTEL COMPANY

H. L. Hendrix
Auditor

m

GARNISHEE'S ANSWER
STATE OF ALABAMA, BALDWIN COUNTY

Interstate Securities Co, Inc

Plaintiff,

CASE NO.

-vs-

Aubrey Potter

Defendant,

GRAND HOTEL COMPANY,

Garnishee

Personally appeared before me, the undersigned Notary Public in and for Baldwin County, Alabama, Mr. Charles V. McIlwain, who, on oath, answers to the Writ of Garnishment issued in this cause and served on Grand Hotel Company, the Garnishee, and says that he is duly authorized to make this Answer, that he has knowledge of the facts stated herein, and that the said Garnishee is not indebted to the Defendant at the time of the service of this Garnishment or at the time of making the Answer, and that the said Garnishee will be indebted in the future to the said Defendant by a contract existing at the time of the service of the Garnishment and making this Answer, and that the said Garnishee has not in its possession or under its control, any personal or real property, or things in action belonging to said Defendant.

The Garnishee further says that the Defendant, Aubrey Potter is employed by it and works regularly. Garnishee further says that it will withhold 25% of all wages to become due from it to the Defendant in the future and will continue to do so until further orders of this Honorable Court.

Charles V. McIlwain
CHARLES V. MCILWAIN
GRAND HOTEL COMPANY

FILED

OCT 10 1972

SUBSCRIBED AND SWORN to before
me this 7th day of Oct 1972

[Signature]
Notary Public

My Commission Expires: 7-7-73

(AFFIX NOTARIAL SEAL)

EUNICE B. BLACKMON
CIRCUIT
CLERK

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19.....

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular..... Term, 19...72..... of the Circuit Court of Baldwin County, to-wit: On the14th.... day ofAugust....., 19...72.., being a regular day of said term,INTERSTATE SECURITIES COMPANY, INC., a corporation.....

recovered judgment againstAUBREY POTTER.....

for the sum of EIGHT HUNDRED FORTY-FOUR AND 20/100----- Dollars, and cost of suit,

and affidavit having been made byDANIEL A. BENTON.....

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

.....THE GRAND HOTEL COMPANY, a corporation.....

has or is believed to have inits..... possession, or underits..... control money or effects belonging to said defendant or thatit..... 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 Commanded to Summon THE GRAND HOTEL COMPANY,.....

.....a corporation.....

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 its..... answer, or at any time intervening the time of serving the garnishment, and making the answerit..... was indebted to said defendant

..... and whetherit..... will not be indebted in future to said defendant 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 whetherit..... has not inits..... possession or underits..... control money or effects belonging to the defendant.....

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

Witness, Eunice B. Blackmon, Clerk of said Court, this 1st day of Oct..... A. D. 1972

Issued 1st day of Oct..... A. D. 1972

ATTEST:

..... Eunice B. Blackmon, Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19.....

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular..... Term, 19...72..... of the Circuit Court of Baldwin County, to-wit: On the14th.... day ofAugust....., 19...72.. being a regular day of said term,INTERSTATE SECURITIES COMPANY, INC.,...a corporation.....

recovered judgment againstAUBREY POTTER.....

for the sum of ~~EIGHT HUNDRED FORTY-FOUR AND 80/100~~ Dollars, and cost of suit, and affidavit having been made byDANIEL A. BENTON..... that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, vis:

.....THE GRAND HOTEL COMPANY, a corporation.....

has or is believed to have in ...its..... possession, or underits..... control money or effects belonging to said defendant or thatit..... 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 Commanded to Summon THE GRAND HOTEL COMPANY,.....
.....a corporation.....

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 its.....answer, or at any time intervening the time of serving the garnishment, and making the answerit..... was indebted to said defendant and whetherit..... will not be indebted in future to said defendant 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 whetherit..... has not inits..... possession or under ...its..... control money or effects belonging to the defendant.....

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

Witness, *Ernie B. Blackmon* Clerk of said Court, this..... day of A. D. 19...72

Issued day of A. D. 1972

ATTEST:

..... *Ernie B. Blackmon* Clerk

Received 5 day of Oct 1972
and on 7 day of Oct 1972
I served a copy of the within Writ
on The Grand Hotel
By service on Mr Hendrix
Taylor Wilkins, Sheriff
By D. Benton D.S.

Sheriff's Office
Ten Cents per mile Tolls
JAYLOR WILKINS, Sheriff
BY D. Benton DEPUTY SHERIFF

CIRCUIT COURT, BALDWIN COUNTY

No. 10,462 1/2

INTERSTATE SECURITIES CO. INC. A CORP.

VS. } GARNISHMENT ON JUDGMENT

AUBREY POTTER

Issued _____ day of _____ 19____

Returnable _____ day of _____ 19____

RECEIVED

OCT 5 1972

TAYLOR WILKINS

DANIEL A. BENTON SHERIFF

Attorney

THE STATE OF ALABAMA,
BALDWIN COUNTY

10,462 1/2
CIRCUIT COURT

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State aforesaid Daniel A. Benton

who being duly sworn, on oath says, that a regular _____ Term

of the Circuit Court of Baldwin County, to-wit: on the 14th day of August

1922, Interstate Securities Co., Inc., a corporation

recovered a judgment against Aubrey Potter

_____ for the sum of
Eight Hundred Forty Four & 80/100 (\$844.80) Dollars
besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

The Grand Hotel Company, a corporation is

supposed to be indebted to or have effects of the said Aubrey Potter

in its possession, or under its control, and that he believes process of

Garnishment against said Grand Hotel Company, a corporation
is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 4

day of October A. D. 1922

James B. Blackburn
Clerk.

Daniel A. Benton

STATE OF ALABAMA

Baldwin County

TOAUBREY POTTER....., Defendant.....:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of..

.....INTERSTATE SECURITIES COMPANY, INC., a corporation..... Plaintiff.....

versusAUBREY POTTER....., Defendant.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which

.....THE GRAND HOTEL COMPANY, a corporation.....

has..S.. been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the

4th day of October, 1942Eunice B. Blackburn
Clerk of the Circuit Court.

21 Nov
#7 Act
Received 5 day of Oct 19 72
and on 27 day of Nov 19 72
I served a copy of the within Notice
on Aubrey Potter

By service on _____
Returned 24 Oct 19 72
TAYLOR WILKINS, Sheriff
Not found in my county after diligent search and in-
quiry. By _____

Taylor Wilkins, Sheriff
Crook

Sheriff claims 80 miles at
Ten Cents per mile Total \$ 8.00
TAYLOR WILKINS, Sheriff
BY J. McGeary 19 72
DEPUTY SHERIFF
day of

Not found in my county after diligent search and in-
quiry.

Taylor Wilkins, Sheriff
W. R. Crook
Deputy Sheriff

#10,462 1/2

W.D.
C. H. Crook
10-7-72

NOTICE
TO DEFENDANT OF GARNISHMENT
BY
CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
TO
AUBREY POTTER

INTERSTATE SECURITIES CO., INC.

Plaintiff....

VS.

AUBREY POTTER

RECEIVED

OCT 12 1972

TAYLOR WILKINS
SHERIFF

Defendant....

RECEIVED

OCT 5 1972

TAYLOR WILKINS
SHERIFF

E. G. RICKARBY
DANIEL A. BENTON
TELEPHONE
(205) 928-2308

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
316 MAGNOLIA AVENUE
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH
EARLE REALTY BUILDING
HIGHWAY 98
TELEPHONE
(205) 626-2608

October 12, 1972

Mrs. Eunice Blackmon
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Re: Interstate Securities Company
v. Aubrey Potter
Case No. 10,462-1/2, at Law

Dear Mrs. Blackmon:

Enclosed is Motion to Condemn along with Order of Condemnation
of Wages in the above-styled matter. Please process.

Thank you.

Yours very truly,


Daniel A. Benton

DAB:w
Enc.

1 plus cost

INTERSTATE SECURITIES COMPANY, INC.,) IN THE CIRCUIT COURT OF
a corporation,

Plaintiff

) BALDWIN COUNTY, ALABAMA

vs.

) AT LAW

AUBREY POTTER,

) CASE NO. 10,462-1/2

Defendant

)

)

O R D E R

OF CONDEMNATION OF WAGES

This day came the plaintiff in the above-styled matter and moved this Court to condemn part of the wages of the defendant in the above-styled matter which are in the possession of or shall become in the possession of the Garnishee, namely, Grand Hotel Company, Inc., a corporation, of Point Clear, Alabama, and it appearing to the Court that the Garnishee in the above-styled matter having made answer to the garnishment heretofore issued by this Court indicating that the defendant was regularly employed by the Garnishee, it is therefore

ORDERED that the Garnishee withhold from the wages of the defendant an amount of money equal to the lesser of the following:
(a) 20% of the disposable earnings of the defendant per week or
(b) the amount by which the disposable earnings of the defendant exceed 50 times the federal minimum wage per week, and it is

FURTHER ORDERED that said funds so withheld be paid over to the Circuit Clerk of Baldwin County, Alabama, to credit of AUBREY POTTER, defendant in Case No. 10,462-1/2. It is

FURTHER ORDERED that such an amount of money be withheld from the wages of the defendant for each pay period so long as the defendant remains in the employment of the Garnishee or until the full sum of \$869.80 ^{PLUS COURT COSTS,} is paid into the Court.

FILED

DONE this 17th day of October, 1972.

OCT 17 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

Telfair J. Mashburn
TELEFAIR J. MASHBURN, Judge
Circuit Court of Baldwin County, Alabama



POINT CLEAR • ALABAMA. 36564 □ TELEPHONE 205 • 928-9201

June 14, 1973

Mrs. Eunice B. Blackmon
Circuit Court Clerk
Bay Minette, Alabama 36507

RE: Bay Medical Clinic Vs Aubrey Potter - #10,566 1/2

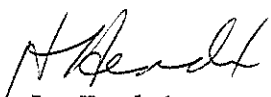
Dear Mrs. Blackmon:

We are enclosing our check No. 2178 in the amount of \$245.17
representing payment toward the above garnishment.

We also wish to advise that Mr. Potter is no longer an employee
of Grand Hotel.

Sincerely,

GRAND HOTEL COMPANY


H. L. Hendrix
Auditor

HLH:mb

Encl.



POINT CLEAR · ALABAMA. 36564 □ TELEPHONE. 205 · 928-9201

June 26, 1973

Mrs. Eunice B. Blackmon
Circuit Court Clerk
Bay Minette, Alabama 36507

Dear Mrs. Blackmon:

On June 14, 1973, we mailed our check in the amount of \$245.17 representing payment from Aubrey Potter on Garnishment No. 10,566½.

Our files show that Mr. Potter had two garnishments. This payment was sent in on the wrong garnishment. It should have been for Garnishment No. 10,462-1/2 Interstate Securities Company, Inc. rather than No. 10,566-1/2 Bay Medical Clinic.

Please correct your records on this. We are very sorry for this mistake.

Yours very truly,

H. L. Hendrix
Auditor

lr

cc: Mr. Dan Benton
Attorney at Law
P. O. Box 471
Fairhope, Alabama 36532

Place in
file #10,462 $\frac{1}{2}$

E. G. RICKARBY
DANIEL A. BENTON
TELEPHONE
(205) 928-2308

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
316 MAGNOLIA AVENUE
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH
EARLE REALTY BUILDING
HIGHWAY 98
TELEPHONE
(205) 626-2608

June 7, 1973

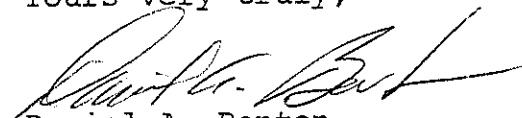
Mrs. Eunice Blackmon
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Re: Interstate Securities Company
v. Aubrey Potter
Case No. 10,462-1/2, at Law

Dear Mrs. Blackmon:

I notice that this case is set on the docket for June 11, 1973, but if my memory serves me correctly, the Court has already entered an order of condemnation in this matter, and I think it should be removed from the docket for that date. Please contact me at your very earliest convenience if this is not accurate, since I would hate to miss being in court when I am supposed to be there.

Yours very truly,


Daniel A. Benton

DAB:w

To call
Benton checking with P
garnishee on
this

E. G. RICKARBY
DANIEL A. BENTON
TELEPHONE
(205) 928-2308

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
316 MAGNOLIA AVENUE
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH
EARLE REALTY BUILDING
HIGHWAY 98
TELEPHONE
(205) 626-2608

February 28, 1973

Honorable Telfair J. Mashburn
Judge of the Circuit Court
Bay Minette, Alabama 36507

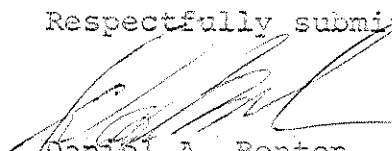
Re: Interstate Securities v. Aubrey Potter
Case No. 10,462-1/2, at Law

Dear Judge Mashburn:

It is my understanding that Grand Hotel Company is withholding wages from the defendant in this matter and paying them into Court.

I, therefore, respectfully request that this case be passed for this term of Court, since some progress is being made in the payment of it.

Respectfully submitted,



Daniel A. Benton

DAB:w
cc-Mrs. Eunice Blackmon
Clerk of the Circuit Court



POINT CLEAR • ALABAMA. 36564 □ TELEPHONE 205 • 928-9201

February 9, 1973

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

RE: Aubrey Potter - Garnishment
Bay Medical Clinic

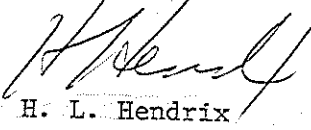
Dear Mrs. Blackmon:

As requested by Mr. Daniel A. Benton that we mail what has been deducted from Aubrey Potter's check for Garnishment # 10,462 1/2 through January 31st, we wish to advise that we have collected \$254.92, leaving a balance due of \$639.88.

We are still holding Garnishment # 10,566 1/2 until the above has been completed.

Yours very truly,

GRAND HOTEL COMPANY


H. L. Hendrix
Auditor

HLH:mb