

JAMES A. BRICE  
ATTORNEY AT LAW  
FOLEY, ALABAMA

POST OFFICE BOX 298

WHITEHALL 3-3601

December 20, 1960

4488

Mrs. Alice J. Duck  
Circuit Clerk  
Bay Minette, Alabama

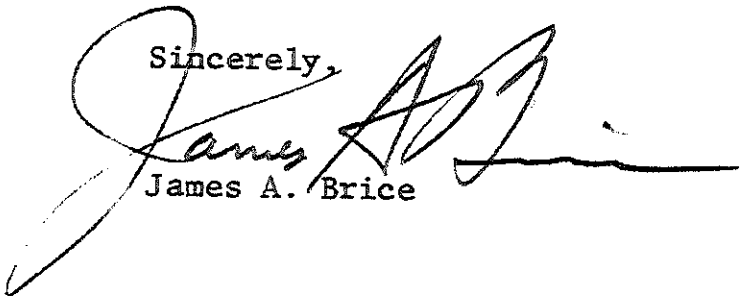
Re: State Bank of Elberta  
Vs: H. Y. Miller et als

Dear Mrs. Duck:

The above attachment should be released and a cost  
bill sent to me.

Thank you.

Sincerely,

  
James A. Brice

JAB:j

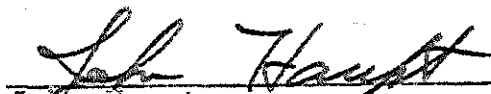
AFFIDAVIT FOR ATTACHMENT

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

Before me, the undersigned, Alice J. Duck, Clerk of the Circuit Court in and for said County in said State, personally appeared John Haupt, who being by me first duly sworn according to law, deposes and says:

That his name is John Haupt; that he is Vice-President of and attorney-in-fact for the State Bank of Elberta, a state banking corporation organized and existing under the laws of the State of Alabama; that H. Y. Miller, Clyde Miller, and Ima Ree Miller are indebted to the State Bank of Elberta in the amount of Three Hundred Forty and 76/100 (\$340.76) Dollars, as evidenced by a chattel mortgage note executed by them on January 17, 1959; that the said H. Y. Miller, Clyde Miller, and Ima Ree Miller has defaulted in the payment of said indebtedness, and there is now due State Bank of Elberta the sum of Three Hundred Forty and 76/100 (\$340.76) Dollars;

That the said notes as hereinabove described secures as payment for said indebtedness one (1) 1955 Oldsmobile Super 88 4 door Sedan, Motor #V706542; one (1) 1955 Chevrolet 1½ ton truck, Motor #0798077F54N, Serial #A54019775, with mounted septic cleaning equipment, including 1M gallon tank and motor, and one (1) 1954 F-100 Pickup Truck 8 cyl. Motor #F10V4A015200; that the said State Bank of Elberta has a mortgage lien upon said property, and that this attachment is not sued out for the purpose of vexing or harassing the said H. Y. Miller, Clyde Miller, and Ima Ree Miller.

  
John Haupt

Sworn to and Subscribed  
before me on this 16  
day of November, 1960.

  
Circuit Clerk, Baldwin County, Alabama

WRIT OF ATTACHMENT

STATE OF ALABAMA.)  
COUNTY OF BALDWIN)

IN THE CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA.....GREETING:

WHEREAS, John Haupt as Vice-President of the State Bank of Elberta, a corporation, hath complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, that H. Y. Miller, Clyde Miller, and Ima Ree Miller are justly indebted to the said State Bank of Elberta in the sum of Three Hundred Forty and 76/100 (\$340.76) Dollars and the said John Haupt as Vice-President and agent for the State Bank of Elberta having made affidavit and given bond as required by law in such cases:

You are hereby commanded to attach on one (1) 1955 Oldsmobile Super 88 4-door Sedan, Motor #V706542; one (1) 1955 Chevrolet 1½ ton truck, Motor #0798077F54N, Serial #A54019775, with mounted septic cleaning equipment, including 1M gallon tank and motor, and one (1) 1954 F-100 Pickup Truck 8 cyl. Motor #F10V4A015200 to satisfy the debts and costs, according to the complaint; and said vehicles unless replevied, so to secure that the same may be liable to further proceedings thereon, to be had at the next term of the Circuit Court of Baldwin County, Alabama, to be held at the Court House thereof, when and where you must make known how you have executed this writ.

WITNESS: Alice J. Duck, Clerk of said Court, my hand this the 16 day of Nov-, A.D.1960.

Alice J. Duck  
Clerk

# 4488

100

Clerk

*[Handwritten signature]*

the day of Nov, A.D. 1960.

WITNESSES: Alice I. Duck, Clerk of said Court, by hand this executed this writ.

Those thereof, when and where you must make known how you have Circuit Court of Baldwin County, Alabama, to be held at the Court further proceedings thereon, to be had at the next term of the unless relieved, so to secure that the same may be liable to debts and costs, according to the complaint; and said vehicles 1954 F-100 Pickup Truck 8 cyl. Motor #110464012300 to satisfy the cleaning equipment, including 1M Belfon tank and motor, and one (1) truck, Motor #02038011250M, Serial #A240191212, with mounted sube Super 88 4-door sedan, Motor #A1009242; one (1) 1955 Chevrolet coupe You are hereby commanded to attach on one (1) 1955 Chevrolet coupe and given bond as required by law in such cases as Vice-President and agent for the State Bank of Elberta, Alabama, Forty and 10/100 (\$340.70) Dollars and the said John H. Miller, H. Y. Miller, Clyde Miller, and Mrs. Lee Miller are Justices of the Peace, Clerk of the Circuit Court of Baldwin County, Alabama, that

Received 16 day of Nov 1960  
and on 27 day of Nov 1960  
I served a copy of the within Attachment  
on H. Y. Miller  
Clyde Miller  
Mrs. Lee Miller  
by service on

TAYLOR WILKINS, Sheriff  
By *[Signature]*  
Self, Sheriff

Executed 11-22-60 By  
Taking in Possession the  
following:

- (1) 1955, Oldsmobile, 4 door 88  
4, door Sedan # V706542
- (1) 1955 Chevrolet 1/2 ton  
Truck # F754019175
- (1) 1954, F100 Pickup V8 Truck  
# F10V47015200 And  
stamping at Foley.

*[Handwritten signature]*

Sheriff claims 320 miles at  
Ten Cents per mile Total \$32.00  
TAYLOR WILKINS, Sheriff  
by *[Signature]*  
DEPUTY SHERIFF

ATTACHMENT BOND

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

KNOW ALL MEN BY THESE PRESENTS, That we, John Haupt individually; and State Bank of Elberta by its Vice-President and attorney-in-fact, John Haupt, are held and firmly bound unto H. Y. Miller, Clyde Miller, and Ima Ree Miller in the sum of Six Hundred Eighty-one and 52/100 (\$681.52) Dollars, to be paid to the said H. Y. Miller, Clyde Miller, and Ima Ree Miller, their executors, administrators, and assigns; for which payment, well and truly to be made, we bind our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. Sealed with our seals and dated this 14th day of November, 1960.

The condition of the above obligation is such that, whereas the above bounden John Haupt has on the date hereof, prayed an attachment against the estates of the above named, H. Y. Miller, Clyde Miller, and Ima Ree Miller for the sum of Three Hundred Forty and 76/100 (\$340.76) Dollars, and has obtained the same, returnable to the Circuit Court of Baldwin County, Alabama.

Now if the plaintiff shall prosecute said attachment to effect, and pay the defendant all costs and damages as may be sustained by reason of any wrongful or vexation suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

John Haupt (L.S.)  
John Haupt

STATE BANK OF ELBERTA

By John Haupt  
Vice-President & Attorney-in-fact

approved

11-16-60

Christine  
Clerk

ATTACHMENT BOND

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COUNTY OF BALDWIN)

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Now if the plaintiff shall prosecute said attachment to effect, and pay the defendant all costs and damages as may be sustained by reason of any wrongful or vexation suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

John Haupt (L.S.)  
John Haupt

STATE BANK OF ELBERTA

By John Haupt  
Vice-President & Attorney-in-fact

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Now if the plaintiff shall prosecute said attachment to effect, and pay the defendant all costs and damages as may be sustained by reason of any wrongful or vexation suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

\_\_\_\_\_(L.S.)  
John Haupt

STATE BANK OF ELBERTA

By \_\_\_\_\_  
Vice-President & Attorney-in-fact

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Now if the plaintiff shall prosecute said attachment to effect, and pay the defendant all costs and damages as may be sustained by reason of any wrongful or vexation suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

John Haupt (L.S.)  
John Haupt

STATE BANK OF ELBERTA

By John Haupt  
Vice-President & Attorney-in-fact



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John Haupt

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Circuit Clerk, Baldwin County, Alabama

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