

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

BOOK 003 PAGE 457

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon FRANK LEWAK, individually, and doing business as HOME APPLIANCE & TELEVISION CO., 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, Alabama, at Bay Minette, against FRANK LEWAK, individually, and doing business as HOME APPLIANCE & TELEVISION CO., by MOORE HANDLEY HARDWARE CO., INC.

Witness my hand this the 12 day of November, 1954.

Alice J. Duck
Clerk

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COMPLAINT

MOORE HANDLEY HARDWARE CO., INC. )

PLAINTIFF )

VS: )

FRANK LEWAK, Individually, and  
doing business as HOME APPLIANCE  
& TELEVISION CO., )

DEFENDANT )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The plaintiff claims of the defendant the sum of FIVE HUNDRED EIGHTY SIX & 68/100 DOLLARS (\$586.68), together with interest thereon, due from him by account, on, to wit: the 15th day of February, 1954, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The plaintiff claims of the defendant the sum of FIVE HUNDRED EIGHTY SIX & 68/100 DOLLARS (\$586.68), together with interest thereon, due from him on account stated between the plaintiff and the defendants on, to wit: the 15th day of February, 1954, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The plaintiff claims of the defendant the sum of FIVE HUNDRED EIGHTY SIX & 68/100 DOLLARS (\$586.68), together with interest thereon, due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 15th day of February, 1954, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public which shows the amount due on this account as of the 27th day of August, 1954.

FILED

11-12 1954

ALICE J. DUCK, Clerk

W. H. D. Duck  
Attorney for Plaintiff

RECORDED

70 2446

received 62 day of Jan 1954  
and on 17 day of Feb 1954  
Served copy of the within  
Home Appliances  
and Television Co.  
by service on  
Frank Lewak

Geo. J. ...

SUMMONS AND COMPLAINT

MOORE HANDLEY HARDWARE CO., INC.

PLAINTIFF

VS:

FRANK LEWAK, Individually, and  
doing business as HOME APPLIANCE  
& TELEVISION CO.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

11-12-54  
AUGIE A. DICK, Clerk

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

MOORE HANDLEY HARDWARE CO., INC.,

PLAINTIFF

VS:

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

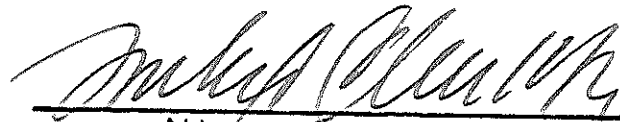
AT LAW

MOTION

TO THE HONORABLE H. M. HALL, JUDGE OF CIRCUIT COURT, BALDWIN COUNTY, ALABAMA, AT LAW:

Comes the plaintiff by its attorney and alleges that the plaintiff has a judgment against the defendant in the amount of \$622.05, plus costs and interest, (that levy has been executed on said judgment and the execution has been returned with the endorsement "no property found"); that on November 1, 1955, the plaintiff by its attorney requested the issuance of a notice to Frank Lewak as provided by Title 7, § 903; that more than 30 days have passed since the issuance of said notice but that the said Frank Lewak has failed and refused to file said statement.

NOW THEREFORE, the plaintiff moves this Honorable Court to hold said Frank Lewak in contempt and punish him as now provided by law in case of contempt of court as provided by Title 7, § 905.



Attorney for Plaintiff

MOORE HANDLEY HARDWARE CO., INC.,

PLAINTIFF

VS:

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION

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NOW THEREFORE, the plaintiff moves this Honorable Court to hold said Frank Lewak in contempt and punish him as now provided by law in case of contempt of court as provided by Title 7, § 905.

  
Attorney for Plaintiff

MOORE HANDLEY HARDWARE CO., Inc.  
Plaintiff

-vs-

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.  
Defendant

\*

IN THE CIRCUIT COURT OF

\*

BALDWIN COUNTY, ALABAMA

\*

AT LAW NO. 2446

To Alice J. Duck, Clerk of said Court:

The plaintiff in the above cause, having obtained judgment against the defendant on the 1 day of July, 19 55, for the sum of Six Hundred Ten and no/100 (\$610.00), and execution thereon having been returned by the Sheriff of Baldwin County, Alabama, "No Property Found," the plaintiff in said cause hereby requests the Clerk of said Court to issue notice to the defendant in said cause requiring him to file in said cause a statement in writing, under oath, of all of his assests, as provided by <sup>Talk 7</sup> Section <sup>903</sup> ~~724~~ of the Code of Alabama of <sup>1948.</sup> ~~1923~~.

*James A. Oliver*  
Attorney for Plaintiff.

MOORE HANDLEY HARDWARE CO., INC.  
Plaintiff

-VS-

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.  
Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2446.

Take notice that upon the written request of Forest A. Christian, a *attorney for*  
judgment creditor, filed in this Court in this cause, you are commanded  
to file in this Court within thirty days from the service of this notice,  
a statement in writing, under oath, of all of your assets of Frank Lewak,  
doing business as HOME APPLIANCE & TELEVISION CO., including money, choses  
in action, notes, bonds, and accounts, and all other property, real, personal  
or mixed or any interest therein, with a detailed description of same, the  
location and reasonable value of each item thereof, together with a detailed  
list or statement of any and all liens, mortgages or incumbrances thereon  
showing the amounts due upon each, and the owner or holder of such liens,  
incumbrances or mortgages.

Be governed accordingly.

Dated this 19 day of Dec., 1955.

*George J. Smith*  
Clerk of Circuit Court

AJD:dv

*Tab 7903*

MOORE HANDLEY HARDWARE CO., INC.  
Plaintiff

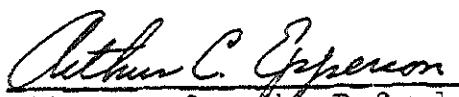
-vs-

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.  
Defendant

\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA  
\*  
\*  
\* AT LAW NO. 2446.  
\*

Comes the defendant and moves the Court to strike the Orders for the discovery of the assets of the defendant made by the Clerk of the Court, dated December 9, 1955 and for the grounds thereof separately and severally assign the following:

1. The Order is null and void in that it is predicated upon the written request of Forest A. Christian as the Judgment Creditor making the written request as required by law for the discovery of assets and Forest A. Christian is not a Judgment Creditor of the defendant's.
2. The Order is null and void for it does not show that any judgment has been obtained by the plaintiff in the Styled Cause.
3. The Order is null and void for it does not show that an execution was issued out of this Court in the styled cause and the same returned by the Sheriff of Baldwin County, Alabama "No Property Found".
4. The Order is void as being unconstitutional and an invasion of the defendant's right of privacy.
5. The Order is predicated or issued upon a void or illegal request of the plaintiff based upon a now void or defunct Code of Alabama for the year of 1923.

  
Attorney for the Defendant

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

December 15, 1955

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

Re: Moore Handley Hardware Co., Inc.

Vs: Home Appliance & Television Co.,

Dear Mrs. Duck:

On November 1, I wrote you as follows: "Kindly issue a notice to Frank Lewak of Foley, Alabama, requiring him to file in your Court within 30 days, a statement in writing under oath of all assets, including money, choses in action, notes, bonds, and accounts, and all other property, real, personal, or mixed, or any interest therein, with a detailed description of the same, the location, and reasonable value of each item thereof, together with a detailed list or statement of any and all liens, mortgages, or encumbrances thereon showing the amounts due upon each, and the owner or holder of such liens, encumbrances or mortgages. Title 7 § 903, Code of Alabama."

Kindly advise me whether Mr. Lewak has answered. If he has not answered, please present the enclosed motion for Contempt of Court to Judge Hall.

Yours very truly,

  
FOREST A. CHRISTIAN



LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA  
June 30, 1955

Hon. H. M. Hall  
Judge of Circuit Court  
Bay Minette, Alabama

Re: Moore-Handley Hardware Co., Inc.  
vs: Frank Lewak, d/b/a Home Appliance  
and Television Company  
Case No. 2446

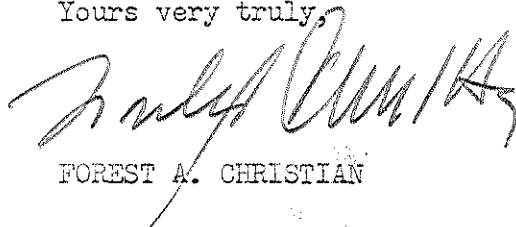
Dear Judge Hall:

Mr. Arthur C. Epperson has agreed that he will not contest this case and permit me to obtain a judgment.

Accordingly, kindly render a judgment for \$610.00. There is a verified statement of account filed with the original complaint. The defendant agrees to pay the court costs.

Thanking you, I am,

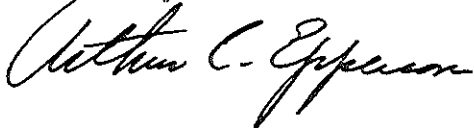
Yours very truly,



FOREST A. CHRISTIAN

Approved by:

Attorney for Defendant



AMENDED REQUEST FOR NOTICE TO DEFENDANT

MOORE-HANDLEY HARDWARE CO., INC.

PLAINTIFF

VS:

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2446

TO: ALICE J. DUCK, Clerk of Court:

The plaintiff in the above cause having obtained judgment against the defendant on the 1st day of July, 1955, for the sum of SIX HUNDRED TEN & 00/100 DOLLARS (\$610.00), and execution thereon having been returned by the Sheriff of Baldwin County, Alabama, "NO PROPERTY FOUND", the plaintiff in said cause hereby requests the Clerk of said Court to issue notice to the said defendant in said cause requiring him to file in said cause a statement in writing, under oath, of all of his assets, as provided by Title 7, Code of Alabama 1940.

*Miles Oliver*

Attorney for Plaintiff

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

November 1, 1955

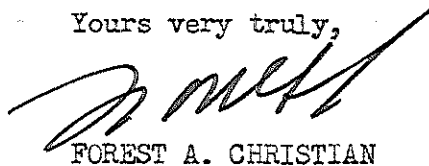
Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

2446  
Re: Moore Handley Hardware Co., Inc.  
vs: Home Appliance & Television Co.

Dear Mrs. Duck:

Kindly issue a notice to Frank Lewak of Foley, Alabama, requiring him to file in your Court within 30 days, a statement in writing under oath of all assets, including money, choses in action, notes, bonds, and accounts, and all other property, real, personal, or mixed, or any interest therein, with a detailed description of the same, the location, and reasonable value of each item thereof, together with a detailed list or statement of any and all liens, mortgages, or encumbrances thereon showing the amounts due upon each, and the owner or holder of such liens, encumbrances or mortgages. Title 7 § 903, Code of Alabama.

Yours very truly,



FOREST A. CHRISTIAN

AMENDED NOTICE

MOORE-HANDLEY HARDWARE CO., INC.,

PLAINTIFF

VS:

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW., NO. 2446

Take notice that upon the written request of Forest A. Christian, Attorney for MOORE-HANDLEY HARDWARE CO., INC, a judgment creditor, filed in this cause, after return of execution "No property found", you are commanded to file in this Court within thirty days from the service of this notice, a statement in writing, under oath, of all of your assets of FRANK LEWAK, doing business as HOME APPLIANCE & TELEVISION CO., including money, choses in action, notes, bonds, and accounts, and all other property, real, personal or mixed or any interest therein, with a detailed description of same, the location and reasonable value of each item thereof, together with a detailed list or statement of any and all liens, mortgages, or incumbrances thereon showing the amounts due upon each, and the owner or holder of such liens, incumbrances or mortgages.

Be governed accordingly,

This the 17th day of May, 1956.

  
Clerk of Circuit Court

MOORE HANDLEY HARDWARE CO., INC.  
Plaintiff

-VS-

FRANK LEWAK, doing business as  
HOME APPLIANCE & TELEVISION CO.  
Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2446.

Take notice that upon the written request of J. D. Christians,  
a judgment creditor, filed in this Court in this cause, you are commanded to  
file in this Court within thirty days from the service of this notice, a  
statement in writing, under oath, of all of your assets of FRANK LEWAK, doing  
business as HOME APPLIANCE & TELEVISION CO., including money, choses in action,  
notes, bonds, and accounts, and all other property, real, personal or mixed  
or any interest therein, with a detailed description of same, the location  
and reasonable value of each item thereof, together with a detailed list or  
statement of any and all liens, mortgages or incumbrances thereon showing the  
amounts due upon each, and the owner or holder of such liens, incumbrances  
or mortgages.

Be governed accordingly.

Dated this 19 day Dec., 1955.

Alice J. Duck  
Clerk of Circuit Court