

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

IN THE MATTER OF

\* IN BANKRUPTCY.

TOMMIE EUGENE MILSTID,

\* NO. 9691

BANKRUPT.

\*

This cause coming on to be heard on this the 21st day of February, 1957, on the petition of the First National Bank of Atmore for permission to foreclose a second mortgage on real property situated in Baldwin County, Alabama, and more particularly described as follows, viz:

Southwest Quarter ( $\frac{1}{4}$ ), except East Half ( $\frac{1}{2}$ )  
of Northeast Quarter ( $\frac{1}{4}$ ) of the Southwest  
Quarter ( $\frac{1}{4}$ ) of Section 24, Township 1 North,  
Range 4 East, containing 140 acres more or less.

and for permission to proceed in the State Court of Baldwin County, Alabama, under a detinue suit to reclaim various chattels which are part of the Bankruptcy estate, and in open court the trustee and the First National Bank of Atmore having entered into an agreement to compromise and settle the petition of said bank, and more than ten days notice of the hearing of said petition having been given to creditors in writing and no creditors having appeared or objected to the approval of said agreement, and it appearing to me that the petition should be granted in accordance with the settlement which has been reduced to writing and the said settlement agreement should be approved and confirmed and the trustee and the First National Bank of Atmore being represented by counsel before me now.

It is therefore considered, ordered, adjudged, and decreed

(1) That the said agreement between the trustee in Bankruptcy herein and the First National Bank of Atmore, a copy of which said agreement is attached to the petition of the trustee seeking confirmation thereof and filed herein be and the same hereby is

ratified, approved and confirmed, and the trustee is directed to deliver to the said First National Bank of Atmore the following described chattels, viz:

Champion Potato Digger  
H Farmall Tractor  
M Farmall Tractor  
No. 25 International Potato Planter  
International Combine No. 30808

and the trustee is directed to execute a release to the bank and their bondsmen of liability to the trustee of this estate under their bond in the detinue suit in the State Court.

Dated at Mobile, Alabama, this 8th day of March, 1957.

SIDNEY J. GRAY  
Referee in Bankruptcy

I, Sidney J. Gray, Referee in Bankruptcy of said Court to whom the above entitled cause was duly referred, hereby certify that the above and foregoing is a true and correct copy of the Order ratifying, approving, and confirming the agreement between the trustee in Bankruptcy herein and the First National Bank of Atmore entered by me in said cause on the 8th day of March, 1957.

IN WITNESS WHEREOF, I have hereunto set my official signature as such Referee in Bankruptcy, this 2nd day of April, 1957.

Sidney J. Gray  
Referee in Bankruptcy

STATE OF ALABAMA     )

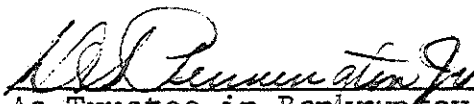
COUNTY OF MOBILE     )

KNOW ALL MEN BY THESE PRESENTS, that I, D. S. Pennington, Jr. as trustee in Bankruptcy of Tommie Eugene Milstid and in no other capacity, and as a part of the consideration for that certain settlement agreement entered into between me, in my capacity as such trustee, and the First National Bank of Atmore, a National Banking Association which is on file in the United States District Court for the Southern District of the Southern Division of Alabama in the matter of Tommie Eugene Milstid, in Bankruptcy No. 9733, and an executed copy of which agreement is hereto attached and marked "Exhibit A" and hereby made a part hereof the same as if it were fully and completely set out herein, do hereby RELEASE, ACQUIT and forever DISCHARGE the said First National Bank of Atmore, a National Banking Association, its officers, agents or employees and J. M. Jones and T. C. Hurd, of and from any liability to the said Tommie Eugene Milstid or his said bankruptcy estate, in connection with the repossession of the following described chattels, viz:

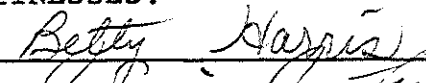
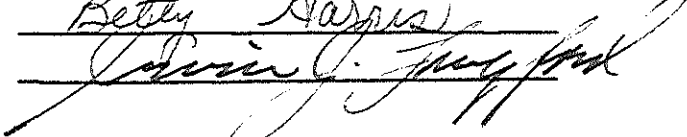
Champion Potato Digger  
H Farmall Tractor  
M Farmall Tractor  
No. 25 International Potato Planter  
International Combine No. 30808

on or about October 2, 1956, in Baldwin County, Alabama, under detinue suit filed in the Circuit Court of Baldwin County, Alabama, on or about October 1, 1956, said suit being styled First National Bank of Atmore vs. Tommie Eugene Milstid, et. al., and being Case No. 3047 on the docket of the Circuit Court of Baldwin County, Alabama, at law.

IN WITNESS WHEREOF, I, the said D. S. Pennington, Jr. as trustee in Bankruptcy of Tommie Eugene Milstid and in no other capacity, have hereunto set my hand and seal on this the 4th day of March, 1957.

 (SEAL)  
As Trustee in Bankruptcy of  
Tommie Eugene Milstid.

WITNESSES:

STATE OF ALABAMA     )

COUNTY OF MOBILE     )

THIS AGREEMENT made and entered into by and between D. S. Pennington, Jr., the duly qualified and acting trustee of the estate of Tommie Eugene Milstid, a bankrupt, in Bankruptcy, Cause No. 9691, in the District Court of the United States for the Southern Division of the Southern District of Alabama, hereinafter for convenience called the "TRUSTEE", and the First National Bank of Atmore, a National Banking Association, claimant in said cause, hereinafter for convenience called "BANK".

W I T N E S S E T H :

THAT WHEREAS, the BANK has filed a petition in said bankruptcy proceedings against the said Tommie Eugene Milstid seeking permission from this Honorable Court to proceed in the State Court with a suit to secure possession of certain chattels and livestock held by TRUSTEE as described in that certain mortgage held by the BANK, and hereinafter more particularly described, and to foreclose a second mortgage on that certain real property hereinafter described, and

WHEREAS, the TRUSTEE has ascertained that the Bankrupt is indebted to BANK in the principal sum of \$10,850.00 plus interest by virtue of a loan secured by a note and mortgage executed by the Bankrupt to the BANK on October 28, 1955, which said mortgage was duly recorded in Baldwin County, Alabama, on October 31, 1955, in Mortgage Book 258 Page 28 of the records of the office of the Judge of Probate of Baldwin County, Alabama, and

WHEREAS, the TRUSTEE has examined said mortgage and same appears to be duly and properly executed and acknowledged, and

WHEREAS, it appears that the said mortgage is in default; and

WHEREAS, said mortgage covers the following described personal property, viz:

Champion Potato Digger	\$45.00
H Farmall Tractor	250.00

M Farmall Tractor	750.00
No. 25 International Potato Planter	300.00
International Combine No. 30808	300.00

and the following described real property in Baldwin County,  
State of Alabama, viz:

Southwest Quarter ( $\frac{1}{4}$ ), except East Half ( $\frac{1}{2}$ )  
of Northeast Quarter ( $\frac{1}{4}$ ) of Southwest  
Quarter ( $\frac{1}{4}$ ) of Section 24, Township 1 North, Range 4 East,  
containing 140 acres.

AND, WHEREAS, it is further provided in the said mortgage that  
as to such real estate, it is subject to a first mortgage on said  
above described land held by the Baldwin County Savings and Loan  
Association, which said mortgage is duly recorded in the records  
in the office of the Judge of Probate in Baldwin County, Alabama, and

WHEREAS, the said TRUSTEE has also ascertained that the mortgage  
of the Baldwin County Savings and Loan Association is in default  
and that there is a principal balance due and owing on that  
mortgage in the amount of \$8,300.00, and

WHEREAS, an appraisal of said real property was made and filed  
in this cause showing said property together with the improvements  
thereon to be worth \$17,470.00, and

WHEREAS, Bankrupt has claimed that any equity owned by him  
in said real property as exempt, and

WHEREAS, it appears to your TRUSTEE that said bankrupt  
estate has no interest in said real property; and

WHEREAS, Your TRUSTEE has taken into his possession the  
following described chattels which are described in the said chattel  
mortgage of the said First National Bank of Atmore, viz:

Champion Potato Digger	45.00
M Farmall Tractor	250.00
M Farmall Tractor	750.00
No. 25 International Potato Planter	300.00
International Combine No. 30808	300.00

which said items were valued by the said appraiser at the amount set  
out hereinabove beside each of the said items, and

WHEREAS, in addition to the above described items your  
TRUSTEE has taken into his possession the following livestock;

5 White faced heifers, 400 lbs. valued at \$52.50 each  
1 White face heifer, 200 lbs. valued at \$30.00  
2 White faced bull yearlings, 300 lbs. valued at \$37.50 each  
5 grown cows, 700 lbs., valued at \$67.50 each; and

WHEREAS, in the said mortgage held by the said BANK there is described seventeen head of mature cows and increase belonging to Tommie Eugene Milstid;

NOW, THEREFORE, in consideration of the premises, the parties hereto agree as follows: 1. The TRUSTEE disclaims any interest in the following described personal property held by TRUSTEE and described in said Mortgage held by BANK, viz:

Champion Potato Digger  
H Farmall Tractor  
M Farmall Tractor  
No. 25 International Potato Planter  
International Combine No. 30808

and agrees to deliver said property to the BANK and to release the BANK and its trustees from any liability under any bonds posted by it in connection with state court proceeding and the said BANK agrees to give a credit on its said note and mortgage for the amount realized from the sale of same. 2. BANK agrees to disclaim any interest in any of the said cows described hereinabove. 3. TRUSTEE disclaims any interest in and to the said real property hereinabove described on which the said BANK holds a mortgage subject to the mortgage of Baldwin County Savings and Loan Association and which is hereinabove described, and agrees that the court might enter an order giving BANK permission to foreclose the same. 4. The TRUSTEE further agrees that the BANK may file unsecured claim for any deficiency owing on its indebtedness.

IN WITNESS WHEREOF, the parties hereto have executed these presents under their seals this the 22<sup>nd</sup> day of February, 1957.

ATTEST:

1. [Signature]  
AS R. P. [Signature]

TRUSTEE

FIRST NATIONAL BANK OF ATMORE

BY:

As [Signature]

Executed this October 9, 1956 by serving a copy of the within detinue on Tommy Eugene Milstid, Arva Ruth Milstid, Maggie Lee Milstid and Edward Milstid, and by attaching the following property:

One Farmall Model M. farm tractor, Serial #FBK 284827X1  
Two Flat bottom plow  
Three Cultivators  
One Fertilizer-Planter Attachment, 2 row *Potatoes*  
One disc harrow  
One Model H. Farmall farm tractor Serial #RHB 162931  
One Model 64 International Combine serial #30808  
One potato digger  
One Model M IHC Farmall Farm tractor, Serial # FBH-61236  
Two 4-wheel trailers  
15 heads of cows  
7 Hogs

This property is stored at Clyde Parker's Home in Perdido, Alabama. *at a parage in abnuy and*

*Green Jordan farm.*

*Bond was not made by defendant or Plaintiff and property was returned to Defendant at the end of 10 days*

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon TOMMY EUGENE MILSTID, ARVA RUTH MILSTID, MAGGIE LEE MILSTID and EDWARD 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 same, then and there to answer the complaint of the FIRST NATIONAL BANK OF ATMORE, a corporation.

Witness my hand this 4 day of October, 1956.

Archie J. Leuck  
Clerk

FIRST NATIONAL BANK OF  
ATMORE, a corporation,

PLAINTIFF

VS

TOMMY EUGENE MILSTID, ARVA RUTH  
MILSTID, MAGGIE LEE MILSTID,  
AND EDWARD MILSTID,

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
AT LAW  
CASE NO. \_\_\_\_\_

1.

The Plaintiff claims of the Defendants the following property, to-wit:

One Farmall Model M. farm tractor, Serial #FBK 284827X1 with one flat bottom plow, cultivator, fertilizer-planter attachment, disc harrow; One Model H. Farmall farm tractor Serial # RHB 162931, with Model 64 International Combine, Serial #30808, two cultivators, planter-fertilizer attachments; two 16 inch flat bottom plows, disc harrow, cultivator; One Model H. Farmall farm tractor, Serial FBH 142179, with planter-fertilizer attachments, cultivator, flat bottom plow; one potato planter, one potato digger, one No. 8 corn snapper; one Model M IHC Farmall Farm tractor, Serial # FBH-61236, and IHC M Cultivator, 2 4-wheel trailers; one Farmall farm tractor Serial # 109227 and one H-14 cotton picker 1123 M; 15 head of mature cows and increase, belonging to Maggie Lee Milstid; 4 head of mature cows and increase belonging to Edward Milstid; 17 head of mature cows and increase belonging to Eugene Milstid; 40 head of marketable hogs and increase, together with all other livestock owned by Tommie Eugene Milstid, Arva Ruth Milstid, Maggie Lee Milstid and Edward Milstid or any of them; and 40 bags of seed soy beans stored at Stallworth place,

With the value of the use and hire thereof during the detention, to-wit:  
from October 2nd, 1956.

Robert H. Maxwell

BY: Salter M Brantley

Wilters & Brantley

BY: Salter M Brantley

Attorneys for the Plaintiff



THE STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Circuit Clerk in and for said County,  
personally appeared Tolbert M. Brantley, who having been by me duly sworn,  
deposeth and say that the following property, to-wit:

One Farmall Model M. farm tractor, Serial #FBK 284827X1 with  
one flat bottom plow, cultivator, fertilizer-planter attachment,  
disc harrow; One Model H Farmall farm tractor Serial # RHB  
162931, with Model 64 International Combine, Serial # 30808,  
two cultivators, planter-fertilizer attachments; two 16 inch  
flat bottom plows, disc harrow, cultivator; one Model H. Farmall  
farm tractor, Serial FBH 142179, with planter-fertilizer attach-  
ments, cultivator, flat bottom plow; one potato planter, one  
potato digger, one No. 8 corn snapper; one Model M IHC Farmall  
farm tractor, Serial # FBH-61236 and IHC M cultivator, 2 4-wheel  
trailers; One Farmall farm tractor Serial # 109227 and one H-14  
cotton picker 1123 M; 15 head of mature cows and increas, belonging  
to Maggie Lee Milstid; 4 head of mature cows and increase belonging  
to Edward Milstid; 17 head of mature cows and increase belonging  
to Eugene Milstid; 40 head of marketable hogs and increase,  
together with all other livestock owned by Tommie Eugene Milstid,  
Arva Ruth Milstid, Maggie Lee Milstid, and Edward Milstid, or any  
of them; and 40 bags of seed soy beans stored at Stallworth place,

for the recovery of which First National Bank of Atmore has instituted this  
suit this day in the Circuit Court of Baldwin County against Tommie Eugene  
Milstid, Arva Ruth Milstid, Maggie Lee Milstid and Edward Milstid, is the  
property of First National Bank of Atmore.

Tolbert M. Brantley

Sworn to and subscribed before me this 4 day of October, 1956.

Alice J. Duck  
Clerk.

# The State of Alabama

BALDWIN  
Escambia County

## CIRCUIT COURT

Know All Men by these Presents, That we THE FIRST NATIONAL BANK OF ATMORE;

J. M. JONES; and T. C. HURD,

are held and firmly bound unto TOMMIE EUGENE MILSTID, ARVA RUTH MILSTID, MAGGIE LEE MILSTID and EDWARD MILSTID

in the sum of FIVE HUNDRED AND NO/100 DOLLARS,

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 this 2nd day of October 19 56.

The condition of the above obligation is such, that whereas the above bound

THE FIRST NATIONAL BANK OF ATMORE

has this day commenced its suit in the Circuit Court of Baldwin ~~Escambia~~ County against the said

for the recovery

of the following property, to-wit: One Farmall Model M farm tractor, Serial #FBK 284827X1 with one flat bottom plow, cultivator, fertilizer-planter attachment, disc harrow; One Model H Farmall farm tractor Serial # FBH 162931, with Model 64 International Combine, Serial #30808, two cultivators, planter-fertilizer attachments; two 16 inch flat bottom plows, disc harrow, cultivator; one Model H Farmall farm tractor, Serial FBH 142179, with planter-fertilizer attachments, cultivator, flat bottom plow; one potato planter, one potato digger, one No. 8 corn snapper; one Model M IHC Farmall Farm tractor, Serial # FBH-61236 and IHC M cultivator, 2 4-wheel trailers; one Farmall farm tractor Serial #109227 and one H-14 cotton picker 1123 M; 15 head of mature cows and increase, belonging to Maggie Lee Milstid; 4 head of mature cows and increase belonging to Edward Milstid; 17 head of mature cows and increase belonging to Eugene Milstid; 40 head of marketable hogs and increase, together with all other livestock owned by Tommie Eugene Milstid, Arva Ruth Milstid, Maggie Lee Milstid, and Edward Milstid or any of them; and 40 bags of seed soy beans stored at Stallworth place

and having made affidavit that the property sued for belongs to it and entering into this bond, has obtained an order requiring any Sheriff of the State aforesaid to take the said property sued for into his possession.

Now, if the said THE FIRST NATIONAL BANK OF ATMORE shall fail in said suit, and pay the Defendant all such costs and damages as he may sustain by the wrongful complaint, then this obligation to be void, otherwise to remain in full force and effect.

And for the payment of the above bond, we hereby waive our right of exemption to personal property under the Constitution and Laws of the State of Alabama.

The First National Bank of Atmore,

Approved this 4 day of

By Pres.

(L. S.)

19 56

(L. S.)

(L. S.)

(L. S.)

Clerk