

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a corporation,

VS.

H. L. PIERCE,

Plaintiff,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2607

#### STIPULATION

In this cause the defendant has withdrawn his demand for a jury trial, which has been consented to by the plaintiff, and a judgment by consent has been rendered for the plaintiff and against the defendant for Three Hundred Twenty-four Dollars (\$324.00). As there is a garnishment in aid of pending suit in this cause and as certain funds are now in the possession of the Register of this court, who was the garnishee in the said garnishment proceedings, it is stipulated by and between the parties hereto as follows:

1. The said garnishee shall pay to the defendant or his attorney from the funds in her possession the sum of One Hundred Nineteen and 45/100 Dollars (\$119.45).

2. The said garnishee shall pay to the Clerk of this court the sum of Three Hundred Twenty-four Dollars (\$324.00) to cover the amount of the plaintiff's judgment in this cause, deduct the costs of this proceeding from the sum of \$324.00, and remit the balance thereof to the plaintiff or its attorney.

3. Each party to this proceeding consents and agrees that all orders necessary to carry out the terms and provisions of this stipulation be made forthwith without further notice.

Dated this 8th day of March, 1956.

J. B. Blackburn  
Attorney for plaintiff

Julius A. Maschauer, Jr.  
Attorney for defendant.

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a Corporation,

Plaintiff,

VS.

H. L. PIERCE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

STATE OF ALABAMA )

BALDWIN COUNTY )

KNOW ALL MEN BY THESE PRESENTS: That we, Fidelity and Deposit Company of Maryland, a Corporation, by J. B. Blackburn, as its Attorney, as principal, and Fidelity and Casualty Company of New York, a Corporation, as surety, are held and firmly bound unto H. L. Pierce in the sum of Eight Hundred Forty Eight Dollars (\$848) to be paid to the said H. L. Pierce, his heirs, executors, administrators or assigns; for which payment, well and truly to be made, we bind ourselves, our successors and assigns, jointly, severally and firmly by these presents.

Sealed with our seals and dated this 18<sup>th</sup> day of May, 1955.

The condition of the above obligation, is such, that, whereas, the above bound Fidelity and Deposit Company of Maryland, a Corporation, has commenced a suit in the Circuit Court of Baldwin County, Alabama, by summons and complaint returnable to the next term of said court, to recover of said H. L. Pierce the sum of Four Hundred Twenty four Dollars (\$424) and has on the day of the date hereof prayed that writ of garnishment issue to Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, to answer on oath whether at the time of the service of the said writ of garnishment or at the time of making her answer she is indebted to said Defendant and said Plaintiff having made affidavit as required by law in such cases and by entering into this bond, has obtained the same, returnable to the next term of the Circuit Court of Baldwin County, Alabama.

Now, if the said Plaintiff shall prosecute the grantors to effect, and pay the Defendant all costs and damages as he may

sustain by reason of the wrongful or vexatious suing out of this garnishment, then this obligation to be void, otherwise to remain in full force and effect.

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Corporation,

By J. B. Blackburn  
As its Attorney

FIDELITY AND CASUALTY COMPANY OF  
NEW YORK, a Corporation,

By Robert M. Lacey  
As its Attorney in Fact.

Taken and approved on this  
17 day of May, 1955.

Archie J. [Signature]  
Clerk.

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a Corporation,

Plaintiff,

VS.

H. L. PIERCE,

Defendant,

ALICE J. DUCK, as Register of  
the Circuit Court of Baldwin  
County, Alabama,

Garnishee.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to notify H. L. Pierce that on the 18th day of May, 1955, a writ of garnishment in the above styled cause was issued to Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, as Garnishee.

And you will return this writ according to law.

WITNESS my hand this 18 day of May, 1955.

  
Clerk.

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a Corporation,

Plaintiff,

VS.

H. L. PIERCE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

WRIT OF GARNISHMENT

STATE OF ALABAMA )


BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Whereas, Fidelity and Deposit Company of Maryland, a Corporation, has commenced suit by summons and complaint returnable to the next term of the Circuit Court of Baldwin County, Alabama, against H. L. Pierce, for the sum of Four Hundred Twenty Four Dollars (\$424); and whereas, J. B. Blackburn, Attorney for Fidelity and Deposit Company of Maryland, a Corporation, has made affidavit, as required by law, that the said Defendant is indebted to Fidelity and Deposit Company of Maryland, a Corporation, in the sum of Four Hundred Twenty four Dollars (\$424); that Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, is supposed to be indebted to said Defendant, and that he believes that process of garnishment against the said Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, is necessary to obtain satisfaction of said claim, and has given bond as required by law.

These are therefore to command you, that you summon the said Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, to be and appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, there and there to answer on oath, whether at the time of the service of this writ of garnishment, or at the time of making her answer, she has any money belonging to the Defendant and whether she is indebted to said Defendant.

Dated this the 18 day of May, 1955.

  
Clerk of the Circuit Court of  
Baldwin County, Alabama.

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, A Corporation,  
Plaintiff,  
VS.  
H. L. PIERCE,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 2607

P L E A S

Comes now the defendant in the above styled cause and, for answer to the complaint and to each and every count thereof, separately and severally, says:

1.

That the allegations of said complaint are untrue.

2.

That, heretofore, on, to-wit: the 15th day of February, 1955, after the cause of action counted on in the complaint arose, and before suit was filed, plaintiff and defendant entered into an agreement whereby defendant agreed to pay to plaintiff in full settlement of all claims of the plaintiff against the defendant the sum of \$150.00, payment to be made as soon as the defendant received his share of the proceeds from a suit for sale of certain lands for division, then pending in the Circuit Court of Baldwin County, Alabama, being Case Number 3312, in Equity; that said lands have been sold, but that the defendant has not yet received his pro rata share of the proceeds of said sale.

J. L. A. Maddox, Jr.  
ATTORNEY FOR ~~XXXX~~ DEFENDANT.

Defendant respectfully requests that this cause be tried by a jury.

J. L. A. Maddox, Jr.  
ATTORNEY FOR DEFENDANT.



STATE OF ALABAMA )  
                          \*  
BALDWIN COUNTY    )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. L. Pierce to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of Fidelity and Deposit Company of Maryland, a Corporation.

Witness my hand on this 12 day of May, 1955.

*Alvin J. ...*  
\_\_\_\_\_  
Clerk.

\* \* \* \* \*

FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a Corporation,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
H. L. PIERCE,	)	AT LAW
	)	
Defendant.	)	

C O M P L A I N T  
COUNT ONE

The Plaintiff claims of the Defendant the sum of Ninety Dollars (\$90) due from him by account on the 5th day of February, 1954, which sum of money, with the interest thereon, is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant the sum of One Hundred Ten Dollars (\$110) due from him by account on the 16th day of January, 1954, which sum of money, with the interest thereon, is still unpaid.

COUNT THREE

The Plaintiff claims of the Defendant the sum of Two Hundred Twenty Four Dollars (\$224) due from him by account on the 27th day of June, 1954, which sum of money, with the interest thereon, is still unpaid.

*J. B. Blackburn*  
\_\_\_\_\_  
Attorney for Plaintiff.



no. 2607

SUMMONS AND COMPLAINT

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a Corporation,

Plaintiff,

VS.

H. L. PIERCE,

Defendant.

Received 13 day of May 1955  
and on 24 day of May 1955  
served a copy of the within ALL

By service on A. J. Purce

TAYLOR WILKINS, Sheriff  
By Calley Steadman

FILED

MAY 12 1955

ALICE J. DUCK, Register

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA