

ROBERT LEE PHILYAW, as the
next friend of Jesse Philyaw,
and Infant,

Plaintiff

VS

FRED NEUMILLER

Defendant

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 4023

.-.-.-.-.

Comes now the Defendant in the above styled cause and answers to the Plaintiff's complaint and says:

1. Not guilty.
2. That Plaintiff, was not employed by the Defendant at the time of the alleged accident.
3. That Plaintiff was never employed by the Defendant at any time.
4. That the said Jesse Philyaw was never employed by Defendant, his agent, servants or employees.
5. If the said Jesse Philyaw was employed by the Defendant, the alleged injuries suffered by the said Jesse Philyaw were a direct result of an accident arising out of and in the course of his employment with the Defendant.
6. If the said Jesse Philyaw was employed by the Defendant, the alleged injuries suffered by the said Jesse Philyaw were a direct result of an accident arising out and in the course of his employment with the Defendant and governed by Title 26, Section 253 Alabama Code of 1940 as amended.
7. If the said Jesse Philyaw was employed by the Defendant, the alleged injuries suffered by Plaintiff, Jesse Philyaw, fall under and are governed by provision of the Workmen Compensation laws of Alabama by the statute made and provides, Title 26, Section 253 Alabama Code of 1940 et. seq.
8. That the injury to Jesse Philyaw is the direct and proximate result of Robert Lee Philyaw's attempting to treat his son's injury.

9. That the permanent injury to Jesse Philyaw is the direct and proximate result of treatment of the hand by Robert Lee Philyaw.

10. That the alleged agent, servant or employee of Defendant who is alleged to have "told young Philyaw to get down and pull some trash out from under said grader" exceeded his authority in so doing and had no authority to do so which the allegedly injured person knew or had reason to know.

W. L. Hays
Attorney for Defendant

FILED
SEP 5 1962
ALICE L. DUCK, CLERK
REGISTER

ROBERT LEE PHILYAW, as the
next friend of Jesse Philyaw,
an Infant,

Plaintiff

VS

FRED NEUMILLER

Defendant

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

•-•-•-

Comes now the Defendant in the above styled cause and
answers to the Plaintiff's complaint says:

1. Not guilty.
2. That Plaintiff, Jesse Philyaw, was not employed by
the Defendant at the time of the alleged accident.
3. That Plaintiff was never employed by the Defendant
at any time.
4. That the said Jesse Philyaw was never employed by
Defendant, his agent, servants or employees.

And now Defendant, for further answer to the said
Complaint says as follows:

5. If the said Jesse Philyaw was employed by the
Defendant, the alleged injuries suffered by the said Jesse
Philyaw were a direct result of an accident arising out of
and in the course of his employment with the Defendant.
6. If the said Jesse Philyaw was employed by the
Defendant, the alleged injuries suffered by the said Jesse
Philyaw were a direct result of an accident arising out and
in the course of his employment with the Defendant and governed
by Title 26, Section 253 Alabama Code of 1940 as amended.
7. If the said Jesse Philyaw was employed by the
Defendant, the alleged injuries suffered by Plaintiff, Jesse
Philyaw fall under and are governed by provision of the Work-
mens Compensation laws of Alabama by the statute made and pro-
vides, Title 26, Section 253 Alabama Code of 1940 et. seq.

8. That the injury to Plaintiff is the direct and proximate result of Plaintiff's father attempting to treat his son's injury.

W. H. Hay

Attorney for Defendant

FILED

AUG 10 1962

ALICE J. DUCK, CLERK
REGISTER

ATTACHMENT NOTICE

The State of Alabama, }
Baldwin County

No. 4023

CIRCUIT COURT

Term, 19

Robert Lee Philyaw as the next friend of

Jesse Philyaw, an infant

PLAINTIFFS

vs.

ATTACHMENT

Fred Neumiller

Fred Neumiller

DEFENDANTS

WHEREAS Robert Lee Philyaw as the next friend of Jesse Philyaw, an infant
as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 23
day of October 1961, against the estate of the said defendant
Fred Neumiller

which Attachment has been levied upon the following described

as the property of the said defendant, to-wit:

Lots 16-17-18 Block 5 and North 20 ft. Lot 0 Block 8 Dinwiddies Addition
Loxley. Shed 20X40, Office Building 20X30.

and whereas, it appears that the said Fred Neumiller

Defendant as aforesaid is a non-resident of the State of Alabama and his place of residence
and post office address cannot be ascertained after diligent search & inquiry.

NOW, THEREFORE, the said Fred Neumiller
wherever he may reside is hereby notified of the levy and pendency of said Attachment.

Witness hand, this 27 day of November, 1961

Alice J. Duck, Clerk

No _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT

Plaintiffs

vs.

Defendants

NOTICE TO NON-RESIDENTS
OF ATTACHMENT

Issued _____, 19 _____

Clerk.

THE STATE OF ALABAMA,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Reuben F. McKinley

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
Fred Neumiller, a Non resident

is justly indebted to the Plaintiff Robert Lee Philyaw as the next friend of
Jesse Philyaw, an infant

in the sum of One hundred thousand Dollars, and
~~Reuben F. McKinley, his Attorney~~ having made affidavit ~~and given bond~~
as required by law, in such cases, you are hereby commanded to attach so much of the estate of
Fred Neumiller

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to futher proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on _____ Monday of _____ 19 _____
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 23 day of Oct A. D., 1961

Alice J. Duck Clerk.

Executed Oct. 25, 1961 by attaching
Lots 16-17-18 Block 5 and North 20
ft. Lot 0 Block 8 Dinwiddies Addition
Loxley. Shed 20X40, Office Building
20X30.

Notice of Levy was filed in Office of
Probate and Notice of Levy has been
posted at the Courthouse Door.
The Defendant being a non-resident
has not been served.

Cost of Notice of Levy \$.50

Dayton Williams

No. 4023.

ATTACHMENT

Robert Lee Phrygaw

Vs. } ATTACHMENT

Fred Kemmiller

Issued....., 19.....

Moore Printing Co.,

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, _____

_____, of the County of Baldwin _____

are held and firmly bound unto _____

in the sum of _____ Dollars, to

be paid to the said _____
heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind our-
selves 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 _____ day of _____, 19 ____

The Condition of this Obligation is such:

That whereas, the above bounden _____

_____ ha____, on the day of the date

hereof, prayed an Attachment at the suit of _____

_____ against the estate of above named

for the sum of _____ Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said _____

should prosecute said Attachment to effect, and pay the said Defendant all such damages as _____
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 date above written.

_____(Seal)
_____(Seal)
_____(Seal)
_____(Seal)

Approved, this _____ day of _____, 19 ____

_____, Clerk

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, Alice J. Duck

in and for said County, personally appeared Reuben F. McKinley

who, being duly sworn, on oath saith that Fred Neumiller

is

justly indebted to

Robert Lee Philyaw as the next friend of Jesse Philyaw, an infant

in the sum of ~~damages yet to be ascertained~~ 100,000 Dollars,

which said amount is justly due after allowing all just offsets and discounts, and that the said Fred

Neumiller is a non resident

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

Reuben F. McKinley

Subscribed and sworn to before me this 23 day of Oct, 1961

Alice J. Duck

No. 4043 Page _____

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT
At Bay Minette, Ala.

TO _____

ATTACHMENT BOND AND AFFIDAVIT

Filed this the _____ day
of _____, 19 _____

_____, Clerk

_____, Attorney

State of Alabama
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Fred Neumiller to appear and plead, answer or demur within thirty days to the Bill of Complaint filed in the Circuit Court of said County by Robert Lee Philyaw as the next friend of Jesse Philyaw, Plaintiff and against Fred Neumiller as Defendant.

Witness my hand, this 26 day of Oct 1959

Alice J. Duck
Clerk

~~Robert Lee Philyaw, as the next friend of Jesse Philyaw, an infant, a minor, by Robert Lee Philyaw, his father and next friend~~
Plaintiff

Vs

Fred Neumiller

Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law. No. _____

The Plaintiff claims of the Defendant One Hundred Thousand Dollars as damages for the said Jesse Philyaw for injuries received by the said Jesse Philyaw, while in the line and scope of his employment by the Defendant, said employment being in Interstate Commerce. On to wit June 22, 1959, the said Jesse Philyaw was employed by the Defendant to work on a potato grading machine, belonging to or in the service of the Defendant at Loxley, Alabama, in Baldwin County, at which point potatoes were packed and shipped to other states. On said date, one of the agents, servants or employees of the Defendant, while in the line and scope of his employment with the Defendant, working on said grader, told young Philyaw to get down and pull some trash out from under said grader. Jesse Philyaw did so and while so employed, some agent, servant, or employee of the Defendant, while in the line and scope of his employment with the Defendant started said potato grader operating catching the hand of Jesse Philyaw in the machine, tearing, bruising and lacerating it, so that the flesh on the hand was pulled back, leaving the bare bone showing, permanently injuring the hand and body of the said Jesse Philyaw. The fingers on said hand are permanently drawn down into the palm of the hand and cannot be straightened by the boy, Jesse Philyaw, as a direct proximate result of said injury. Said hand will never be normal again, causing the said Jesse Philyaw damages in the amount aforesaid, as a proximate result, caused by the agent, servant or employee of the Defendant while in the line and scope of his employment with the Defendant starting said grading machine operating and catching, tearing and mangling the hand of the said Jesse Philyaw, through no fault of his own.

Robert J. McFaries
Attorney for the Plaintiff

Plaintiff demands a trial by jury.

Robert J. McFaries
Attorney for the Plaintiff

FILED
OCT 26 1959
ALICE J. DUCK, CLERK
REGISTER

EX-10-30-59 on
W. Hayes, Atty

4023

Robert Lee Philyaw, as the next friend of Jesse Philyaw, an infant

Plaintiff

Vs

Fred Neumiller

Defendant

Summons and Complaint

(Title 7 - Sec 198)

FILED
OCT 20 1959
ALICE J. DUCK, CLERK REGISTER

to be served on Wilson Hayes

Received 26 day of Oct 1959
and on _____ day of _____ 19____
I served a copy of the within of c
on ~~_____~~
Fred Neumiller
By service on _____

TAYLOR WILKINS, Sheriff

By _____ D. S.

out of state

Returned 26 day of Oct 1959
Not found in my county after diligent search and inquiry. Fred Neumiller

Taylor Wilkins, Sheriff

By Wilkins Deputy Sheriff

On instructions from Plaintiff's atty copy of within is hereby served on Wilson Hayes this 10-30-59

L. J. Wilkins
Shuff
D. M.

returned 18 day of Mar 1960
Not found in my county after diligent search and inquiry. as to Fred Neumiller
Taylor Wilkins
By Wilkins Deputy Sheriff

Received 30 day of May 1962
and on 4 day of June 1962
I served a copy of the within of c
in Fred Neumiller
By service on _____

TAYLOR WILKINS, Sheriff

By W. D. Garner D. S.

Saxley

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY Garner DEPUTY SHERIFF

Q. He is the Plaintiff in this case, is he not?

A. Yes sir.

Q. Now on June 22, 1959, were you in Loxley, Alabama?

A. Yes sir.

Q. Where, in Loxley, were you?

A. We was at Neumiller's shed.

Q. Neumiller's what?

A. Neumiller's potato shed.

Q. What time did you leave Bay Minette to go there?

A. About five minutes to six.

Q. You left Bay Minette about five minutes to six?

A. Yes sir.

Q. About what time did you get to Loxley?

A. It was about 15 minutes to seven.

Q. Fifteen minutes to seven?

A. Something like that.

Q. With whom did you ride?

A. You mean who I went with?

A. Big boy Marl.

Q. Was he present at the time the boy was hurt?

A. Sure, my boy was standing side of him.

Q. ~~Your boy was standing beside who?~~

A. Well the grader hadn't ever started up.

Q. Were you down there at that time?

A. Yes sir.

Q. And now what time did your son get hurt?

A. 15 minutes to seven o'clock.

Q. Quarter to seven --

MR. MCKINLEY: What time did he get hurt?

WITNESS: About a quarter to seven -- I mean a quarter after seven o'clock.

Q. Do you know who told him to get under the grader?

A. Billy Creamer.

Q. Where was Billy Creamer standing when he told him to get under there?

A. Cleaning out the 'tater grader.

Q. How far was that from the place you ~~was~~ ^{were} standing?

A. About as far as from here to there, indicating.

Q. Were you taking the culls out of the grader?

A. I was just a little piece - right there--

Q. Did any one hire your son to work there at the shed?

A. Neumiller told him to come back and he would have a job.

Q. Who told him to come back?

A. Neumiller.

Q. Which Neumiller?

A. The man that owned the shed.

Q. Do you know his name?

A. No.

Q. You just know Neumiller?

A. That's all.

Q. Who told you that Neumiller said to come back?

A. He told us personally.

Q. Told you personally?

A. Yes, me and big boy and my girl and Jessie.

Q. Jessie is your son?

A. Yes sir.

Q. When he told you to come back, what were his exact words?

A. He told Jessie: "If you'll come back we might put you on" and Billy Creamer telling him to go under the grader, he thought he was hired.

Q. Tell me again what Mr. Neumiller said?

A. He told him to be sure and be back; that he would almost give him a job.

Q. That was what Mr. Fred Neumiller said?

A. Yes sir.

Q. Now that morning that Jessie was hurt, who told him to get

under the grader?

A. Billy Creamer.

Q. Now how many times had you been to Loxley to Neumiller's shed to go to work that season?

A. I worked all the season until he got his hand hurt.

Q. That was the season of 1959?

A. That is right.

Q. Do you know how many weeks or days he had been operating his shed? -- How many days you had worked before the day Jessie got his hand hurt?

A. Well I worked there -- I disremember what what month it was that he got hurt --

Q. It was in June, wasn't it?

A. Yes sir. I started the first of 'tater season and worked until he got his hand hurt and I had to quit.

Q. How many weeks did you work before he got his hand hurt?

MR. MCKINLEY: You mean you had worked all of the season at Neumiller's shed itself, and had not worked at any other shed?

A. That's right.

Q. How many times had Jessie been to Loxley with you?

A. All of the time.

Q. Had he worked on any other sheds?

A. No sir, no other sheds.

- Q. Did Billy Creamer put Jessie's name on the pay roll?
- A. He told him to get under the grader; I don't know what he done.
- Q. Do you know whether he put his name on the payroll or not?
- A. No sir.
- Q. Did Billy Creamer hire him?
- A. He acted like he was.
- Q. Up to that time he had not hired him?
- A. No.
- Q. That was up to the time he told him to go under the grader?
- A. That's right.
- Q. Do you know how much Jessie was going to make working a t the shed?
- A. No sir.
- Q. Did anybody tell him how much he was going to make?
- A. He never did tell him.
- Q. How old is Jessie?
- A. He's 16.
- Q. 16 now?
- A. Yes sir.
- Q. When is his birthday?
- A. August.
- Q. August next?

Q. The baby was sick that day and she didn't go to work.

A. Yes sir.

Q. Do you know what job Billy Creamer has at Neumiller's shed?

A. Unloading sacks.

Q. That was his job -- unloading sacks?

A. Yes sir.

Q. Whereabouts on the grader did he work?

a. Mostly out on the trucks unloading sacks.

Q. He would get on the truck?

A. Yes sir.

Q. Describe in your own words the work he did -- The sort of work Billy Creamer did?

A. That is what he did - that's what he mostly did. Neumiller had him on the trucks unloading potatoes, putting them on there; that was his main job and helping clean out the grader too.

Q. And what did big boy Marl do?

A. Catching sacks - you know - as they come through the grader.

Q. He would catch the potatoes when they came out of the grader and into the sacks?

A. Yes sir.

Q. Now what was under the grader that Jessie was supposed to get out, do you know?

A. Them 'tater stalks.

3952 civ

1 - INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Fred. Dumille

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

MAILED
SEP 2 1959

FILED

DATE DELIVERED

ADDRESS WHERE DELIVERED (only if requested)

CLERK
REGISTERED

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300.



PRAY
FOR
PEACE

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article. RETURN RECEIPT REQUESTED.

RETURN
TO

POD Form 3811 Jan. 1958

REGISTERED NO.	NAME OF SENDER Alice J. Duck
CERTIFIED NO. 762187	STREET AND NO. OR P. O. BOX Box 239
INSURED NO.	CITY, ZONE AND STATE Bay Minette, Alabama

255-16-71548-4

- Q. Billy Creamer, the fellow who unloads the potatoes from the trucks, told your son, Jessie, to get under there and pull the stalks out?
- A. Yes sir.
- Q. Do you know who turned the machine on?
- A. No sir, I shore don't.
- Q. It just started up?
- A. Yes sir.
- Q. Who took him to the hospital?
- A. Neumiller -- Neumiller got a boy to carry him.
- Q. Mr. Neumiller sent somebody to take him to the hospital?
- A. He sent the boy and told him to get him to a Doctor.
- Q. He didn't go himself?
- A. No sir.
- Q. Now at the time Jessie got hurt, had the shed started doing business that day?
- A. Yes sir, it had been working a lot.
- Q. When you all got to the shed had the work for the day started yet?
- A. Yes sir.
- Q. You all were not late?
- A. No sir.

Q. You got there before the day's work commenced?

A. That is right.

Q. And had any potatoes been unloaded into the grader at the time Jessie got hurt?

A. No sir.

Q. Now do you know what position Mr. Creamer occupied there at the Shed?

A. Mr. Creamer--?

Q. Billy Creamer?

A. He unloaded them sacks.

Q. As far as you know he unloaded sacks?

A. Yes sir.

Q. Who hired you when you went to work?

A. Newmiller.

Q. How did he hire you?

A. Well I went up there and asked him for a job and he told me to go to work.

Q. Did he get your name?

A. Yes sir.

Q. Did he get your name on the shed or in the office?

A. In the office.

Q. Where did you stand when he got your name?

A. At the door.

Q. Mr. Neumiller wrte your name down?

A. Yes sir.

Q. Did he have any little girl working for him that did his book-keeping?

A. Yes sir.

Q. Was it she or Mr. Neumiller that got your name?

A. Mr. Neumiller got our names down.

Q. Who got Jessie's name down?

A. I don't know.

EXAMINATION BY MR. MCKINLEY:

Q. Did this fellow, Billy Creamer, was he the man that gave orders on the shed to the others as to what they did and placed them at their job?

A. I don't know.

Q. You didn't know that he was a straw-boss for Mr. Neumiller at that time?

A. No, but I know that he told Jessie to go under the 'tater grader and pull them stalks out.

Q. You didn't see him giving orders to anybody else around there?

A. No sir, I didn't.

Q. When you gave Mary's age, did you understand what you were

ROBERT LEE PHILYAW, as the
next friend of Jesse Philyaw,
an Infant,

Plaintiff

VS

FRED NEUMILLER

Defendant

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

•-•-•-•-

Comes now the Defendant in the above styled cause and demurs and assigns the following grounds separately and severally:

1. The complaint fails to state a cause of action.
2. For that the complaint contains conclusions of the pleader.
3. For that the allegation that potatoes were packed and shipped to other states does not sufficiently set out by whom potatoes were packed and shipped to other states.
4. For that it does not appear by whom potatoes were packed and shipped to other states.
5. For that it affirmatively appears from the complaint that the cause is governed by the workmans compensation law of Alabama.
6. For that the allegation that said employer be inter-state commerce is a conclusion of the pleader.
7. For that it affirmatively appears that Plaintiff was not employed by the Defendant.
8. The complaint is vague, indefinite and uncertain.
9. For that the complaint is prolix.
10. It does not appear who was allegedly employed by defendant.
11. It does not appear with sufficient certainty that the injured person was employed by Defendant.

FILED

AUG 10 1962

ALICE J. BUCK, CLERK
REGISTER

W. H. Hays
Attorney for Defendant

Replied 8.20.62
Alice J. Buck
clerk

092

Robert Lee Philyaw, as the
next friend of Jesse Philyaw,
an Infant

Plaintiff

vs

Fred Neumiller

Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 4023

Now comes the ~~Defendant~~ Plaintiff and moves this Honorable Court to strike the Defendant's pleas numbered 5-6 and 7, said pleas being concerning Workmen's Compensation and for grounds says:

1.

It is not shown that the Defendant was insured or came under the Workmens Compensation laws of Alabama.

2.

The Defendant alleges that the Plaintiff was not employed by the Defendant at the time of the injury complained of. If this were true, Workmens Compensation Laws would not apply.

3.

The Plaintiff elects to proceed under the Employers Liability Statute, Code of Alabama, Title 26, Section 326, Subsections 3 and 4, instead of the Workmens Compensation Law.

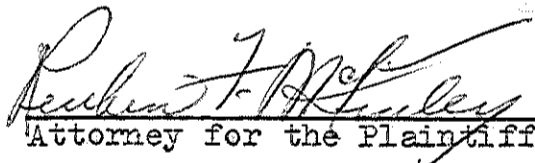
4.

Defendant has not shown that he is not within the exceptions to the Workmens Compensation Laws in Code of Alabama, Title 26, Section 263.

5.

Defendant has not shown that he was not operating said Potato shed and operation in Interstate Commerce, thus making the Federal Employers Liability Act apply in this case and taking it out from under Workmens Compensation Laws.

FILED
SEP 6 1962
ALICE I. DUCK, CLERK
REGISTER


Attorney for the Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
In re: [Illegible]
[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

FILED
SEP 6 1962

Alice J. Duck, CLERK REGISTER

21
[Handwritten initials]

4023
[Stamp]

THE STATE OF ALABAMA,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Reuben F. McKinley

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that

Fred Neumiller, a Non resident

is justly indebted to the Plaintiff Robert Lee Philyaw as the next friend of

Jesse Philyaw, an infant

in the sum of One hundred thousand Dollars, and

Reuben F. McKinley, his Attorney having made affidavit and given bond

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

Fred Neumiller

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to futher proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said County, on _____ Monday of _____ 19 _____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 23 day of Oct A. D., 1961.

Alice J. Duck Clerk.

Executed Oct. 25, 1961 by attaching
Lots 16-17-18 Block 5 and North 20
ft. Lot 0 Block 8 Dinwiddies Addition
Loxley, Shed 20X40, Office Building 20X30.

Notice of Levy was filed in Office of
Probate and Notice of Levy has been
posted at the Courthouse Door.
The Defendant being a non-resident
has not been served.
Cost of Notice of Levy \$.50

Taylor Wilkins

No. 402-3

ATTACHMENT

Vs. } ATTACHMENT

Issued _____, 19__

Moore Printing Co.

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201 (4-60)

SYMBOLS

DL = Day Letter

NL = Night Letter

LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

3=ME 018

(M KEA008) PD=KE KENOSHA WIS SEP 12 1020P CDT:

=WILSON HAYES, ATTY=BAYMINETTE ALA:

=MRS FRED NEUMILLER IS VERY ILL CANNOT COME DOWNS AS OF NEW TO BAY MINETTE.

=RICHARD WERMLING=

=SEP 13=

CLASS OF SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL, PRESIDENT

1201 (4-60)

SYMBOLS

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MEA13 M

520P

KEA003 PD KENOSHA WIS SEPT 11 1013A CDT=

WILSON HAYES= BAYMINETTE ALA=

ADJOURN CASE TO NEXT MONTH IF POSSIBLE BECAUSE OF ILLNESS=

NEUMILLER PRODUCE FRED NEUMILLER

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Attachment Notice
Robert Lee Philyaw - Jesse Philyaw

LEGAL NOTICE

ATTACHMENT NOTICE
The State of Alabama,
Baldwin County

ROBERT LEE PHILYAW,
as the next friend of
JESSE PHILYAW, an infant
VS.
FRED NEUMILLER
NO. 4023

CIRCUIT COURT

WHEREAS Robert Lee Philyaw, as the next friend of Jesse Philyaw, an infant as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 23 day of October 1961, against the estate of the said defendant Fred Neumiller which Attachment has been levied upon the property following described as the property of the said defendant, to wit:
Lots 16-17-18 Block 5 and North 20 ft. Lot 0 Block 8 Dinwiddies Addition Loxley Shed 20x40, office building 20x30.

And whereas, it appears that the said Fred Neumiller Defendant as aforesaid is a non-resident of the State of Alabama and his place of residence and post office address cannot be ascertained after diligent search and inquiry.

NOW, THEREFORE, the said Fred Neumiller wherever he may reside is hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 27 day of November, 1961.

ALICE J. DUCK
Clerk

47-4c

COST STATEMENT

178 WORDS @ 6 1/2 cents _____ \$ 11.57
I hereby certify this is correct, due and unpaid (paid).

J. H. Faulkner, Jr.
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Nov 30, 19__ Vol.____ No. 47

Date of 2nd publication Dec 7, 19__ Vol.____ No. 48

Date of 3rd publication " 14, 19__ Vol.____ No. 49

Date of 4th publication " 21, 19__ Vol.____ No. 50

Subscribed and sworn before the undersigned this 22 day of Dec, 1961

Dorothy Martin
Notary Public, Baldwin County.

J. H. Faulkner, Jr.
Editor.

FILED

DEC 28 1961

ALICE J. DUCK, CLERK
REGISTER

The Defendant has Cases
set in Circuit Court here
Thursday, September 17
and Friday, September 18.

It is my opinion that
he will be here at that
time, if service cannot
be had otherwise.

Reuben T. McFaily