

STATE OF ALABAMA, )  
COUNTY OF BALDWIN.)

*Case no 9417*

STATE BANK OF SILVERHILL, A CORP.,

Plaintiff,

vs.

H. H. PARKER,

Defendant.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY

MOTION

Comes now H. H. MONTGOMERY, Superintendent of Banks, and shows to this Honorable Court:

First, That the above entitled cause of action was filed in the Circuit Court of Baldwin County on June 8, 1931, and that on or about the 15th day of September, 1931, the State Bank of Silverhill consolidated with the Robertsdale and Loxley State Banks and by said consolidation or merger formed what was then known as the Consolidated State Bank. That on or about the 23rd day of October, 1931, the Consolidated State Bank closed its doors, and that the Consolidated State Bank was then the owner of all the liabilities and assets of the said State Bank of Silverhill.

Second, That the State Banking Department, by the Superintendent, H. H. MONTGOMERY, moves the court to revive the said suits now pending in the Circuit Court wherein the State Bank of Silverhill, a corporation is plaintiff, vs. HARRY H. PARKER, defendant, and to continue said cause in the name of the said H. H. MONTGOMERY, Superintendent of Banks for the State of Alabama, and asks that said cause be tried at once under said name and for such other relief.

*F. F. Nelson*

Attorney

*The above motion is ordered granted & the  
Cause revived in the name of the petitioner &  
Cause continued for trial.  
This May 25<sup>th</sup> 1932 - J. M. Hare  
Judge*

RECORDED

9417

Filed of 20 at  
1932  
R. W. Ransom  
Chen

STATE OF ALABAMA  
COUNTY OF BALDWIN

IN CIRCUIT COURT  
AT LAW

STATE BANK OF SILVERHILL,  
a corporation, Plaintiff,

vs.

A N S W E R

HARRY E. PARKER, Defendant.

Comes the Defendant and answering the complaint of the Plaintiff, in the cause above entitled, and each count thereof, separately and severally, says that the allegations thereof are untrue.

*Edward M. Potter*  
Attorney for Defendant

Defendant demands a trial of the issues by a jury.

*Edward M. Potter*  
Attorney for Defendant.



# Circuit Court, Baldwin County

# 9417

*State Bank of Silverhill*  
vs.  
*Harry H. Parker*

PLAINTIFF

DEFENDANT

## BILL OF COST

CLERK'S FEES		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Issuing Summons and Complaint	\$1 25	1	25	Transcript to Supreme Court, 15c per hundred words			
Copies of same, when over 200 words, 15c per 100	30	30		Copies, 5c per hundred words			
Issuing Alias Summons and Complaint	1 25			Citation to Appellee in Appeal, 20c per hundred words			
Entering Sheriff's Return on Summons and Complaint	20	20		Certificate with Seal, 50c. Without Seal	25		
Docketing Cause 25c. Ent. Appearance, 20c	45	45		Witness Certificate	25		
Subpoena for Witness	30			Taking Bond Not Above Mentioned	75		
Making Certificate of Judgment	50			Entering Order of Court not above named	30		
Filing	10	40		Administering Oath	25		
Trial and Incidents	75			Taking Bond for Costs of Non-Resident Plaintiff	75		
Entering Judgment, or copy of same	30			Copy of any paper not above named, 15c per hundred words			
Order for Continuance	10	50		Filing Writ of Prohibition and Entering Return	15		
Issuing Execution	50			Issuing Writ of Prohibition	75		
Docketing Execution	25			Issuing copies of same, 15c per 100 words			
Issuing copy of same	50			Filing Mandamus and Entering Return	15		
Entering Sheriff's Return on Execution, 15c per hundred words	20			Issuing Writ of Mandamus	75		
Final Record, 15c per hundred words		1 00		Issuing copies of same, 15c per 100 words			
Order for Alias Summons and Complaint	30	30		Total Clerk's Fees			
Order to Dismiss Cause	30	30		SHERIFF'S FEES			
Order to Set Aside Dismissal	30			Serving and Returning Summons	\$1 50		
Order Overruling Motion to Set Aside Dismissal	75			Serving and Returning Subpoenas	65		
Order Granting New Trial	30	30		Collecting Execution for Costs	1 50		
Order Overruling Motion for New Trial	30			Serving and Returning Sci. Fa. Notice, etc.	65		
Order Overruling Motion for Continuance	30			Executing Writ of Possession	2 50		
Order Overruling Motion to Set Aside Default	30			Levyng Attachment	3 00		
Order for Notice to Non-Resident Defendant	30			Entering and Returning Attachment	25		
Issuing Notice for Publication and Copy 20c per hundred words				Entering and Returning Execution	25		
Order to Give Security for Costs	30			Summoning and Returning Garnishee	1 50		
Order to Give Additional Bond	30			Taking and Approving Garnishee Bond	75		
Order to Execute Writ of Inquiry	30			Serving and Returning Writs	1 50		
Order of Sale in Attachment	30			Serving and Returning Summons on Forcible Entry	1 00		
Order for Leave to Amend Complaint	30			Executing Writ of Restitution in such cases	2 00		
Order for Leave to Amend Pleas	30			Taking and Approving Bonds of Every Kind	1 00		
Order for Leave to Amend Writ of Process	30			Taking and Approving Claim Bond	1 00		
Order for Attachment for Witness	30			Taking and Approving Forthcoming Bond	1 00		
Filing Deposition	10			Taking and Approving Bail Bond	1 00		
Issuing Commission to Take Deposition	75			Taking and Approving Plaintiff's Detinue Bond	1 00		
Issuing copy of same, per hundred words	15			Taking and Approving Defendant's Detinue Bond	1 00		
Issuing Copy of Interrogatories, 15c per hundred words, but not less than	50			Making Deed	2 50		
Endorsing each Pet. Deposition Opened	10			Serving Attachment for Contempt of Court	1 50		
Taking Bond in <del>Continuance</del> <i>Summons</i>	75	75		Collecting Money on Execution			
Summons to Garnishee	50			Empanelling Jury	75		
Copies of same, 20c per hundred words				Sheriff's Commission for Property Sold under Attachment			
Notice to Defendant in Garnishee on Summons, and copy, per hundred words	20			Seizing Personal Property on Writ of Detinue	3 00		
Swearing Garnishee and Recording Answer, 15c per hundred words, but not less than	50			Total Sheriff's Fees		3 00	
Filing Attachment	10			RECAPITULATION			
Issuing Attachment Writ and Taking Bond	1 00			Judgment		4 50	
Issuing Copies of Attachment Writ, 15c per hundred words				Interest		30	
Filing Certiorari and Entering Return	15			Clerk's Fees		5 15	
Taking Certiorari Bond and Filing Same	75			Sheriff's Fees		4 50	
Issuing Writ of Certiorari	75			Justice's Fees			
Issuing copies of same, 15c per 100 words				Constable's Fees			
Issuing Writ of Scieri Facias, or Notice in Nature of	75			Witnesses' Fees			
Issuing copies of same, 15c per 100 words				Commissioners' Fees			
Taking Supersedeas Bond and Filing same	75			Printer's Fees			
Taking Appeal Bond and Filing same	75			Stenographer's Fees	5 00		
TOTAL FORWARDED		5 45		Answer of Garnishee			
				Trial Tax	3 00	3 00	
				Total	\$	12 95	

Received payment this ..... day of ..... 193 .....

ATTEST

Clerk Circuit Court, Baldwin County, Ala.

8/22/34 - Dismissed for want of Prosecution -  
F. F. Nelson - atty for Plf -

STATE OF ALABAMA, )  
COUNTY OF BALDWIN. )

SUMMONS

STATE BANK OF SILVERHILL, )  
A CORPORATION, )  
Plaintiff, )  
vs. )  
HARRY H. PARKER, )  
Defendant. )

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

To any Sheriff of the State of Alabama:

You are hereby commanded to summon HARRY H. PARKER to appear within thirty days from the service of this writ, in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of STATE BANK OF SILVERHILL, a corporation.

Witness my hand this 2nd day of June, 1931  
D. W. Hickman  
Clerk

STATE OF ALABAMA, )  
COUNTY OF BALDWIN. )

STATE BANK OF SILVERHILL, )  
A CORPORATION, )  
Plaintiff, )  
VS. )  
HARRY H. PARKER, )  
Defendant. )

COMPLAINT

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA

COUNT ONE

(a) Plaintiff claims of the defendant the sum of Three Hundred and Twenty-five Dollars (\$325.00) due by promissory note made by him on the 14th day of February, 1930, and payable to plaintiff on the 14th day of August, 1930, with interest thereon.

(b) Plaintiff further avers that by the terms of said note, signed by defendant, defendant waived all rights of exemption which he may have had under the Constitution and Laws of the State of Alabama or any other state of the United States as to any personal property.

(c) Plaintiff claims of the defendant the further sum of Fifty Dollars (\$50.00) and avers that by the terms of said note, defendant agreed and obligated himself to pay a reasonable attorney's fee for the collection of said note by plaintiff in case the defendant should default in the payment thereof, and plaintiff avers that defendant did so default and fail to pay said note when due, and still refuses and declines to pay said note though often requested; in consequence of which plaintiff was obliged and did employ an attorney to collect said note, to the damage of plaintiff as aforesaid, and plaintiff avers that as to the amount of a reasonable attorney's fee said defendant by the terms of said note waived all rights of exemption which he may have had under the Constitution and Laws of the State of

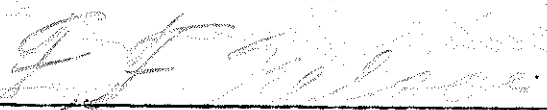
Alabama or any other state of the United States as to any personal property.

COUNT TWO

Plaintiff claims of the defendant the following personal property now in the possession of the defendant, to wit: Surveying instruments and office fixtures, two typewriters, household furniture and knitting machines, linemans tools, electric goods and telephone supplies; or the alternative value thereof. Plaintiff avers that the defendant, HARRY H. PARKER, made and executed to this plaintiff a certain mortgage note on the 14th day of February, 1936, for the sum of Three Hundred Twenty-five Dollars (\$325.00), and as security therefor gave the above and foregoing described property, and that in such mortgage note the defendant herein granted, bargained, sold and conveyed the above and foregoing described personal property to the said plaintiff herein; that said mortgage note provided among other things that in the default in the payment of the entire sum or any part thereof when due, that the plaintiff may take possession of and sell any and all of the said property at private or public sale for the satisfaction of said mortgage note.

Plaintiff avers that it has a special property right in the above described personal property by reason of said mortgage note and is entitled to the possession thereof.

Plaintiff further avers that there is now due and owing on said note Three Hundred Twenty-five Dollars (\$325.00) principal, and interest thereon and that said property has been detained and wrongfully withheld from this plaintiff since the 14th day of August, 1930, and that the sum of Twenty Dollars (\$20.00) for the detention of the property from the 14th day of August, 1930, until the present is a reasonable sum for its detention.

  
Attorney for Plaintiff

Executed June 4<sup>th</sup> 1931 by leaving copy  
of the Within Summons and Complaint  
with Harry Parker. and also taking into  
my possession one Surveyors Transit, one  
Woodstock Type writer. Twenty coils of  
Iron Wire 3 Coils of Iron messenger  
Eighteen Cross arms of six pins each  
as the property of Harry Parker the deft

W.R. Stuart  
Sheriff  
By Armstrong & McPherson  
D.S.

*Copy of the within*  
*Executed June 4<sup>th</sup> 1931 by*  
*leaving*

RECORDED  
STATE OF ALABAMA,  
COUNTY OF BALDWIN.)

To the Sheriff of said Coun-  
ty:  
Whereas, the Plaintiff in  
the within stated cause has  
made affidavit and given bond  
as required by law you are  
hereby required to take the  
property mentioned in Com-  
plaint into your possession  
unless the Defendant gives  
bond payable to the Plain-  
tiff with sufficient surety  
in double the amount of the  
value of the property, with  
condition that if the Defend-  
ant is cast in the suit he  
will within thirty days  
thereafter, deliver the  
property to the Plaintiff,  
and pay all damages and costs  
which may accrue from the  
detention thereof.

*W.R. Stuart*  
Clerk

*Original*  
RECORDED  
STATE OF ALABAMA,  
COUNTY OF BALDWIN.)

SUMMONS AND COMPLAINT  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

STATE BANK OF SILVERHILL,  
A CORPORATION, Plaintiff,  
vs.  
HARRY H. PARKER,  
Defendant.

SUIT IN DETINUE  
AMOUNT: \$325.00  
ATTORNEY'S FEES AND COSTS

*Filed June 2/1931*  
*W.R. Stuart*  
Clerk

RECORDED