

State of Alabama)
 Baldwin County.) Circuit Court

Stephen McDonald Plaintiff,

vs

George B Bryant, Sheriff of Baldwin County, Alabama, *et al*

Aaron Moog, Brodbeck and Zundell Brothers, James A. Bishop, Edward Brodbeck, L T Zundell, and Otto Zundell the sureties on his official bond as sheriff of Baldwin County, Defendant.

Now comes Stephen McDonald by his attorneys and shows that on the *5th* day of *August* 1901, he filed a complaint in the Circuit Court of Baldwin County, Alabama for the recovery of a tract of land in said county; that on the *6th* day of *August* 1901, the summons was duly issued upon said complaint

~~xxx~~ and placed by the clerk of the Circuit Court of said county in the hands of George B Bryant for execution, and return according to law; movant further shows that the said George B. Bryant is now, and was on the said day the sheriff of Baldwin County, Alabama and that it was the duty of said George B Bryant to execute any summons or other meane process which came into his hands from the Circuit Court of Baldwin County.

Movant further shows that Aaron Moog, Brodbeck and Zundell Brothers, James A Bishop, Edward Brodbeck, L T Zundell and Otto Zundell, are the sureties upon official bond of George B Bryant as sheriff of Baldwin County, Alabama; movant further shows that it was the duty of the said George B Bryant sheriff as aforesaid to execute the said summons which came into his hands, on Joseph Reddy; but notwithstanding his said duty the said George B Bryant sheriff as aforesaid utterly failed to execute said summons upon said Joseph Reddy, movant fur-

(over)

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ther avers that the said sheriff could have executed said summons upon said Joseph Reddy had he used due diligence to do so; movant avers that said Joseph Reddy is now and was at the time said summons was placed in the hands of said sheriff a citizen of Baldwin County, Alabama and resident in said county near a place called Fair-Hope.

Plaintiff, Stephen McDonald, moves the Court for a summary judgment against the said George B Bryant sheriff of said county as aforesaid and against Aaron Moog, Brodbeck and Zundell Brothers, James A Bishop, Edward Brodbeck, L T Zundell, and Otto Zundell for the sum of \$500.00 for failure of said George B Bryant to execute said summons.

Franklin and Hall

Attorneys for the plaintiff.

*Filed Oct. 28th 1901 -
at 6 o'clock P.M.*

*J. M. Walz
Clerk*

*Prothonotary
[Signature]*