

4032

BANK OF FAIRHOPE, a
Corporation,

Plaintiff,

-vs-

PAUL HOUSTON,

Defendant.

I
I
I
I
I
I


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

C O M P L A I N T

Count I.

The Plaintiff claims of the Defendant SEVENTY-EIGHT AND NO/100 (\$78.00) Dollars due by promissory note made by him on the 8th day of June, 1959, and payable on, to-wit, the 1st day of August, 1959, and the Plaintiff avers that in the said note and as a part of the consideration thereof, the Defendant has expressly waived his rights to claim personal property as exempt to him under the Constitution and Laws of the State of Alabama, and agreed to pay an attorney's fee for the collection thereof, and the Plaintiff hereby claims the further sum of TWENTY-TWO AND NO/100 (\$22.00) Dollars as such attorney's fee.


E. G. RICKARBY,
Attorney for the Plaintiff.

FILED
OCT 30 1959
ALICE J. DUCK, Register

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4032

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon PAUL HOUSTON

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

PAUL HOUSTON

, Defendant

by THE BANK OF FAIRHOPE, A Corp.

, Plaintiff

Witness my hand this 30 day of October 19 59

Clerk

No. 4032

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

BANK OF FAIRHOPE, A Corp.

Plaintiffs

vs.

PAUL HOUSTON

Defendants

Summons and Complaint

Filed October 30, 1959

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

10/30 1959

, Sheriff

I have executed this summons

this 11-12 1959

by leaving a copy with

Paul Houston

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY 60 DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Steadman Deputy Sheriff

Fairhope, Ala

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting :

Whereas, the BANK OF FAIRHOPE, a corporation,

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said
County, against PAUL HOUSTON

for the sum of ONE HUNDRED AND NO/100 (\$100.00)----- Dollars and whereas, the said
BANK OF FAIRHOPE

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

PAUL HOUSTON

is indebted to BANK OF FAIRHOPE in the sum of ONE HUNDRED AND NO/100 (\$100.00)

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 HERBERT M. KIRKMAN, as executor of
Estate of Valena Kirkman, deceased,

is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said HERBERT M. KIRKMAN,
as executor of Estate of Valena Kirkman, deceased.

to be and appear at the _____ term of the Circuit Court, to
be holden for the County of Baldwin, on _____ 1959,
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 30 day of Oct, 1959.

Arice J. [Signature]
Clerk.

No.

Circuit Court of Baldwin County

BANK OF FAIRHOPE, a
Corporation,

Plaintiff,

VS. { GARNISHMENT ON SUMMONS

PAUL HOUSTON,

Defendant.

Issued 30 day of Oct 1959

E. G. RICKARBY,

Plaintiff's Attorney

Received 30 day of Oct 1959

and on 12 day of Nov 1959

I served a copy of the within what
on Herbert K. Korman

By service on _____

TAYLOR WILKINS, Sheriff

By Edleigh Steadman D.

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY E. G. Rickarby
DEPUTY SHERIFF

Fairhope, Ala

State of Alabama

BALDWIN COUNTY

TO PAUL HOUSTON, Defendant:

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

BANK OF FAIRHOPE, A Corp., Plaintiff,

versus Paul Houston, Defendant,

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

HERBERT M. KIRKMAN, As executor of Estate of Valena Kirkman, deceased.

has been named as Garnishee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 30

day of October, 1945.

Alice J. ...
Clerk of the Circuit Court.

BOND

The State of Alabama,
Baldwin County

CIRCUIT COURT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Bank of Gause

are held and firmly bound unto Paul Houston

in the sum of Two hundred DOLLARS,

to be paid to the said Paul Houston

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 _____, 19____

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

Bank of Gause
ha _____ commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said Paul Houston

the sum of One hundred Dollars,

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

Herbert M Kirkman as executor of Estate of Velma Kirkman
summoning h _____ to answer what _____ indebted to said Defendant, or what effects of said Defendant he ha _____ in his possession, or under his 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 _____ hereby severally certify that _____ have property free from all incumbrance, to the full amount of the above bond.

Bank of Gause
A. G. Bishop (Seal)
A. G. Bishop (Seal)
John M. Beasley (Seal)

Approved this 30 day of Oct A. D., 1959

Cliff. W. Clark Clerk.

The State of Alabama }
Baldwin County

Before me, ALICE J. DUCK, Clerk of Circuit Court,

in and for said County, personally appeared_____

who, being duly sworn, doth depose_____ and say_____ that Paul Houston

indebted to Bank of America in the sum of One hundred Dollars,
and that Bank of America has commenced on suit by summons and complaint on said indebtedness
against the said Paul Houston.

and that Herbert M. Kirkman as executor of estate
of Velma Kirkman deceased.

supposed to be indebted to the said Defendant..., or to have effects of the said Defendant..., in his
possession, or under his control, and that he believe that process of Garnishment against the said

Herbert M. Kirkman as executor of estate of Velma Kirkman deceased
is necessary to obtain satisfaction of said claim; and that the said Herbert M. Kirkman as executor she
is believed to be chargeable as Garnishee in said cause; and that this Writ is not sued out for the purpose the estate of
of vexing or harassing said Defendant..., or other improper motives Velma

H. G. Bishop
_____, Clerk Circuit Court.

Sworn to and subscribed before me this_____ day of _____ 19____

_____, Clerk Circuit Court.

116 No. 4032	THE STATE OF ALABAMA Baldwin County.	CIRCUIT COURT	TO	Plaintiff_____	Defendant_____
				Bond and Affidavit in Garnishment on Summons	
Filed this <u>11</u> day of <u>OCT 30</u> , 19 <u>1930</u>			CLERK ALICE J. DUCK, REGISTER Clerk.		
Printed by Moore Fig. Co.					

May 8, 1959

Mr. Daniel Marville
Rahun Rd.
Bay Minette, Alabama

Dear Daniel:

I wrote you sometime ago about paying for the truck which you bought from J. B. Shiver. I am unable to understand why you have not been to see me to complete your payments on this truck. It will be necessary for me to file a suit for the amount you owe Mr. Shiver and this together with attorney fees and court costs will run your debt up an additional \$100.00. I hope you will not let this happen.

Sincerely,

CLF/lw

200
8
1600
5
21

200
Int \$21.00
attys 30.00
251.00

March 17, 1959

Mr. Daniel Harville
Rabun Rt.
Bay Minette, Alabama

Dear Sir:

Since you are past due with the payments to Mr. J. B. Shiver on the Dodge truck which you bought from him please bring the truck down to my office or bring the money and I can give you this note. Unless I hear from you additional costs will be added because of court action in the matter.

Sincerely,

CLH/lw

E. G. RICKARBY

392 FAIRHOPE AVENUE

FAIRHOPE, ALABAMA

October 29, 1959

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

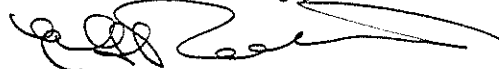
Dear Mrs. Duck:

Re: Bank of Fairhope
Vs: Paul Houston
Herbert Kirkman, garnishee
Our File: 4833

Enclosed find garnishment papers in the above mentioned cause. Please process, and oblige.

I am sending up an affidavit for publication as soon as I can write it up, defendant being a non-resident.

Yours very truly,



EGR/ts

Encl.

cc: Bank of Fairhope

*Please get this
to Bayl at once as money
is about to move.*