

ANSWER OF GARNISHEE.

2465

Docket No. 1330 123

Charles W. Gaston and George B. Halliway,)
individually and doing business as the) In the Circuit Court of Baldwin
Mattie L. Rhodes Hospital,)
Plaintiff,)
vs.)
Oscar Brooks,)
Defendant,)
County, Alabama.

Louisville & Nashville Railroad Company,
Garnishee.

ANSWER OF LOUISVILLE & NASHVILLE RAILROAD COMPANY, Garnishee.

Now comes the garnishee, Louisville & Nashville Railroad Company, in the above entitled cause, by J.M. Bastiani, Clerk to the Superintendent, who being duly sworn, deposes and says that he is the duly authorized agent of said garnishee to make this answer, and that he has knowledge of the facts stated herein, and for answer to the writ of garnishment served upon the corporation, says: that at the time of the service of said writ of garnishment, garnishee was indebted to the defendant in the sum of Sixty Six and 19/100 Dollars (\$66.19); that at the time of filing this answer, garnishee was indebted to the defendant in the sum of One Hundred, Five and 76/100 Dollars (\$105.76); that garnishee will be indebted in the future to said defendant unless and until his employment is terminated; that it is not liable to the defendant 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 garnishee has not in its possession or under its control money or effects belonging to defendant except as stated above.

Garnishee avers that the indebtedness set out is for wages earned by defendant, and pursuant to the provisions of Title 7, Section 630 of the Code of Alabama of 1940, sixty per cent of said wages is exempt from garnishment. Subject to the orders of this Court, and subject to the provisions of Title 7, Section 630 Alabama Code of 1940, garnishee is withholding forty per cent of the above set out indebtedness and will continue to withhold forty per cent of defendant's wages until the amount of the judgment and costs are paid or until the employment of defendant with garnishee is terminated.

Louisville & Nashville Railroad Company.

By: J.M. Bastiani
Its Clerk to the Superintendent.

Sworn to and subscribed before me
this the 26th day of September, 1955.

[Signature]
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, James R. Owen, a Notary Public, in and for said State and County, personally appeared Charles W. Gaston, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows: That Charles W. Gaston and George B. Halliday, Individually and doing business as Mattie L. Rhodes Hospital, at the February 15, 1955, term of Circuit Court of Baldwin County, Alabama, recovered judgment against Oscar Brooks for the sum of Five Hundred Eighty and 40/100 Dollars (\$580.40) and the further sum of Ten and 45/100 Dollars (\$10.45), costs of said suit, and that he is one of the Plaintiffs in said suit and believes that the process of garnishment is necessary to obtain satisfaction of said judgment and that Louisville & Nashville Railroad Company, a Corporation, has or is believed to have in its possession or under its control, money or effects belonging to the Defendant or that it is believed to be indebted to the Defendant or to be liable to him on a contract for the delivery of personal property or 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.


Charles W. Gaston

Sworn to and subscribed before
me this 15th day of August, 1955.


Notary Public, Baldwin County, Alabama.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to notify Oscar Brooks that on the 20th day of August, 1955, a writ of garnishment in the above styled cause was issued to Louisville and Nashville Railroad Company, a Corporation, as Garnishee.

And you will return this writ according to law.

WITNESS my hand this 20th day of August, 1955.

Clerk

STATE OF ALABAMA }
BALDWIN COUNTY }

CIRCUIT COURT, BALDWIN COUNTY
AUGUST TERM, 1955

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WHEREAS, at a regular February Term, 1955, of the Circuit Court of Baldwin County, to-wit: On the 15th day of February, 1955, being a regular day of said term, Charles W. Gaston and George B. Halliday individually and doing business as MATTIE L. RHODES HOSPITAL recovered judgment against Oscar Brooks for the sum of Five Hundred and Eighty and 40/100 Dollars, and cost of suit, and affidavit having been made by Charles W. Gaston that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named persons or corporations, viz: Louisville & Nashville Railroad Company, a corporation, has or is believed to have in its possession, or under its control money or effects belonging to said defendant Oscar Brooks or that it is, or is believed to be indebted to said defendant or to be liable to him, on a contract for the delivery of personal property, or 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 Louisville & Nashville Railroad Company, a corporation, to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, within thirty days after service of a copy of this writ then and there to answer on oath, whether at the time of the service of the garnishment, or at the time making its answer, or at any time intervening the time of serving the garnishment, and making the answer it was indebted to said defendant and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing it is liable to said defendant for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal

133 RECORDED 2465 1/2 127
WRIT OF GARNISHMENT

Received 28 day of Aug 1955

and on 31 day of August 1955

I served a copy of the within Writ

on L & N Railroad Co.

By service on Joe Hunter

TAYLOR, WALKER

By Mose B. Binsten S.

CHARLES W. GASTON AND GEORGE B.
HALLIDAY, Individually and doing
business as Mattie L. Rhodes
Hospital,

Plaintiffs,

VS.

OSCAR BROOKS,

y 31 63

Defendant.

LOUISVILLE & NASHVILLE RAILROAD
COMPANY, a Corporation,

Joe Hunter

Garnishee.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
FILED

AUG 20 1955

ALICE J. DUCK, Clerk

all rights to exemption under the Constitution and Laws of Alabama
as to personal property and of this waiver the Plaintiffs now claim
the benefit.

CHASON & STONE

By:

Malcolm C. Stone
Attorneys for Plaintiffs.

FILED

12-8-54

ALICE J. BUCK, Clerk

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Received 8 day of Dec 1954
and on 8 day of Dec 1954
I served a copy of the within S.C.
on _____

By service on Oscar Brooks

TAYLOR WILKINS, Sheriff
By J. D. Horn D. S.

CHARLES W. GASTON and GEORGE
HALLIDAY, Individually and doing
business as Mattie L. Rhodes
Hospital,

Plaintiffs,

vs.

OSCAR BROOKS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

FILED
12-8-54
ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA