

State of Alabama, )  
Baldwin County )

In Circuit Court, Baldwin County:  
Fall Term 1917.

Before me, Thos. W. Richardson, Clerk of the Circuit Court in and for said state and county, personally appeared, Arthur Tunstall, who being by me first duly sworn does depose and say that he is the defendant in the case of the First National Bank, a corporation vs W. A. Tunstall in which a judgment by default was taken at this term of the circuit court of said county, that he has a just and meritorious defense to said suit, that he was serving on the jury at the time said judgment by default was taken and did not hear the case called. ~~that the money contained on the note said on by the plaintiff in said case was paid to Jas. A. Carney; that defendant is informed and believes that a portion of said debt has been paid by the said Jas. A. Carney; that at the time said suit was brought the said Jas. A. Carney was out of the county and was at one of the army training camps of the United States Army. that the defendant only signed said note as accommodation endorser for the said Jas. A. Carney and the plaintiff has not as yet sued the said Carney for the amount due on said note and ought that the defendant knows has not ever demanded payment of the said Jas. A. Carney of the amount due on said note.~~ All of which affiant is willing to verify, wherefore he makes oath hereto.

Witness my hand & official seal this 27th day of November, 1917.

*W. Arthur Tunstall*

*Thos. W. Richardson*

Clerk of the Circuit Court of Baldwin County, Alabama.

John M. Green, Plaintiff,  
vs.

S. J. Whitley, Defendant.

Circuit Court, Baldwin County, May 21, 1917.

This cause coming on to be heard on this the 21st day of May, 1917, the said 21st day of May, 1917, being Monday of the first week of the regular Spring Term, 1917 of this Court, came the parties in their own proper person and by attorney, ~~and~~ and the Court having heard the evidence offered in this cause, is of the opinion that the motion filed in this cause by the defendant, S. J. Whitley, to set aside the sale made by the Sheriff of Baldwin County, Alabama of Lots Numbered one and four with all improvements in Block 78, Hands Addition to Bay Minette, in Baldwin County, Alabama, under an execution ~~xxxxxxx~~ issued from the Circuit Court of Baldwin County, Alabama, in the cause of John M. Green vs. S. J. Whitley, at which said sale John M. Green became the purchaser, should be granted, it is THEREFORE CONSIDERED AND ADJUDGED by the Court that the said motion be and the same hereby is granted and that the said sale as made by the Sheriff of Baldwin County Alabama of the said lands above described to John M. Green under the execution be and the same hereby is set aside, avoided annulled and held for naught.

It is further CONSIDERED AND ADJUDGED by the Court that John M. pay the cost of this motion, for which execution may issue.

*John M. Green*

JOHN M. GREEN, Plaintiff, x  
vs. : In the Circuit Court of Baldwin County.  
S. J. WHITLEY, Defendant. x

Now comes S. J. Whitley and moves the Court to set aside the sale made by the Sheriff of Baldwin County, Alabama, on the 16th day of April, 1917, whereby the Sheriff of Baldwin County, Alabama, offered for sale the following described property situated lying and being in the County of Baldwin and State of Alabama, to-wit: \_\_\_\_\_

Lots numbered One and Four with all improvements in  
Block 78, Hands Addition to Bay Minette, in Baldwin County,  
Alabama.

\_\_\_\_\_ under an execution issued from the Circuit Court of Baldwin County, Alabama, in that certain cause wherein John M. Green was plaintiff and S. J. Whitley was defendant, at which said sale the said John M. Green became the purchaser at and for the sum of \$260.00 dollars, and assigns as grounds of said motion the following:

(1). That prior to the said sale and after the levy of the execution in said cause upon the property hereinabove described, the said S. J. Whitley filed his claim of exemptions with the Sheriff of Baldwin County, Alabama, claiming the said real-estate above described as exempt from the payment of debts, a copy of which said claim of exemptions is hereto attached and marked "Exhibit A" and made a part hereof as though fully set out herein, and the said Sheriff of Baldwin County, Alabama, ignore the said claim of exemptions so filed with him by the said S. J. Whitley as aforesaid.

To John M. Green or  
Mess. Rickerby, Austill & Bebee  
His Attorneys of Record,  
To C. E. Eubanks,  
Sheriff of Baldwin County Ala.

PAGE & MOORE  
Attorneys for Movant.

*Motion Granted*

*May 21<sup>st</sup> 1917, C. E. E.*

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, Henry D. Moorner, a Notary Public in and for the County and State aforesaid, personally appeared S. J. Whitley who being by me first duly sworn, deposes and says that he is a bona fide resident of the said State, residing in Bay Minette, Alabama, in said County and as such resident is entitled to and hereby selects, claims and sets apart the following described real estate as exempt to him as a homestead from levy and sale under execution or other process instituted for the collection of debts, to-wit:

Lots numbered One (1) and Four (4) in Block numbered Seventy-eight (78) in Hand Land Company's Addition to the town of Bay Minette, upon which he has now been residing, situated, lying and being in the County of Baldwin and State of Alabama. Affiant avers that said property is not worth over Two Thousand (\$2000.00) and contains less than 160 acres.

Affiant especially claims the above described property as exempt to him as a homestead in the case of John M. Green vs Affiant in the Circuit Court of Baldwin County, Alabama, and that the said debt upon which this suit was brought was contracted after the year 1907.

Dated March 17, 1917.

S. J. Whitley

Sworn and subscribed to before me this 17th day of March, 1917.

Henry D. Moorner  
Notary Public Baldwin

Filed for record March 19th, 1917 at 11 A. M.

Recorded March 21st, 1917.

Jas. M. Voltz, Judge of Prob