

THE STATE OF ALABAMA.
BALDWIN
MONTGOMERY COUNTY }

KNOW ALL MEN BY THESE PRESENTS,

That we Fred Newmiller, as Principal and Massachusetts Bonding and Insurance Company, as Surety

are held and firmly bound unto Walter Penry

in the sum of Fifteen Hundred and No/100 Dollars for the payment of which well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly, severally, and firmly by these presents.

Sealed with our seals, and dated this, the 4th day of June A. D. 19 54

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the said Walter Penry

did, on the 24th day of May A. D. 19 54

sue out of the Court of Montgomery a writ in detinue, directed to any Sheriff of the State of Alabama, and commanding him to take in his possession the following property sued for in said action of detinue, to-wit: 1954 Chevrolet

which said writ was placed in the hands of Taylor Wilkins Sheriff of the County of Baldwin on the 2nd day of June A. D. 19 54, and executed by him on the 2nd day of June A. D. 19 54, by taking into his possession the following property, to-wit: 1954 Chevrolet

and whereas the above bound Fred Newmiller defendant in said suit, has, within five days from the execution of said writ: entered into this bond, as required by law, and thereby obtained possession of said property levied on:

Now, if the said Fred Newmiller shall defend said suit to effect, or if being cast therein he shall, within thirty days after judgment deliver the property aforesaid to the plaintiff and pay all such costs and damages as may have accrued from the detention thereof, then, in either of said events, this obligation to be null and void, otherwise to remain in full force and effect.

Taken and approved this -
June 5th 1954 -
Taylor Wilkins
Sheriff

Fred Newmiller (L. S.)
Rolling P. Seaborn (L. S.)
Attorney in Fact

MASSACHUSETTS BONDING AND INSURANCE COMPANY

HOME OFFICE, BOSTON 9, MASSACHUSETTS

Power of Attorney

BOOK 001 PAGE 485

KNOW ALL MEN BY THESE PRESENTS:

That MASSACHUSETTS BONDING AND INSURANCE COMPANY, a body corporate, duly incorporated and existing under the laws of the Commonwealth of Massachusetts, and having its principal office in Boston, Massachusetts, doth hereby constitute and appoint BOLLING P. STARKE - - -

in the city of Montgomery County of Montgomery and State of Alabama - - -
to be its true and lawful Attorney(s)-in-fact in and for the State of Alabama - - -
for the following purposes, to wit:

That the said BOLLING P. STARKE - - -

individually, as Attorney(s)-in-fact be and he is hereby fully authorized and empowered to sign, execute and acknowledge for and on its behalf as Surety, bonds, recognizances, contracts of indemnity and other writings of similar nature and to attach thereto the seal of said Company, as follows:

Any such obligations in the State of Alabama, not exceeding Fifty Thousand Dollars, (\$50,000.00), in any single instance. - - -

This Power of Attorney is executed by authority of a Resolution of the Board of Directors of said MASSACHUSETTS BONDING AND INSURANCE COMPANY at a meeting duly called and held at the principal office of said Company, a quorum being present and voting, on the Twenty-fifth day of May, 1944, which resolution is still in effect and is as follows:

RESOLVED, that the President or any Vice President, in conjunction with the Secretary or any Assistant Secretary, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected Officers of the Company in their own proper persons.

It being the intention of this Power of Attorney to fully authorize and empower the said Attorney(s)-in-fact to sign the name of said Company, and affix its corporate seal, as Surety, to any and all of said Bonds, and thereby to lawfully bind it as fully, to all intents and purposes, as if done by the duly authorized officers of said Company, with the seal of the said Company thereto affixed, and the said Company hereby ratifies and confirms all and whatsoever the said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents.

IN WITNESS WHEREOF the said MASSACHUSETTS BONDING AND INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested, by its Vice President and its Assistant Secretary, this

31st day of March 1948.

Attest:

[Signature]
Assistant Secretary

SEAL

[Signature]
Vice President

COMMONWEALTH OF MASSACHUSETTS }
COUNTY OF SUFFOLK } ss.

On this 31st day of March 1948, before me, the subscriber, a Notary Public for the Commonwealth of Massachusetts, came STEPHEN McLAUGHLIN and E. E. JOHNSON, JR. to me personally known to be the individuals and officers described herein and acknowledged that the seal affixed to the preceding instrument is the corporate seal of the MASSACHUSETTS BONDING AND INSURANCE COMPANY and that the said corporate seal and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

[Signature]
Notary Public

My Commission Expires February 18, 1955.

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

November 3, 1954

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Walter Penry
vs: Fred Neumiller, Case No. 2270

Dear Mrs. Duck:

Enclosed you will find Interrogatories propounded to Ollie Hall, 532 First Street, South, Birmingham, Alabama, together with the other papers.

This case has been set down for trial on November 16, so every minute is going to count in getting these interrogatories taken and the answers returned.

It appears that you should give notice under Title 7, §461. Then I wonder if you cannot send the interrogatories on November 13th. I am writing Silberman and Silberman and the witness to alert them so they will do their best to take care of this matter early on November 15th, so they can get these papers in the early mail, and you will get them on Tuesday, November 16th.

If there is anything lacking, please call me collect.

I believe you will also have to prepare the summons for the witness.

Thanking you, I am,

Yours very truly,


FOREST A. CHRISTIAN

please give Mrs. Hodnette notice at once. —

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.

November 8, 1954

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

In re: Walter Penry vs Neumiller, No. 2270

Dear Mrs. Duck:

I will appreciate your kindness in advising me whether the three witnesses, T. E. Clusky, Sidney Weeks and Ed Middleton, have been served to appear as witnesses for the plaintiff on November 16.

I also enclose objections to various interrogatories propounded by the defendant to the witness Ollie Hall and cross interrogatories. I received copy of the interrogatories on the afternoon of November 5. In view of the fact that ten days are allowed within which a plaintiff can file cross interrogatories and due to the fact that I do not wish to delay the matter, I am sending Mr. Christian in Foley a copy of the objections and cross interrogatories and I feel sure that you can forward the same to either of the suggested commissioners without further delay.

Very truly yours,

TONSMEIRE & HODNETTE


Robert E. Hodnette, Jr.

vg

Enclosures

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.

May 21, 1954

Mrs. Alice Duck
Clerk of the Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Walter Penry vs Fred Neumiller

We enclose summons and complaint and copy with verified itemized statement of account attached for Walter Penry, Robertsedale, together with affidavit of attachment. The defendant is a non-resident residing in Kenosha, Wisconsin, and we have indicated that the plaintiff elects not to post bond. We will appreciate your kindness in filing this and in issuing writ of attachment to the sheriff requesting him to attach the 1954 Chevrolet tudor sedan bearing Wisconsin tag No. J49467. The engine number of this automobile is 0118611F54Z and Serial Number A54J012349. This automobile is in the possession of a buyer for Neumiller, the only name of whom is a nick name "Fats". We understand that he is buying potatoes from the Jenkins negroes on Highway 90 five miles north of Loxley and that he stays around Argo Collier's place.

The sheriff, if he has any difficulty, can contact Walter Penry's family who live at Daphne, Alabama, and they will be glad to go with him to locate the automobile which we would like to have attached. They might also be able to give the sheriff information concerning additional property such as trucks.

Walter Penry was recently taken into the army and members of his family are looking out after his business as best they can.

We are sending you an extra copy of this letter in order that you may give a copy of it to Sheriff Wilkins. Incidentally, we have checked the license number of the automobile with the motor vehicle department of the State of Wisconsin and they have verified that the automobile is owned by the defendant.

In the event that the defendant files a non-qualified appearance after attachment of the automobile we will appreciate your kindness in calling us

Mrs. Alice Duck

May 21, 1954

as we will wish to post a bond in order to get the aumobile under the process of attachment until disposition of the suit.

Very truly yours,

TONSMEIRE & HODNETTE


Robert E. Hodnette, Jr.

vg

cc: Mr. W. E. Penry, Sr.
Daphne, Alabama

ATTACHMENT

The State of Alabama, {
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Walter Penry

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
Fred Neumiller, individually and d/b/a Neumiller Produce Company

is justly indebted to the Plaintiff ~~355 thousand four hundred and 73/100~~

Walter Penry, individually and d/b/a Penry Produce Company

in the sum of One thousand, Four hundred, four and 73/100 (1,404.73) Dollars, and

Non-resident

no bond

having made affidavit ~~and given bond~~

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

Fred Neumiller, individually and d/b/a Neumiller Produce Company

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on _____ Monday of _____ 19____
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 24th day of May A. D., 19 54

FILED

5-24-54

ALICE J. DUCK, Clerk

Alice J. Duck Clerk.

WALTER PENRY, individually and formerly doing business as PENRY PRODUCE COMPANY)	IN THE CIRCUIT COURT
)	OF BALDWIN COUNTY,
Plaintiff)	ALABAMA
VS		
FRED NEUMILLER, individually and doing business as NEUMILLER PRODUCE COMPANY)	AT LAW
)	NO. 2270
Defendant)	

OBJECTIONS TO DIRECT INTERROGATORIES AND CROSS INTERROGATORIES
OF THE PLAINTIFF

Comes now the plaintiff and objects to the indicated direct interrogatory propounded to the witness Ollie Hall by the defendant and as ground for said objections assigns the following as indicated.

Seventh Interrogatory: Plaintiff objects to this interrogatory on the grounds that the same calls for a conclusion of the witness, it is a leading question, the witness has given no testimony, that these watermelons were a part of those shipments involved in this suit and the question calls for incompetent, irrelevant and immaterial testimony.

Eighth Interrogatory: The plaintiff objects to this interrogatory and as grounds therefor says that the question calls for a conclusion of the witness, it calls on incompetent, irrelevant and inadmissible testimony, for aught that appears the watermelons which are the subject of this suit are not involved in the subject matter of this question, the question is too general.

Ninth Interrogatory: The plaintiff objects to the ninth interrogatory and as grounds therefor says that the same calls for testimony which is not involved in this suit and for incompetent, irrelevant, immaterial and inadmissible testimony.

Tenth Interrogatory: The plaintiff objects to this interrogatory and as grounds therefor says that the same calls for testimony which is incompetent, irrelevant, immaterial and inadmissible, the quality of the watermelons which are the subject of this suit is not the issue, the witness has not been qualified

to testify as to quality thereof.

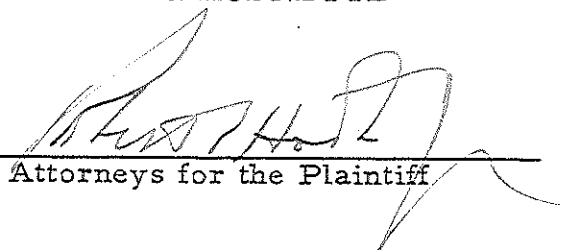
CROSS INTERROGATORIES

Comes now the plaintiff and without waiving his right to the objections hereinabove set out but insisting on the same, and propounds the cross interrogatories to the witness Ollie Hall.

1. Are you now or have you ever been employed by Neumiller in connection with the purchase of produce in Baldwin County or in any other location?
2. In what capacity were you employed by Fred Neumiller in June, 1953.

TONSMEIRE & HODNETTE

By



Attorneys for the Plaintiff

State of Alabama)
County of Mobile)

Personally appeared before me, the undersigned authority in and for said state and county, Robert E. Hodnette, Jr., who being by me first duly sworn, deposes and says that he is the attorney for the plaintiff in the foregoing cause and that the answers to the foregoing cross interrogatories, if truthfully and completely answered, will constitute material evidence for the plaintiff in the trial of this cause.


Robert E. Hodnette, Jr.

Subscribed and sworn to before me
on this the 8th day of November, 1954.


Notary Public, Mobile County, Alabama

WALTER PENRY, Individually, and
formerly doing business as PENRY
PRODUCE COMPANY,

PLAINTIFF

VS:

FRED NEUMILLER, Individually and
doing business as NEUMILLER
PRODUCE COMPANY,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2270

Now comes the defendant and propounds interrogatories to OLLIE HALL, a
witness whose testimony, when taken, will be material evidence for the defendant
on the trial of the above cause.

INTERROGATORIES TO OLLIE HALL, Witness:

First Interrogatory: What is your name?

Second Interrogatory: What is your business?

Third Interrogatory: How long have you been in this business?

Fourth Interrogatory: Do you buy and sell fresh fruits and vegetables, including
watermelons?

Fifth Interrogatory: Were you in Baldwin County, Alabama, in June of 1953, as a
buyer of produce?


Sixth Interrogatory: Do you know Walter Penry of Fairhope, Alabama?

Seventh Interrogatory: Did Walter Penry load watermelons on large trucks for shipment
to Fred Neumiller at Kenosha, Wisconsin, during June, 1953?

Eighth Interrogatory: Were the watermelons field run and not graded No. 1's?

Ninth Interrogatory: Do buyers who have watermelons shipped for long distances
invariably insist on No. 1's?

Tenth Interrogatory? Do you know whether the watermelons loaded on trucks to be
sent to Fred Neumiller were of good quality or bad quality,
if so, what quality?


Attorney for Defendant

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, Gus Schultz, a Notary Public in and for said State and County,
personally appeared Forest A. Christian; who being by me first duly sworn deposes
and says: That he is agent and attorney for the defendant, Fred Neumiller; that the
witnesses whose testimony is to be taken resides more than 100 miles from the place
of trial, computing by the route usually travelled; that the witness, Ollie Hall,
is a material witness for the defendant and his evidence to be secured by this
deposition will be material evidence for the defendant on the trial of this cause.


Sworn to and subscribed before
me this the 3rd day of November, 1954.


Notary Public


Attorney for Defendant

Page 2.

The name of Louis Silberman or Wilbur G. Silberman, Attorneys, 942-945 Brown-Marx Building, Birmingham 3, Alabama, or either of them is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to either of them for that purpose.


Attorney for Defendant

Copy mailed to -

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: LOUIS SILBERMAN and WILBUR G. SILBERMAN, Attorneys 942-945 Brown-Marx
Building, Birmingham 3, Alabama, or such of you as may act herein, of the
County of Jefferson, State of Alabama, Greeting:

KNOW YE: that we, having full faith in your prudence and competency, have appointed you
Commissioner, and by these presents do authorize you, at such time and place as you may appoint,
to call before you and examine OLLIE HALL, Hall Produce Company, 532 First
Street, South, Birmingham, Alabama,

as witnesses in behalf of Fred Neumiller in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

Walter Penry, Individually and formerly doing business as
Penry Produce Company

Plaintiff, ~~Respondent~~

and

Fred Neumiller, Individually and doing business as
Neumiller Produce Company

Defendant, ~~Respondent~~

on oath, to be by you administered, upon Ollie Hall
to take and certify the deposition of the witness and return the same to our Court, with all
convenient speed, under your hand.

Witness 4th day of November, 1954.

Reice J. Hersh
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

WALTER PENRY, Individually and
formerly doing business as

PENRY PRODUCE COMPANY

PLAINTIFF

~~XXXXXXXXXX~~

VS.

FRED NEUMILLER, Individually,
and doing business as NEUMILLER

PRODUCE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

LOUIS SIBBERMAN AND WILBUR C.
SIBBERMAN, or either of them,

WITNESSES:

OLLIE HALL

LAW OFFICES

SILBERMAN & SILBERMAN

LOUIS SILBERMAN
WILBUR G. SILBERMAN

942-945 BROWN-MARX BUILDING
BIRMINGHAM 3, ALABAMA

PHONE 3-4279

November 23, 1954

Mr. Forest A. Christian,
Attorney at Law,
Foley, Alabama.

Re: Penry
Vs: Neumiller
File No. L-11

Dear Sir:

Replying to yours of the 19th, we are herewith enclosing the Commission and Interrogatories and also the objections. Inasmuch as we were unable to have the witness come in the office as the time was too short. Before we received the Commission we talked to the witness on the phone and he stated he would come up if he was in town, but he was never in town after the Commission arrived, or so his associates told us when we kept calling continuously.

Considering the time spent on this matter, we believe a fee of \$15.00 would not be unreasonable, and we suggest when you return the enclosed papers to the Court that you inform them of the amount and get his reaction.

Yours very truly,


FOR SILBERMAN & SILBERMAN

LS:cf

Encl.

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

WALTER PENRY, Individually and formerly doing
business as PENRY PRODUCE COMPANY ~~Complainant~~ PLAINTIFF
VS.

FRED NEUMILLER, Individually and doing business as ~~Respondent~~ DEFENDANT
NEUMILLER PRODUCE COMPANY

I, LOUIS SILBERMAN and WILBUR G. SILBERMAN, Attorneys, 942-945, Brown Marx Building
as Register and Commissioner

have called and caused to come before me Ollie Hall, Hall Produce Company 532 First
Street, South, Birmingham, Alabama,

witness named in the Requirement for Oral Examination, on the _____ day of November
1945, at the office of SILBERMAN AND SILBERMAN, Attorneys, 942-5 Brown Marx Building
in Birmingham, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Ollie Hall
doth depose and say as follows:

- 1st. To the first interrogatory he saith:
- 2nd. To the second Interrogatory he saith:
- 3rd. To the third interrogatory he saith:
- 4th. To the fourth interrogatory he saith:
- 5th. To the fifth interrogatory he saith:
- 6th. To the sixth interrogatory he saith:
- 7th. To the seventh interrogatory he saith:
- 8th. To the eighth interrogatory he saith:
- 9th. To the ninth interrogatory he saith:
- 10th. To the tenth interrogatory he saith:

THE STATE OF ALABAMA
Baldwin County.Circuit Court of Baldwin County, Alabama
(In Equity)WALTER PENRY, Individually and formerly doing ~~Complainant~~ PLAINTIFF
business as PENRY PRODUCE COMPANY VS.FRED NEUMILLER, Individually and doing business as ~~Respondent~~ DEFENDANT
NEUMILLER PRODUCE COMPANY
I, LOUIS SILBERMAN and WILBUR C. SILBERMAN, Attorneys, 942-945, Brown Marx Buildingas Register and Commissioner
have called and caused to come before me Ollie Hall, Hall Produce Company 532 First
Street, South, Birmingham, Alabama,witness named in the Requirement for Oral Examination, on the ____ day of November
1945, at the office of SILBERMAN AND SILBERMAN, Attorneys, 942-5 Brown Marx Building
in Birmingham, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Ollie Hall
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9th. To the ninth interrogatory he saith:

10th. To the tenth interrogatory he saith:

The State of Alabama, Mobile County:

BOOK 001 PAGE 483

CASE NO. _____

me, the undersigned notary public,
 Personally appeared before John E. Mandeville, Clerk of the Circuit Court of said County -
 Walter Penry

who maketh oath and sayeth that Fred Neumiller, individually and doing business as
 Neumiller Produce Co., is justly indebted to Walter Penry, individually and formerly
 doing business as Penry Produce Company,

in the sum of One Thousand Four Hundred and Four and 73/100 (\$1,404.73)

_____ Dollars, and that said
 Fred Neumiller is a non-resident of the State of Alabama, residing at Route 4,
 Box 382, Kenosha, Wisconsin.

so that the ordinary process of law cannot be served upon him, and that an attachment is not sued
 out for the purpose of vexing or harassing him, the said Fred Neumiller

Sworn to and subscribed the 20th

day of May, 1954, before me

Notary Public, _____

THE DEFENDANT BEING A NON-RESIDENT OF THE STATE OF ALABAMA, THE
 PLAINTIFF ELECTS NOT TO GIVE BOND. (ATTACHMENT BOND)

KNOW ALL MEN BY THESE PRESENTS, That we

of the County of _____ are held and firmly bound unto

in the sum of _____ Dollars, to be paid to the said

his certain Attorneys, Executors, Administrators or Assigns, for which payment, well and truly to be
 made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly
 by these presents. Sealed with our seals, and dated the _____ day of _____
 in the year of Our Lord, one thousand, nine hundred and _____

The Condition of the above Obligation is such, That whereas the above bounden

_____ hath the day of the
 date hereof, before the Clerk of the Circuit Court of Mobile County, prayed an Attachment at the
 suit of _____ against the estate of the above named

for the sum of _____ Dollars and hath obtained the same
 returnable to the present term of the Circuit Court of Mobile County.

Now, if the said

Shall prosecute

Attachment to effect, and pay to the said

all such damages _____ may sustain by the wrongful or vexatious
 suing out thereof, then the above obligation to be void, otherwise to remain in full force and effect.

IN PRESENCE OF

(Seal)

(Seal)

(Seal)

Filed 5-24-54

, Clerk

ATTACHMENT

The State of Alabama, {
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Walter Penry

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
Fred Neumiller, individually and d/b/a Neumiller Produce Company

is justly indebted to the Plaintiff ~~One thousand, four hundred, four and 73/100~~
Walter Penry, individually and d/b/a Penry Produce Company

in the sum of One thousand, Four hundred, four and 73/100 (1,404.73) Dollars, and

Non-resident

no bond

having made affidavit ~~and given bond~~

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

Fred Neumiller, individually and d/b/a Neumiller Produce Company

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on _____ Monday of _____ 19____
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 24th day of May A. D., 1954.

Alice J. Duck Clerk.

Executed June 2, 1954 by
attaching 1954 Chevrolet
tudor sedan License #J49467
Motor # 0118611F54Z
Serial # A54J012349
This car was placed in the
Baldwin Co. Jail yard
Not found as to Fred Neumiller

Taylor Wilkins, Sheriff
Edleigh Steadham
By: Edleigh Steadham, D.S.

*The said property
was released to
the Defendant on
June 5, 1954*

No 2270

ATTACHMENT

*Walter Perry, ind.
& d/b/a Perry Produce Co*

Vs. { ATTACHMENT

Fred Neumiller

Issued June 24, 1954

Printed by Moore Printing Co.

WALTER PENRY, individually and
formerly doing business as PENRY
PRODUCE COMPANY
Plaintiff

vs:

FRED NEUMILLER, individually
and doing business as NEUMILLER
PRODUCE COMPANY
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2270

ANSWER

Now comes the defendant, FRED NEUMILLER, and for answer to the complaint heretofore filed in said cause, and each and every count therein, separately and severally, says:

1. That he is not guilty of the matters and things alleged therein.

FILED

7-2-54

ALICE I. DUCK, Clerk


Attorney for Defendant.

ANSWER

WALTER PENRY, individually
and formerly doing business
as PENRY PRODUCE COMPANY
Plaintiff

vs:

FRED NEUMILLER, individually
and doing business as NEUMILLER
PRODUCE COMPANY
Defendant

FILED
JUL 2 1954
JUL 1. DUCK, Clerk

Walter E. A

WALTER PENRY, individually and) IN THE CIRCUIT COURT OF
formerly doing business as PENRY)
PRODUCE COMPANY) BALDWIN COUNTY, ALABAMA
Plaintiff)
vs.) AT LAW
FRED NEUMILLER, individually) NO.
and doing business as NEUMILLER)
PRODUCE COMPANY)
Defendant)

COUNT ONE

The plaintiff claims of the defendant the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73), due from him by account on, to-wit, July 31, 1953, which sum of money, with interest thereon, is still unpaid.

COUNT TWO

The plaintiff claims of the defendant the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73), due from him on account stated between the plaintiff and the defendant on, to-wit, August 31, 1953, which sum of money, with interest thereon, is still unpaid.

COUNT THREE

The plaintiff claims of the defendant the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant between June 1, 1953, and July 31, 1953, which sum of money, with interest thereon, is still unpaid.

TONSMEIRE & HODNETTE

By Robert E. Hodnette
Attorneys for Plaintiff

407 First National Bank Annex
Mobile, Alabama

Defendant's Address:

Route 4, Box 382 North 22nd Avenue
Kenosha, Wisconsin or Kenosha, Wisconsin

An itemized verified statement of the account sued on is attached hereto and made a part hereof.

TONSMEIRE & HODNETTE

By Robert E. Hodnette
Attorneys for Plaintiff

Nefts Exp A

BOOK 001 PAGE 478

WALTER PENRY, individually and) IN THE CIRCUIT COURT OF
formerly doing business as PENRY)
PRODUCE COMPANY) BALDWIN COUNTY, ALABAMA
Plaintiff)
vs.) AT LAW
) NO.
FRED NEUMILLER, individually)
and doing business as NEUMILLER)
PRODUCE COMPANY)
Defendant)

COUNT ONE

The plaintiff claims of the defendant the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73), due from him by account on, to-wit, July 31, 1953, which sum of money, with interest thereon, is still unpaid.

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The plaintiff claims of the defendant the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73), due from him on account stated between the plaintiff and the defendant on, to-wit, August 31, 1953, which sum of money, with interest thereon, is still unpaid.

COUNT THREE

The plaintiff claims of the defendant the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant between June 1, 1953, and July 31, 1953, which sum of money, with interest thereon, is still unpaid.

TONSMEIRE & HODNETTE

By Robert E. Hodnette
Attorneys for Plaintiff

407 First National Bank Annex
Mobile, Alabama

Defendant's Address:

Route 4, Box 382 North 22nd Avenue
Kenosha, Wisconsin or Kenosha, Wisconsin

An itemized verified statement of the account sued on is attached hereto and made a part hereof.

TONSMEIRE & HODNETTE

By Robert E. Hodnette
Attorneys for Plaintiff

STATE OF GEORGIA)
COUNTY OF)

Before me, the undersigned notary public in and for said state and county, personally appeared Walter Penry, known to me, who, having been first duly sworn, upon his oath states that he formerly did business individually under the name and style of Penry Produce Company; that he is familiar with the books and business of Penry Produce Company; that the attached account against Fred Neumiller, individually and doing business as Neumiller Produce Company, is just and correct within the knowledge of this affiant; that he has authority to make this affidavit and that he has personal knowledge of the matters contained therein; that the items thereon stated and composing the said account were sold and delivered to the said Fred Neumiller, individually and doing business as Neumiller Produce Company, at the special instance and request of the debtor and that credit has been duly given for all payments and just and lawful offsets to which said account is entitled as thereon stated; and that the balance thereof amounting to the sum of One Thousand Four Hundred Four and 73/100 Dollars (\$1,404.73) with interest from July 31, 1953, is justly due and remains unpaid.

Walter Penry
Walter Penry

Subscribed and sworn to before me

on this the 14th day of May, 1954.

W. A. Mc Donald
Notary Public, Wilkes County, Georgia
Ala.

PENRY PRODUCE
Robertsdale, Alabama

Statement

BOOK 001 PAGE 480

Sold to: Neumiller Produce
Kenosha, Wisconsin

TICKET NO.	DATE	WEIGHT (lbs.)	PRICE	TOTAL
326	June 22, 1953	31290	2.00	625.80
Advance to driver	"			100.00
328	June 23, 1953	31750	2.50	793.75
Advance to driver	"			10.00
329	June 23, 1953	23350	2.50	583.75
Paid for hauling	"			268.52
330	June 23, 1953	30000	2.25	675.00
331	June 24, 1953	30420	2.50	760.50
334	June 25, 1953	31100	2.25	699.75
335	June 25, 1953	27500	2.25	618.75
336	June 25, 1953	30190	2.25	679.28
337	June 26, 1953	31080	1.75	543.90
338	June 26, 1953	28750	1.75	503.13
339	June 28, 1953	30000	1.75	525.00
340	June 28, 1953	24670	1.75	431.73
341	June 28, 1953	22940	1.75	401.45
342	June 29, 1953	28020	1.75	490.35
344	July 1, 1953	29500	1.75	516.25

TOTAL CHARGES

9,226.91

PAID BY NEUMILLER ON ACCOUNT

June 23, 1953	1,500.00
June 24, 1953	2,543.35
June 25, 1953	1,700.00
June 25, 1953	1,000.00
July 15, 1953	500.00
July 24, 1953	578.83

TOTAL CREDITS

7,822.18

7,822.18

BALANCE DUE

1,404.73

FILED

5-24-54

ALICE I. DUCK, Clerk

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 2270

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Fred Nuemiller, individually and d/b/a

Nuemiller Produce Company

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Fred Nuemiller, individually
and d/b/a Nuemiller Produce Company, Defendant

by Walter Penry, individually and d/b/a Penry Produce Company

Plaintiff

Witness my hand this 24th day of May 1954

Walter Penry

Clerk

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No. 2270

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

WALTER PENRY, individually and d/b/a

PENRY PRODUCE COMPANY

Plaintiffs

vs.

FRED NEUMILLER, INDIVIDUALLY AND D/B/A

FRE NEUMILLER PRODUCE COMPANY

Defendants

Summons and Complaint

Filed 5-24-54 19

Walter J. Penry Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

May 26 1954

Walter J. Penry Sheriff

I have executed this summons

this 19

by leaving a copy with

Returned 2 day of June 1954
Not found in my county after diligent search and in-
quiry.

Taylor Wilkins, Sher

Walter J. Penry Deputy Sheriff

Sheriff

Deputy Sheriff

Mrs. Deek - Please
Take note that the
attorneys claim 15%
for legal services.
Jmhc