

PACE HOLLAND COMPANY,  
A Corporation

Plaintiff,

VS.

J. B. HOLLY,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2586

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now the Defendant, J. B. Holly and as Answer to the Petition of the Plaintiff, Pace Holland Company, A corporation, to revive the judgment in the above styled cause rendered on the 11th day of August, 1955 says as follows:

(1) For that said judgment ought not to be revived for that on, to-wit: The 12th day of August, 1955 and within 12 months of the rendition of said judgment, execution was issued thereon and return was made That some property was found. That said property was levied on and that said judgment was satisfied.

(2) In the alternative, Defendant says that he is informed and believes and upon such information and belief avers that the Plaintiff accepted that property levied on under said execution as payment in full of said judgment of August 11, 1955.

(3) That said judgment has been paid.

(4) That the Defendant has been released by the Plaintiff from said judgment.

THE PREMISES CONSIDERED, the Defendant, J. B. Holly, moves the Court to deny the Petition of Plaintiff Pace Holland Company, a corporation, to revive the judgment to issue execution or executions thereon and to preserve the lien therein sought.

WILLIAMSON and TABER

By:

Attorneys for Defendant

FILED

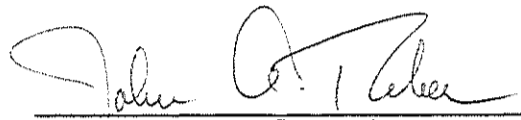
MAR 28 1956

ALLIANCE BANK

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing  
Answer to Petition to Revive upon Wilters and Brantley Attorneys of  
Record, for Plaintiff, by depositing the same in the United States Mail,  
postage prepaid, addressed to their offices in Bay Minette, Alabama.

This 25<sup>th</sup> day of March, 1966.

  
\_\_\_\_\_  
Attorneys for Defendant

Williamson and Taber  
Attorneys at Law  
P. O. Box 336  
Greenville, Alabama

PACE HOLLAND COMPANY, a  
Corporation,

Plaintiff

vs

J. B. HOLLY

Defendant

X

X

IN THE CIRCUIT COURT OF

X

BALDWIN COUNTY, ALABAMA

X

AT LAW

X

2586

X

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Now comes the Plaintiff, the Pace Holland Company, a Corporation, and shows unto the Court that heretofore on, to-wit: the 11th day of August, 1955, it obtained a judgment in this Court against J. B. Holly, for \$3,730.75, together with costs of court amounting to \$11.55, which said judgment was recorded and registered in the office of the Judge of Probate of Baldwin County, Alabama, on to-wit: the 12th day of August, 1955, and within twelve months of the rendition of said judgment, execution was issued thereon, and a return "unsatisfied"; that the said judgment is and remains unsatisfied;

THE PREMISES CONSIDERED, the Pace Holland Company, a Corporation moves the Court for an order or judgment reviving said judgment, to the end that execution may issue thereon, and that all of the liens acquired in the premises may be preserved; that a writ of scire facias issue out of this Honorable Court in the manner in form prescribed by law to the said J. B. Holly to appear within the time required by law, and show cause, if any he has, why the judgment should not be revived, and execution or executions issued thereon and the lien and the premises preserved as therein sought.

WILTERS & BRANTLEY

BY: 

*Defendants' Address:*

*Rt. 1*

*Georgiana, Alabama*

FILED

OCT 7 1955

ALICE L. DICK, CLERK, REGISTER

WRIT OF SCIRE FACIAS

PACE HOLLAND COMPANY, a  
Corporation,

Plaintiff

vs

J. B. HOLLY

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

2586

TO THE SHERIFF OF BALDWIN COUNTY: GREETINGS:

WHEREAS, the Pace Holland Company, a Corporation, obtained a judgment against J. B. Holly on, to-wit: the 11th day of August, 1955, for \$3,370.75, together with costs of court amounting to \$11.55, a certificate of judgment was registered and recorded in the office of the Judge of Probate of said County on, to-wit: the 12th day of August, 1955, and execution on said judgment was duly issued within the time required by law, and returned (no property found), and said judgment is and remains unsatisfied.

These are, therefore, to command you that you make known the premises aforesaid to the said J. B. Holly by serving a copy of the within writ upon him, requiring him to appear within thirty days and show cause, if any he has, why said motion should not be granted and said judgment revived, to the end that execution or executions may issue on said judgment, and that all of the liens acquired in the premises may be preserved.

Witness my hand as said Clerk, this the 7 day of

Oct, 1965.

Dee J. French  
Clerk,

Defendant's Address:

Rt. 1 Apple  
~~Georgia~~, Alabama  
Wilcox County -

RECEIVED

JAN 3 1966

TAYLOR WILKINS

SHERIFF

JAN 3 1966

TAYLOR WILKINS

SHERIFF

7th day of Oct 1965  
found in my county after diligent search and in-

Robert Co.

to a shewer

Spiff

CASE NO. 2586

80 miles

PAGE HOLLAND COMPANY, A CORPORATION,

Plaintiff,

vs:

J.B. HOLLY,  
Rt. 1,

Defendant

Georgiana, Ala.

1. Petition
2. Writ of Scire Facias

Walters & Brantley  
Attorneys at Law

Executed this 25th of July 1966 by  
Lawing A. Gage on J. B. Holly.

E. A. Watson, Sheriff

Lee Carter

80 miles (says E. A. Watson on the)

\$2.50

FILED  
MAY 10 1966  
ALICE L. BUNK, CLERK  
REGISTER

PACE-HOLLAND COMPANY, a Corporation,  
Plaintiff,  
VS.  
J. B. HOLLEY,  
Defendant.

)  
) IN THE  
)  
) CIRCUIT COURT OF  
)  
) BALDWIN COUNTY,  
)  
) ALABAMA. IN EQUITY.  
)  
) NO. 2568  
)

BOB LINDEN, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Wilters.

Q. Is this Bob Linden?

A. Yes sir.

Q. Where do you work?

A. Pace-Holland Company

Q. What is your position with Pace-Holland Company?

A. Manager.

Q. As manager, are you in charge of the books and records of Pace-Holland Company in Robertsedale?

A. Yes sir.

Q. It is the same Pace-Holland Company that obtained a judgment against J. B. Holley?

A. It is.

Q. On August 11, 1955?

A. Yes.

MR. WILTERS: May it please the Court, we introduce as Plaintiff's Exhibit 1, certified copy of Judgment, Pace-Holland Company vs. J. B. Holley, dated August 11, 1955, and recorded in Judgment book 807 at page 183, Probate Office of Baldwin County, Alabama.

Q. Has this judgment been paid off?

A. It has been partially paid.

Q. There is a balance due?

A. There is.

Q/ When was the last payment made?

A. February 6, 1957.

Q. Have you figured up the balance due, including interest at 6%?

A. I have.

Q. What is that balance?

A. \$4,105.30; that is figuring nine years interest to February 6, 1966.

-----  
C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court, in the captioned case, before Hon. Telfair J. Mashburn, Judge of said Court, on the 18th day of May, 1966.

Louise D. Dancy  
Court Reporter

2586

repted 1

BOOK 007 PAGE 183

CERTIFICATE OF JUDGMENT

Printed by Moore Pig. Co.

The State of Alabama,  
Baldwin County

CIRCUIT COURT August Term, 1955

PACE HOLLAND CO.

Plaintiff.

Vs.

STATE OF ALABAMA, BALDWIN COUNTY

8-12-55

4 P. M.

J. B. HOLLY

J. M. Stewart  
Judge of Probate

Defendant.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County,

Alabama, do hereby certify that on the 11th day of August, 1955,

a judgment was rendered by said Court in the above stated cause, wherein

PACE HOLLAND CO.

was Plaintiff and

J. B. HOLLY

was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of

Three Thousand Seven Hundred Twenty and 75/100 (\$3730.75) - - - DOLLARS

and for the sum of eleven and 50/100 (\$11.50) - - - DOLLARS,

the costs in said suit, and that

Wilson Hayes

are the Attorneys of record for the Plaintiff in said cause.

Witness my hand this 11th day of August, 1955.

Alice J. Duck

Clerk, Circuit Court, Baldwin County, Alabama

STATE OF ALABAMA

Baldwin County

PROBATE COURT

I, HARRY D'OLIVE, Judge of Probate Court in and for said State and County, hereby  
certify that the within and foregoing \_\_\_\_\_ one \_\_\_\_\_ Pages

contain a full, true and complete copy of the \_\_\_\_\_ Certificate of Judge ment between

\_\_\_\_\_ Pace Holland Co. and J. B. Holly as recorded in Judgement Book

7, Page 183

as the same appears of record in my office.

Given under my hand and seal of office, this \_\_\_\_\_ 18th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 19 \_\_\_\_\_ 65.

  
Harry D'Olive  
Judge of Probate

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. B. HOLLEY to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County and State at the place of holding same, then and there to answer the complaint of PACE-HOLLAND COMPANY, a Corporation.

Witness my hand and seal, this 9th day of April, 1955.

Deice Frank  
Clerk

PACE-HOLLAND COMPANY,  
a Corporation,  
Plaintiff

- vs -

J. B. HOLLEY,  
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Number \_\_\_\_\_

I

The Plaintiff claims of the defendant five-hundred twenty-five and no/one/hundredths dollars (\$525.00), due by promissory note made by him on the 21st day of December, 1953, and payable on the <sup>22nd</sup>~~19th~~ day of July, 1953, with interest thereon.

II

The Plaintiff claims of the Defendant three-thousand fifty-one and seventy-five/one-hundredths dollars (\$3051.75), due by promissory note made by him on the 14th day of January, 1955, and payable on the 15th day of February, 1955, with interest thereon.

Wilson Hayes  
Wilson Hayes, Attorney for Plaintiff

Number 2886-

SUMMONS AND COMPLAINT

PAGE-HOLLAND CO.,  
Plaintiff

J. B. HOLLEY, Defendant

Received on 15 day of April 1955  
served a copy of the within of 1-C

Service on J. B. Holley

TAYLOR WILKINS, Sheriff

By Holley D.S.

FILED

APR 21 1955

MAURICE J. QUACK, Clerk

PACE-HOLLAND COMPANY,  
a Corporation,  
Plaintiff

-vs-

J.B. HOLLEY,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Number \_\_\_\_\_

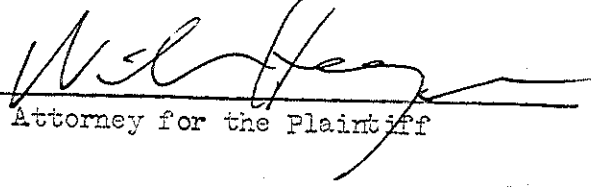
Comes now the Plaintiff in the above styled cause and amends the  
complaint to read as follows:

I

Plaintiff claims of the Defendant the sum of five-hundred-twenty-five dollars and no/100 (\$525.00) as balance due on a promissory note for seven-hundred-thirty-six and seventeen/100 (736.17) made by him on the 21st day of December, 1953 and payable at the rate of fifty-dollars (\$50.00) per week from December 28, 1953, with the further provisions that upon default the whole sum then due should become due and payable automatically, and Defendant having been in default on February 1, 1954, the whole of the balance due became due, hence this suit.

II

Plaintiff claims of the Defendant the sum of three thousand-fifty-one and seventy-five/100 (\$3,051.75) due by promissory note for the amount made by him on the 14th day of January, 1955, and payable at the rate of one-hundred dollars (\$100.00) per month from February 14, 1955 until fully paid, with the further provision that upon default the whole of the note then unpaid should immediately become due and payable, and Defendant having made default on January 14, 1955, the whole note became due, hence this suit.

  
Attorney for the Plaintiff

WILLIAMSON and TABER  
ATTORNEYS AT LAW  
GREENVILLE, ALABAMA

W. J. WILLIAMSON  
JOHN A. TABER

March 26, 1966

P. O. Box 336  
Telephone 382-4500

Circuit Court Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: Pace Holland Company vs. J. B. Holly

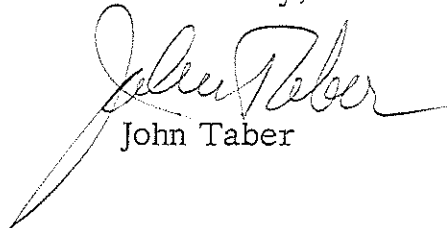
Dear Sir:

Please file the enclosed Answer to Petition in the above styled case.

I have, this date, served a copy of the same on Wilters and Brantley, Attorneys of Record for Plaintiff.

Thank you for your assistance and cooperation in this regard.

Yours truly,



John Taber

JT/bjl  
Enc: