

TALTON O'FARRELL

PLAINTIFF

VS

EUGENE MILSTID

DEFENDANT

IN THE CIRCUIT COURT OF

BAIDWIN COUNTY, ALABAMA,

AT LAW - 3046

AMENDED COMPLAINT

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

1.

The Plaintiff claims of the Defendant, the sum of SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS due from him by account, on, to-wit: 10th day of September, 1956, which sum of money with the interest thereon is still due and unpaid. The Plaintiff avers that this account is based on advancements by the Plaintiff to the Defendant for and upon crops grown by the Defendant during the 1956 crop year.

2.

The Plaintiff claims of the Defendant SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS on account stated between the Plaintiff and Defendant, on, to-wit: 10th day of September, 1956, which sum of money with the interest thereon is still due and unpaid. The Plaintiff further avers that this account is based on advancements by the Plaintiff to the Defendant for crops grown by the Defendant during the 1956 crop year.

3.

The Plaintiff claims of the Defendant the sum of SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS for money, seed, fertilizer, insecticides, and produce containers advanced to the Defendant by the Plaintiff for and upon the Defendant's 1956 crops, which sum of money is due and unpaid.

FILED  
OCT 17 1956  
ALICE J. DUCK, Clerk

Wilters & Brantley

BY:

Robert M. Brantley  
Attorneys for the Plaintiff

In the matter of	*	In Proceedings for an
		Arrangement, Chapter XII
TOMMIE EUGENE MILSTED	*	
		No. 9691
Debtor	*	

NOTICE IS HEREBY GIVEN that TOMMIE EUGENE MILSTED of Perdido, Alabama, filed his petition for an arrangement under Chapter XI, Section 322, of the Bankruptcy Act, on October 15, 1956, and that the first meeting of creditors will be held at Room 339 United States Court House, Mobile, Alabama, on WEDNESDAY NOVEMBER 14, 1956, at 10:00 O'CLOCK IN THE MORNING, at which place and time the creditors may attend, prove their claims, nominate a Trustee, appoint a committee of creditors, examine the debtor, present written acceptances of the proposed arrangement, and transact such other business as may properly come before said meeting.

Summary of liabilities and assets from the petition and proposed arrangement are given below:

Creditors Holding Securities	\$24,510.00	
Unsecured Creditors	<u>13,255.00</u>	
		Total \$37,765.00

Real Estate	6,000.00	
Personal Property	8,100.00	
Choses in Action	<u>555.00</u>	
		Total \$14,655.00

Debtor proposes to pay \$1,000.00 on December 15, 1956; to pay \$1,400.00 July 15, 1957; then to pay \$1,200.00 on each successive 15th day of December and 15th day of July until both secured and unsecured are paid in full; and that he be permitted to stay in possession.

SIDNEY J. GRAY,  
Referee in Bankruptcy  
333 U. S. Court House  
Mobile, Alabama

CREDITORS ARE NOTIFIED TO FILE PROOF OF CLAIM IN THIS PROCEEDING.

ATTACHMENT BOND.

(Box 622-2)

MARSHALL &amp; BRUCE-NASHVILLE

The State of Alabama, BALDWIN CountyCIRCUIT COURT AT BAY MINETTE, ALA.Know all Men by These Presents, That we, TALTON O'FARRELL, G. C. BARNETTand M. W. MERRITT, of the County of Escambia, Alabama,are held and firmly bound unto Eugene Milstidin the sum of FOURTEEN THOUSAND FORTY-THREE and 12/100 Dollars,to be paid to the said Eugene Milstid, his

heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the 2nd day of October, 1956.

The Condition of this Obligation is such:

That whereas, the above bounded, Talton O'Farrell

has, on the day of the date hereof,  
prayed an Attachment at the suit of Talton O'Farrell

against the estate of the above named  
Eugene Milstid

for the sum of Seven Thousand Twenty-one and 56/100 Dollars,and hath obtained the same, returnable to the Circuit Court of Baldwin County.Now, if the said Talton O'Farrellshould prosecute said Attachment to effect, and pay the said Defendant all such damages as he

may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void;

otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may  
hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, sealed, and delivered the day above written.

Talton O'Farrell

(Seal.)

G. C. Barnett

(Seal.)

M. W. Merritt

(Seal.)

(Seal.)

Approved this 4 day of Oct, 1956

Code 1940, Title 7, Sec. 857.

Reis J. Rucker, Clerk.

The State of Alabama, \_\_\_\_\_ County

CIRCUIT COURT AT \_\_\_\_\_ ALABAMA

Before me, Robert H. Maxwell, a Notary Public  
State of Ala. at Large  
in and for ~~said County~~, personally appeared Talton O'Farrell  
who, being duly sworn, on oath saith that Eugene Milstid is  
\_\_\_\_\_ justly indebted to

Talton O'Farrell  
in the sum of Seven Thousand Twenty-one and 56/100 Dollars,  
which said amount is justly due after allowing all just offsets and discounts, and that the said  
Eugene Milstid is about fraudulently to dispose of his  
property,

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this 2nd day of October, 1956.

Code 1940, Tit. 7, Sec. 850.

NOTARY PUBLIC

No. 3046

The State of Alabama,

BALDWIN County.

CIRCUIT COURT

At Bay Minette, Ala.

TALTON O'FARRELL

G. C. BARNETT and

M. W. MERRITT

TO

EUGENE MILSTID

Attachment Bond and Affidavit

Filed this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

FILED

OCT 4 1956, Clerk.

ALL J. MAX, Clerk

Attorney.

(Box 622-2) MARSHALL & BRUCE-NASHVILLE

J. F. Mackery, Clerk of the Circuit Court of Escambia County, Alabama

I certify that this is a good and sufficient bond in the amount of \$14,043.12, and that the sureties thereon are well worth the amount of the said bond above their exemptions, and if this bond were presented to me in my county, I would approve the same.

To the Clerk of Circuit Court of Baldwin County, Alabama:

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EUGENE MILSTID 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 TALCON O'FARRELL.

Witness my hand this 4 day of October, 1956.

Deirda J. Hume  
Clerk

TALCON O'FARRELL

PLAINTIFF

VS

EUGENE MILSTID

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW

1.

The Plaintiff claims of the Defendant SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS due from him by account on, to-wit, 10th day of September, 1956, which sum of money with the interest thereon is still due and unpaid.

2.

The Plaintiff claims of the Defendant SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS on account stated between the Plaintiff and the Defendant on, to-wit: 10th day of September, 1956, which sum of money with the interest thereon is still due and unpaid.

Robert H. Maxwell

BY:

Walters & Brantley

BY:

Attorneys for the Plaintiff

## AMENDED AFFIDAVIT

TALTON O'FARRELL

PLAINTIFF

VS

EUGENE MILSTID

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW -3046

Comes now the Plaintiff in the above styled cause and amends his attachment affidavit heretofore filed in this cause to read as follows:

Before me, Evelyn Watts, a Notary Public, in and for said County and State, personally appeared Talton O'Farrell who, being duly sworn, on oath saith that Eugene Milstid is justly indebted to Talton O'Farrell in the sum of Seven Thousand Twenty one and 56/100 (\$7021.56) DOLLARS; that the basis of this debt is for advancements for and upon the crops herewith attached, which said amount is justly due after allowing all just offsets and discounts, and that the said Eugene Milstid is about fraudulently to dispose of his property, and that this attachment is not sued out for the purpose of vexing or harassing the Defendants, or other improper motive.

*Talton O'Farrell*

Sworn to and subscribed before me this 16th day of October, 1956.

*Evelyn Watts*  
Notary Public, Baldwin County, Alabama

FILED

OCT 17 1956

ALICE J. DUCK, Clerk

## ATTACHMENT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Talcon O'Farrell has complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, that Eugene Milstid, is justly indebted to the Plaintiff Talcon O'Farrell in the sum of SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS and Talcon O'Farrell having made affidavit and given bond as required by law in such case, you are hereby commanded to attach so much of the estate of Eugene Milstid, to include but not limited to the following described property:

All growing crops owned by him on the O. N. Simmons place more particularly described as South half of Northeast quarter of Northwest quarter of Section 36, Township 1 North, Range 7 East, the Archie James estate more particularly described as South half of Northeast quarter of Southwest quarter and Southeast quarter of Southwest quarter of Section 30, and East half of Northwest quarter and West half of Northeast quarter and Northwest quarter of Southeast quarter of Section 31, Township 1 North, Range 5 East, and Ewings lands more particularly described as, parts of Section 4, Township 1 North, Range 5 East lying north and west of public road, all lying and being in Escambia County, Alabama, and all growing crops owned by him on the following described lands: Southwest quarter, less East half of Northeast quarter of Southwest quarter of Section 24, Township 1 North, Range 4 East, Baldwin County, Alabama,

as will be of value sufficient to satisfy said debt and cost 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, Alabama, at a term thereof to be held at the Court House of said county on the 20th day of November, 1956; when and where you must make known to said court how you have executed this return.

Witness my hand this 4 day of October, 1956.

Alice J. Duck  
Clerk

C. L. Clark - 5 Oct 4 H 75

Sheriff claims 2 1/2 miles at  
Ten Cents per mile Total \$ 2 60  
TAYLOR WILKINS, Sheriff  
BY: [Signature]  
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff  
By *J. P. Brown* D.  
*Purditt*

Taylor Williams  
Schmitt  
Lester O.S.  
Perdido

- 1- 195 ~~3~~ <sup>2</sup> ~~Don Ford~~ <sup>Reddy</sup> - Blue - 90's game made.
- 1- Walk cutter - Yellow
- 1- Anglers C 98 Hummer - dead - 129395
- 1- Duck - (Melvin Harmon)
- 1- Cotton Chopper - yellow
- 1- Sweet Potato (Hamm) (yellow Hammer)



Branch  
ATTACHMENT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Talcon O'Farrell has complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, that Eugene Milstid is justly indebted to the Plaintiff Talcon O'Farrell in the sum of SEVEN THOUSAND TWENTY ONE and 56/100 (\$7021.56) DOLLARS and Talcon O'Farrell having made affidavit and given bond as required by law in such case you are hereby commanded to attach so much of the estate of Eugene Milstid, to include but not limited to the following described property:

All growing crops owned by him on the O. N. Simmons place more particularly described as South half of Northeast quarter of Northwest quarter of Section 36, Township 1 North, Range 7 East, the Archie James estate more particularly described as South half of Northeast quarter of Southwest quarter and Southeast quarter of Southwest quarter of Section 30, and East half of Northwest quarter and West half of Northeast quarter and Northwest quarter of Southeast quarter of Section 31, Township 1 North, Range 5 East, and Ewings lands more particularly described, as Parts of Section 4, Township 1 North, Range 5 East lying north and west of public road, all lying and being in Escambia County, Alabama, and all growing crops owned by him on the following described lands: Southwest quarter, less East half of Northeast quarter of Southwest quarter of Section 24, Township 1 North, Range 4 East, Baldwin County, Alabama,

as will be of value sufficient to satisfy said debt and cost 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, Alabama, at a term thereof to be held at the Court House of said county on the 20th day of November, 1956; when and where you must make known to said court how you have executed this return.

Witness my hand this 4 day of October, 1956.

Alice J. Duck  
Clerk

## MOTION TO SELL PERISHABLE GOODS

TALTON O'FARRELL

PLAINTIFF

VS

EUGENE MILSTID

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW - 3046

Comes now the Plaintiff in the above styled cause and respectfully represents and shows unto the Court that in pursuance of a Writ of Attachment issued herein on, to-wit, the 5th day of October, 1956, Taylor Wilkins, Sheriff of said county, has heretofore returned said Writ of Attachment as having been executed by levying upon all growing crops on the lands herein-after described; that the said growing crops consist, among other things, of soybeans; that the soybeans on the following described lands are ready to be harvested and unless they are harvested within the next three days, they will be a total loss to both the Plaintiff and Defendant in this cause; that these beans are located on the Southwest quarter less the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North, Range 4 East, Baldwin County, Alabama.

That this attachment was made on beans which will be ready to be harvested within seven days, that unless they are harvested at that time they will be a total loss to the Plaintiff and Defendant in this cause; that these beans are located on the following described lands: A one-half interest in the beans growing on the Archie James estate, more particularly described as South half of the Northeast quarter of the Northwest quarter and Southeast quarter of Southwest quarter of Section 30, East half of the Northwest quarter; West half of the Northeast quarter, Northwest quarter of the Southeast quarter of Section 31, Township 1 North, Range 5 East, and a full interest in the beans growing on the Ewings land, more particularly described as: Parts of Section 4, Township 1 North, Range 5 East, lying North and West of a public road, all lying and being in Escambia County, Alabama.

Plaintiff further shows unto the Court that it is impractical to harvest these beans and store them because adequate storage facilities are not available.

WHEREFORE, premises considered, Plaintiff moves the court to make and enter an order directing the Sheriff of Baldwin County, Alabama, to harvest or cause the aforesaid beans to be harvested, after having given such notice as is directed by this Honorable Court; and order the Sheriff to sell said beans on the local market where such commodities are sold. Your Plaintiff prays for such other, further or different relief to which he may in the premises be entitled.

Talton O'Farrell

STATE OF ALABAMA  
BALDWIN COUNTY

I, Robert M. Brantley, a Notary Public, in and for said County, in said State, hereby certify that Talton O'Farrell, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 15 day of October, 1956.

Robert M. Brantley  
Notary Public, Baldwin County, Alabama

FILED

OCT 17 1956

ALICE J. DUCK, Clerk

TALCON O'FARRELL also  
known as TALTON O'FARRELL

PLAINTIFF

VS

TOMMIE EUGENE MILSTED

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 3046

Comes the Defendant in the above styled cause/and moves this Honorable Court to dissolve the said attachment secured by the said Plaintiff in the above styled cause upon the crops grown on the following described property: Southwest quarter less the East half of the Northeast quarter of the Southwest quarter of Section 24, Township 1 North, Range 4 East, Baldwin County, Alabama; A one-half interest in the beans growing on the Archie James estate, more particularly described as South half of the Northeast quarter of the Northwest quarter and Southeast quarter of Southwest quarter of Section 30, East half of the Northwest quarter; West half of the Northeast quarter, Northwest quarter of the Southeast quarter of Section 31, Township 1 North, Range 5 East, and a full interest in the beans growing on the Ewings land, more particularly described as: Parts of Section 4, Township 1 North, Range 5 East, lying North and West of a public road, all lying and being in Escambia County, Alabama;

AND on other personal property as noted in the said attachment.

As grounds for said motion the said Defendant shows unto this Honorable Court as follows:

1. That there is now pending in the United States District Court for the Southern District of Alabama docket number 9691 a petition by the Defendant in this cause for a proposal of the debtor and/or petition in bankruptcy, copy of notice attached and made a part hereof.

2. The said motion being made further that the said Defendant herein may be permitted to harvest approximately twenty acres of soy beans which beans are now ready and beginning to shatter, all to the loss of all parties concerned.

WHEREFORE THIS MOTION,

*Tommie Eugene Milsted*  
Defendant.

*Chas. H. Brown*  
Attorney for Defendant.

FILED

OCT 13 1956

ALICE L. BUCK, Register

STATE OF ALABAMA  
BALDWIN COUNTY

Before me the undersigned authority personally appeared Tommie Eugene Milstid who being duly sworn deposes and says: That the foregoing facts as set out in the motion to dissolve the attachment, supra, are true and correct.

Tommie Eugene Milstid  
Defendant.

Sworn to and subscribed before me this 19 day of October, 1956.

C. L. Davis  
Notary Public, Baldwin County, Alabama.

Comes Wilters and Brantley by I. Albert M. Brantley,  
Attorneys for Plaintiff and accept service of this motion; and waive regular notice on same agreeing that the matter may be heard immediately by the presiding Judge.

This the 19th day of October, 1956.

FILED

OCT 19 1956

Attorneys for Plaintiff.

ALICE J. DICK, Register

IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE SOUTHERN DISTRICT OF ALABAMA

In the matter of	*	In Proceedings for an
	-	Arrangement, Chapter XI
TOMMIE EUGENE MILSTID	*	
	-	No. 9691
Debtor	*	

NOTICE OF FIRST MEETING OF CREDITORS AND  
HEARING UNDER 376 (2)

NOTICE IS HEREBY GIVEN that TOMMIE EUGENE MILSTID of Perdido, Alabama, filed his petition for an arrangement under Chapter XI, Section 322, of the Bankruptcy Act, on October 15, 1956, and that the first meeting of creditors will be held at Room 339 United States Court House, Mobile, Alabama, on WEDNESDAY NOVEMBER 14, 1956, at 10:00 O'CLOCK IN THE MORNING, at which place and time the creditors may attend, prove their claims, nominate a Trustee, appoint a committee of creditors, examine the debtor, present written acceptances of the proposed arrangement, and transact such other business as may properly come before said meeting.

NOTICE IS FURTHER GIVEN that November 14, 1956, at 10:00 o'clock in the morning has been fixed as the time and Room 339 United States Court House, Mobile, Alabama, as the place for a hearing under Section 376(2) of the Bankruptcy Act for an adjudication in bankruptcy of said debtor, or for an order dismissing said proceeding, whichever in the opinion of the Court may be in the interest of creditors.

Summary of liabilities and assets from the petition and proposed arrangement are given below:

## LIABILITIES

Creditors Holding Securities	\$24,510.00
Unsecured Creditors	<u>13,255.00</u>
	Total \$37,765.00

## ASSETS

Real Estate	6,000.00
Personal Property	8,100.00
Choses in Action	<u>555.00</u>
	Total \$14,655.00

## PROPOSAL OF DEBTOR

Debtor proposes to pay \$1,000.00 on December 15, 1956; to pay \$1,400.00 July 15, 1957; then to pay \$1,200.00 on each successive 15th day of December and 15th day of July until both secured and unsecured are paid in full; and that he be permitted to stay in possession.

DONE at Mobile, Alabama, this 17th of October, 1956.

SIDNEY J. GRAY,  
Referee in Bankruptcy  
333 U. S. Court House  
Mobile, Alabama

CREDITORS ARE NOTIFIED TO FILE PROOF OF CLAIM IN THIS PROCEEDING.

**F** **E** **S** **E**

OCT 19 1956

FEED

001 1500

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-20-2010 BY 60322 UCBAW

**Abstract**