

J. C. McDAVID,
Plaintiff
vs.
JOHN T. PAYNE,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3654.

The plaintiff claims of the defendant the sum of \$501.00, the balance due on a promissory note made by him on the 26th day of March, 1958, and payable in 24 installments of \$23.40, beginning the 25th day of April, 1958, payable at the First National Bank of Bay Minette, Alabama, together with interest thereon from date.

Plaintiff further claims that in and by the terms of said note, the defendant waived all rights of homestead and exemption under the laws of the State of Alabama, and plaintiff claims the benefit of said waiver.

Plaintiff further alleges that in and by the terms of said note, the defendant agreed to pay all costs of collecting the same, and the plaintiff claims the further and additional sum of \$75.00 as a reasonable attorney's fee in the premises, as said fee is so provided in said note.


Attorney for Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW. NO. 3654

Received 15 day of Sept 1958
and on 18 day of Sept 1958
I served a copy of the within A & C
on John T. Payne

By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Selbert D. S.
Stockton

Sheriff claims 22 miles at
Ten Cents per mile Total \$ 2.20
TAYLOR WILKINS, Sheriff
BY Selbert
DEPUTY SHERIFF

J. C. McDAVID,
Plaintiff
vs.
JOHN T. PAYNE,
Defendant

SUMMONS AND COMPLAINT

FILED
SEP 15 1958
ALICE J. DUCK, CLERK
REGISTER

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

*Defendant lives at
Stockton, Ala*

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

Whereas, J. C. McDavid

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said County, against John T. Payne

for the sum of Five hundred and one and no/100 Dollars and whereas, the said J. C. McDavid

has entered into bond, and made affidavit by law that the said John T. Payne

is indebted to him in the sum of Five hundred and one and no/100

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 Bacon-McMillan Veneer Manuf. Co.

_____ is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said Bacon-McMillan Veneer Manuf. Co.

_____ to be and appear at the next term of the Circuit Court, to within thirty days hereof

be holden for the County of Baldwin, on _____, 1958 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 15 day of Sept., 1958.

Alice J. [Signature]
Clerk.

State of Alabama
BALDWIN COUNTY

TO John T. Payne , Defendant.....:

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

J. C. McDavid , Plaintiff.....

versus John T. Payne , Defendant.....

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

Bacon-McMillan Veneer Manuf. Co.

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the..... 15.....

day of September....., 194 58.

Cliff J. Duck
Clerk of the Circuit Court.

Vertical text on the right side of the page, including "NOTICE" and "CLERK OF CIRCUIT COURT".

BOND

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT.

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, J. C. McDavid

are held and firmly bound unto John T. Payne

in the sum of One thousand and two and no/100-----DOLLARS,

to be paid to the said John T. Payne

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 10 day of Sept, 19 58.

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

J. C. McDavid

has commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said John T. Payne

the sum of Five hundred and one and no/100-----Dollars,

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

Bacon-McMillan Veneer Manf. Co.

summoning ~~him~~ it to answer what it is indebted to said Defendant, or what effects of said Defendant it has in its possession, or under its 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.

J. C. McDavid (Seal)
Ray C. Stephens (Seal)
Julian C. Page Jr. (Seal)

Approved this 15 day of Sept A. D., 19 58

W. J. [Signature] Clerk

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No.

Fall

TERM, 19 58

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon John T. Payne

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 _____

John T. Payne

, Defendant

by J. C. McDavid

_____, Plaintiff.....

Witness my hand this 15 day of September 19. 58.

Sept. 15, 1958

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Alice J. French

Clerk