

STATE OF ALABAMA, )  
COUNTY OF BALDWIN.)

(CONSOLIDATED STATE BANK, A CORP., SUCCESSORS  
OF THE STATE BANK OF SILVERHILL, A CORP.)  
H. H. MONTGOMERY, SUPERINTENDENT OF BANKS,  
STATE OF ALABAMA,

Plaintiff,

VS

AUG. MAIER,

Defendant.

SUMMONS

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.

To any Sheriff of the State of Alabama:

You are hereby commanded to summon AUG. MAIER 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 (CONSOLIDATED STATE BANK, A CORP., SUCCESSORS OF THE STATE BANK OF SILVERHILL, A CORP.) H. H. MONTGOMERY, SUPERINTENDENT OF BANKS, STATE OF ALABAMA.

Witness my hand this 20<sup>th</sup> day of April, 1932

J. M. McIlwain  
Clerk

STATE OF ALABAMA, )  
COUNTY OF BALDWIN.)

(CONSOLIDATED STATE BANK, A CORP., SUCCESSORS  
OF THE STATE BANK OF SILVERHILL, A CORP.)  
H. H. MONTGOMERY, SUPERINTENDENT OF BANKS,  
STATE OF ALABAMA,

Plaintiff,

VS.

AUG. MAIER,

Defendant.

COMPLAINT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

COUNT ONE

(a) Plaintiff claims of the defendant the sum of Four Hundred Seventy-five Dollars (\$475.00) due by promissory note made by him on the 30th day of July, 1930, and payable to plaintiff the 30th day of January, 1931, and extended to the 30th day of April, 1931, 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 Seventy-five Dollars (\$75.00) 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

# State of Alabama

Detinue Bond and Affidavit

## BALDWIN COUNTY

Amount to \$1000

STRICTLY CONFIDENTIAL

Know all Men By these Presents, That We, Consolidated State Bank, a corporation

Bank, /successors of State Bank of Silverhill, a corp., by Thomas F. Rickert, Cashier, Thomas F. Rickert and O. W. Crosby

are held and firmly bound unto Aug. Maier

his heirs, executors and administrators, in the sum of One Thousand (\$1000.00) Dollars, for the payment of which, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this day of A. D. 192

The Condition of the above Obligation is such, That whereas the above bounden Consolidated State Bank, a corp., successors of the State Bank of Silverhill, a corp., has, on

the day of 192 sued out from the office of the Clerk of the Circuit Court of Baldwin County, in the State of Alabama, a writ of Detinue, returnable fourth Monday in 1923 of said Circuit Court of Baldwin County against the said

Aug. Maier, for the recovery of the following described property to- wit: Two horses--one grey--one brown--13 years old; six dairy cows; potato digger; "Potato planter"; mower (McCormick); one hay rake; one riding cultivator; one double harrow; one engine (Satln 5 horse power)

Now, if the said Consolidated State Bank, a corp., successors of the State Bank of Silverhill, / shall fail in said suit, and shall pay to the said Aug. Maier the defendant in said writ, all such costs and damages as he may sustain by the wrongful suing out of said Writ of Detinue, then this obligation to be void, otherwise to remain in full force and benefit.

CONSOLIDATED STATE BANK,

ROBERTSDALE, ALA.

[L. S.]

By Thos F. Rickert

[L. S.]

Thos F. Rickert

[L. S.]

O. W. Crosby

Taken & approved  
Oct 22/1931

W. H. McMillan

clerk

Bank of State of Alabama

W. H. McMillan

# State of Alabama

Detinue Affidavit

## BALDWIN COUNTY

Personally appeared before me, D. W. Rice Clerk of Court

Baldwin County, Alabama, F. F. Nelson, attorney for The Consolidated State Bank, a corp., successors of the State Bank of Silverhill. Who, being duly sworn, deposes and says.

a corp., that property sued for in the complaint of Consolidated State Bank, a corp., successors of the State Bank of Silverhill, a corporation, vs. to-wit: Two horses--one grey--one brown--13 years old; six dairy cows; potato digger; "potato planter"; mower (McCormick); One hay rake; one riding cultivator; one double harrow; one engine (Satln 5 horse power).

Consolidated State Bank, a corporation, successors of the State Bank of Silverhill, a corporation, the said plaintiff

Sworn to and subscribed the 22 day of Oct 1931 before me.

D. W. Rice Clerk.

F. F. Nelson

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: Two horses, one grey--one brown--13 years old; six dairy cows; potato digger; "Potato planter"; mower (McCormick); one hay rake; one riding cultivator; one double harrow; one engine (Satln 5 horse power); or the alternative value thereof. Plaintiff avers that the defendant, AUG. MAIER, made and executed to this plaintiff a certain mortgage note on the 30th day of July, 1930, for the sum of Four Hundred Seventy-five Dollars (\$475.00), 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 Four Hundred and Seventy-five Dollars (\$475.00) principal, and interest thereon, and that said property has been detained and wrongfully withheld from this plaintiff since the 30th day of April, 1931, and that the sum of Twenty-five Dollars (\$25.00) for the detention of the property from the 30th day of April, 1931, until the present is a reasonable sum for its detention.

*J. F. Nelson*

Attorney for Plaintiff

Executed this 25<sup>th</sup> of May-32  
by listing the described  
Property & leaving a copy  
with the defendant.

Two horses 1 grey & 1 Brown  
3 dairy cows,  
1 potato digger  
1 McCormick Mower  
1 hay rake  
1 riding cultivator  
1 double harrow  
1 engine satlin 1 1/2 horse power  
1 two horse wagon  
1 breaking plow

W. B. Duckworth

Deputy Sheriff

STATE OF ALABAMA, }  
COUNTY OF BALDWIN. }

To the Sheriff of said  
County:

Whereas, the Plaintiff in  
the within stated cause  
has made affidavit and  
given bond as required by  
law, you are hereby re-  
quired to take the property  
mentioned in Complaint into  
your possession unless the  
Defendant gives bond pay-  
able to the Plaintiff with  
sufficient surety in double  
the amount of the value  
of the property, with con-  
dition that if the  
Defendant is case 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 de-  
tention thereof.

*D. W. Rice*

Clerk

*Original*  
Case No 9540

STATE OF ALABAMA, }  
COUNTY OF BALDWIN. }

RECORDED

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

(CONSOLIDATED STATE  
BANK, A CORP., SUCCESSORS  
OF THE STATE BANK OF  
SILVERHILL, A CORP.) H.  
H. MONTGOMERY, SUPT. OF  
BANKS, STATE OF ALA.,

Plaintiff,

VS

AUG. MAIER,

Defendant.

SUIT IN DETINUE  
AMOUNT: \$475.00  
ATTORNEY'S FEES AND COSTS

*Filed Apr 20/32*  
*D. W. Rice*  
*Clerk*

F. F. Nelson  
Attorney for Plaintiff