

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. L. BOYINGTON, to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against H. L. BOYINGTON, as Defendant, by JIM HINOTE d/b/a TRAILWAY SERVICE STATION, Plaintiff.

WITNESS my hand this 31 day of July, 1958.

*[Signature]*  
CLERK.

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JIM HINOTE d/b/a Trailway Service Station,	*	
	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	
	*	BALDWIN COUNTY, ALABAMA.
VS	*	
	*	AT LAW.
H. L. BOYINGTON	*	
	*	CASE NO. <u>3631</u>
DEFENDANT	*	
	*	
VS	*	
	*	
RICHTON TIE AND TIMBER COMPANY, MAGAZINE, ALABAMA,	*	
	*	
GARNISHEE	*	
	*	

1.

The Plaintiff claims of the Defendant Three Hundred Twenty-seven & 30/100 (\$327.30) Dollars due from him by account on to-wit the 22nd day of June, 1957, for merchandise, goods and chattels sold by the Plaintiff to the Defendant on to-wit June 22, 1957, which sum of money with interest thereon is still unpaid.

2.

The Plaintiff claims of the Defendant One Hundred Eight & 70/100 (\$108.70) Dollars due from him by account on to-wit the 6th day of April, 1958, for merchandise, goods and chattels sold by the Plaintiff to the Defendant on to-wit April, 6, 1958, which sum of money with interest thereon is still unpaid.

THOMPSON & WHITE

BY: *[Signature]*  
Attorneys for Plaintiff.

NOTICE:  
STATE OF ALABAMA  
BALDWIN COUNTY

TO H. L. BOYINGTON, DEFENDANT:

You are hereby notified that a Writ of Garnishment has been issued in the case of Jim Hinote d/b/a Trailway Service Station, Plaintiff vs H. L. Boyington, Defendant, now pending in the Circuit Court of Baldwin County,

Alabama, Law Side, in which Richton Tie and Timber Company, Magazine, Alabama has been named as Garnishee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 31 day of July, 1958.

*Ex parte*

*Aug 2, 1958*

*Reuben L. Hester*  
Clerk of the Circuit Court.

GARNISHMENT ON SUMMONS

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

Whereas, Jim Hinote d/b/a Trailway Service Station

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said

County, against H. L. Boyington

for the sum of Four Hundred Thirty-six (\$436.00) - - Dollars and whereas, the said

Jim Hinote d/b/a Trailway Service Station

has entered into bond, and made affidavit as required by law that the said

H. L. Boyington

is indebted to him in the sum of Four Hundred Thirty-six (\$436.00)

Dollars, and that process of garnishment is believed to be necessary to obtain satisfaction of such judgment

as may be recovered by Plaintiff, and that Richton Tie and Timber Company, Magazine,  
Alabama

is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said Richton Tie and Timber

Company, Magazine, Alabama

to be and appear at the next term of the Circuit Court, to

be holden for the County of Baldwin, on \_\_\_\_\_ 19\_\_\_\_,  
then and there to answer, upon oath, whether, at the time of the service of this garnishment, or at the  
time of making your answer, or at any time intervening between the time of serving the garnishment and  
making the answer, you were indebted to the defendant, and whether, you will not be indebted to him in  
the future by a contract then existing, and whether by a contract then existing, you are liable to him 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 you have not in your possession  
or under your control money or effects belonging to the defendant.

Witness my hand this 31 day of July, 1958

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Arice J. Wark

Clerk.

BOND

THE STATE OF ALABAMA  
Baldwin County.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Jim Hinote and

are held and firmly bound unto H. L. Boyington

in the sum of Eight Hundred Seventy-two & no/100 (\$872.00) - - - - - DOLLARS,  
to be paid to the said H. L. Boyington

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, severally and firmly by these Presents.

Sealed with our seals, and dated this ..... day of July 19 58

THE CONDITION OF THE ABOVE OBLIGATION IN SUCH, That whereas, the above bound .....

Jim Hinote

has ..... commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said H. L. Boyington

the sum of Four Hundred Thirty-six & no/100 (\$436.00) - - - - - Dollars,

and has ..... on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to .....

Richton Tie and Timber Company, Magazine, Alabama

summoning X them to answer what they are indebted to said Defendant, or what effects of said Defendant they have in they possession, or under their control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiff ..... shall prosecute the Garnishment to effect, and pay the Defendant all such 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.

AND WE, and each of us, hereby waive all rights of claim of exemption we, or either of us have now, or may hereafter have, under the Constitution and Laws of Alabama, and we hereby severally certify that we have property free from all incumbrance, to the full amount of the above bond.

Jim Hinote (Seal)  
R. L. Ingram (Seal)  
W. B. Melton (Seal)

Approved this 31 day of July A. D., 19 58

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Herby J. Leuck Clerk.

JIM HINOTE, d/b/a	⌘	IN THE CIRCUIT COURT OF
TRAILWAY SERVICE STATION,	⌘	
	⌘	BALDWIN COUNTY, ALABAMA.
Plaintiff,	⌘	
vs.	⌘	CASE NO. 3631
H. L. BOYINGTON,	⌘	
	⌘	
Defendant,	⌘	
RICHTON TIE AND TIMBER	⌘	
COMPANY,	⌘	
	⌘	
Garnishee.	⌘	

STATE OF ALABAMA ⌘  
COUNTY OF MOBILE ⌘

ANSWER OF GARNISHEE

Now comes Richton Tie and Timber Company, a corporation, Garnishee in the above styled cause, by its undersigned agent, who deposes and says that he is the duly authorized agent of said Garnishee to make this answer; that he has knowledge of the facts herein, and says in answer to the writ served on the Garnishee herein:

That at the time the Garnishee was served with garnishment and summons, the Garnishee was indebted to the defendant in the sum of ONE HUNDRED EIGHTEEN AND 75/100 (\$118.75) DOLLARS, and since said service, Garnishee has not become indebted to the defendant in any further amount, all the above is due for payment for pulpwood purchased by the Garnishee from the defendant; that Garnishee was not at the time of service of said writ, is not, and will not in the future, by contract then or now existing, be indebted to defendant in any other sum than as above stated, unless defendant continues to haul and sell pulpwood to the Garnishee, in which event Garnishee will become indebted to the defendant for all such future sales; that said Garnishee was not liable to defendant under any contract with defendant existing at the time of service of said writ, except as indicated herein, for the delivery of personal property, or for the payment of money which may be discharged by the delivery

by the delivery of personal property, or which is payable in personal property; and that said Garnishee has not in its possession nor under its control any money or affects belonging to the defendant other than as above stated and that affiant is informed and believes, and upon such information and belief, states that the defendant is a resident of Alabama.


Garnishee has retained twenty-five per cent (25%) of the amount due the defendant for the sale of pulpwood, as afore-shown, being TWENTY-NINE and 69/100 (\$29.69) DOLLARS.

Garnishee has retained twenty-five per cent (25%) of the amount due the defendant for the sale of pulpwood as afore-shown and will continue to retain twenty-five per cent (25%) of any amount owed the defendant for the sale of pulpwood during the period of the time that the defendant is selling pulpwood to the Garnishee and will not later than fifteen (15) days after the defendant ceases to sell pulpwood to the Garnishee or when a sum equal to FOUR HUNDRED THIRTY-SIX AND NO/100 (\$436.00) DOLLARS, plus court costs, the amount of the claim of the plaintiff against the defendant, has been retained by Garnishee from such monies owed by the Garnishee to the defendant for the purchase of pulpwood, make a further answer in this proceeding.

DATED at Mobile, Alabama, this 8th day of August, 1958.

RIGHTON TIE AND TIMBER  
COMPANY, a corporation,

By

  
Its Vice-President

Subscribed and sworn to before  
me this 8th day of August, 1958.

  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

*Filed Aug 9, 1958*  
*Alice J. Luck. clerk*

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JIM HINOTE, d/b/a Trailway  
Service Station, )

Plaintiff, )

VS. )

H. L. BOYINGTON, )

Defendant, )

RIGHTON TIE AND TIMBER  
COMPANY, MAGAZINE, ALABAMA, )

Garnishee. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 3631

PLEAS

Now comes the defendant and for pleas to the complaint assigns, separately and severally, the following:

1. The defendant, for answer to each count of the complaint, separately and severally, saith that the allegations of the complaint are untrue.

2. The defendant, for answer to the complaint, saith that he is not guilty of the matters alleged therein.

3. The defendant, for answer to Count 1 of the said complaint, saith that he has paid the debt, for the recovery of which this suit was brought, before the action was commenced.

Attorney for defendant

Defendant demands a trial of said  
cause by jury.

J. B. Blackburn  
Attorney for defendant

*Filed Aug. 29, 1955*  
*Alice J. Black*

