

STATE OF ALABAMA )  
BALDWIN COUNTY )

3437

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ellis A. Wayand to appear and answer, plead or demur, within thirty days from the service hereof, to a Bill of Complaint filed against him in Circuit Court, at Law, for said State and County by H. C. Jordan and Mary R. Jordan.

Herein fail not. Due return make of this writ as the law directs.

Witness my hand this the 3 day of January, 1958.

  
CLERK OF COURT

H. C. JORDAN AND MARY R.  
JORDAN,

Plaintiffs

versus

ELLIS A. WAYAND,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiffs claim of the Defendant the sum of \$1,050.00 for the rent of the demise described as follows:

Begin at center of Sec. 30, T6S, R2E, run East 1050.7 feet; thence South 296 feet; thence East 296 feet; thence North 296 feet; thence East 671.8 feet; thence South 2646.2 feet; thence West 671 feet; thence North 418 feet; thence West 627 feet; thence South 418 feet; thence West 420.5 feet; thence North 296 feet; thence West 296 feet; thence North 1614.7 feet to point of beginning, being in SE $\frac{1}{4}$  of Sec. 30, T6S, R2E, and containing 110 acres, more or less.

demised by the Plaintiffs to the Defendant on the first day of December, 1956 and ending on the 31st day of December, 1957, and the Plaintiffs aver that the Defendant paid the rent due for the months of December, 1956, January, 1957 and one-half of the rent due for the month of February, 1957, but failed to pay the rent due for the balance of the months through December 31st, 1957, inclusive.

COUNT TWO:

The Plaintiffs claim of the Defendant the sum of \$1,050.00 for the rent of the demise as follows:

Begin at the center of Section 30, T6S, R2E, run East 1050.7 feet; thence South 296 feet; thence East 296 feet; thence North 296 feet; thence East 671.8 feet; thence South 2646.2 feet; thence West 671 feet; thence North 418 feet; thence West 627 feet; thence South 418 feet; thence West 420.5 feet; thence North 296 feet; thence West 296 feet; thence North 1614.7 feet to point of beginning, being in SE $\frac{1}{4}$  of Sec. 30, T6S, R2E and containing 110 acres, more or less.

demised by the Plaintiffs to the Defendant on the 1st day of December, 1956 and ending on the 31st day of December, 1957. Plaintiffs further claim of the Defendant the sum of \$157.00 attorney fees due and payable by the terms of the demise agreement between Plaintiffs and Defendant, wherein the Defendant agreed to pay a reasonable attorney's fee as a part of the expenses of collecting the amount due under said demise agreement and Plaintiffs aver that \$157.00 is a reasonable attorney's

fee. Plaintiffs further aver that by the terms of said demise agree-  
ment the Defendant waived all exemptions secured under the laws of the  
State of Alabama as against the collection of any debt incurred by the  
demise agreement.

*Filed Jan. 3, 1958*

*Executed Jan. 21, 1958*

*Ernest H. Bailey*  
ATTORNEY FOR PLAINTIFF

State of Alabama  
BALDWIN COUNTY

TO Ellis Wayand, Defendant.....

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

H. C. Jordan and Mary E. Jordan, Plaintiff.....

versus Ellis Wayand, Defendant.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

Woodhaven Dairy, Inc.

ha..... been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 2nd.....

day of January, 1945.....

*Deirdre J. Smith*  
Clerk of the Circuit Court.

**THE STATE OF ALABAMA,** {  
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

January TERM, 194<sup>58</sup>

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

WHEREAS, At a regular January Term, 194<sup>58</sup> of the Circuit Court of Baldwin County,  
to-wit: On the 2nd day of January, 194<sup>58</sup>, being a regular day of  
said term, H. C. Jordan and Mary R. Jordan

recovered judgment against

Ellis A. Wayandfor the sum of \$1,081. 28 Dollars, and cost of suit,

and affidavit having been made by Ernest M. Bailey Attorney  
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the  
following named persons or corporations, viz:

Woodhaven Dairy, Inc

has or is believed to have in its possession, or under its control money  
or effects belonging to said defendant Ellis Wayand or that it is, or  
is believed to be indebted to said defendant Wayand or to be liable to them, or to one of them 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

Woodhaven Dairy Inc.

to be and appear before the honorable the Circuit Court for Baldwin County, at the Court House thereof, in  
the city of Bay Minette, on the Thirty days from service Monday in January A. D. 194<sup>58</sup>,  
then and there within the three first days of the term, 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 serv-  
ing the garnishment and making the answer it was it indebted to said defendant  
Wayand and whether it will not be indebted in future to said defendant  
Wayand by a contract then existing, and whether by a contract then existing it  
is, or are, liable to said defendants 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  
whether it has not in its possession or under its control money or  
effects belonging to the defendant Ellis Wayand

Herein fail not, and have you then and there this Writ.

Witness, R. S. DUCK, Clerk of said Court, this 2nd day of JanuaryA. D., 194<sup>58</sup> ISSUED 2nd day of January A. D. 194<sup>58</sup>

ATTEST:

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R. S. Duck Clerk.

H. C. JORDAN and  
MARY R. JORDAN,

Plaintiffs

versus

ELLIS A. WAYAND,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Comes the Plaintiffs in the above styled cause and amends  
Count One of the Bill of Complaint heretofore filed in this cause to  
read as follows:

COUNT ONE:

The Plaintiffs claim of the Defendant the sum of \$1,550.00 for  
the rent of the demise described as follows:

Begin at center of Sec. 30, T6S, R2E, run East 1050.7 feet;  
thence South 296 feet; thence East 296 feet; thence North  
296 feet; thence East 671.8 feet; thence South 2646.2 feet;  
thence West 671 feet; thence North 418 feet; thence West 627  
feet; thence South 418 feet; thence West 420.5 feet; thence  
North 296 feet; thence West 296 feet; thence North 1614.7  
feet to point of beginning, being in SE $\frac{1}{4}$  of Sec. 30, T6S,  
R2E and containing 110 acres, more or less.

demised by the Plaintiffs to the Defendant on the first day of Decem-  
ber, 1956 and ending on the 31st day of July, 1958, and the Plaintiffs  
aver that the Defendant paid the rent due for the months of December,  
1956, January, 1957, and one-half of the rent due for the month of  
February, 1957, but failed to pay the rent due for the balance of the  
months through July 31, 1958, inclusive, and which rent was payable  
in advance on the first day of each month.

*Filed July 29, 1958*  
*Alice J. Luck*  
*clerk*

*James M. Bailey*  
ATTORNEY FOR PLAINTIFFS