

THE AMERICAN NATIONAL BANK
& TRUST COMPANY OF MOBILE,
a National Banking Association,

Plaintiff,

VS.

W. M. JOHNSTON and EVELYN
JOHNSTON,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW NO. 4516

COUNT ONE

The plaintiff claims of the defendants the sum of to-wit, Three Thousand Three Hundred Eighteen & No/100 Dollars (\$3,318.00), due by promissory note made by the defendants on, to-wit, June 18, 1959 and payable in 60 installments beginning on, to-wit, August 1, 1959. Plaintiff further alleges that in said note, and as a part of the consideration thereof, the defendants agreed that in the event of default in the payment of any one of said installments when due, the holder of said note shall have the right to declare the entire indebtedness immediately due and payable, and the plaintiff alleges that there has been a default in the payment of said installments, and the plaintiff has elected to declare the entire indebtedness due and payable.

The plaintiff further alleges that in said note and as a part of the consideration thereof, the defendants waived all right of exemption under the Constitution and Laws of the State of Alabama, and agreed to pay all costs of collecting or securing or attempting to collect or secure said note, including a reasonable attorney's fee, which such attorney's fee the plaintiff claims and alleges to be the sum of, to-wit, \$663.60, which sum plaintiff further claims of defendants.

FILED

DEC 10 1960

HAMILTON, DENNISTON, BUTLER & RIDDICK

By Harry A. Riddick
Member Appearing Attorneys for
Plaintiff

Address: Mobile, Alabama

Defendants may be served at Blue Gill Fishing Camp, on East end of Mobile Bay Causeway, North side

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon W. M. Johnston and Evelyn Johnston

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 _____

W. M. Johnston and Evelyn Johnston, Defendant

by The American Bank and Trust Company of Mobile, A National Banking Association

_____, Plaintiff.....

Witness my hand this 10th day of December 19...60..

Alice J. Black Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

THE AMERICAN NATIONAL BANK & TRUST

COMPANY, OF MOBILE, a National
Banking Association

Plaintiffs

vs.

W. M. JOHNSTON AND EVELYN JOHNSTON

Defendants

SUMMONS and COMPLAINT

Filed 12-10-1960

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

12/10, 1960

Sheriff

I have executed this summons

this 15 Dec 1960

by leaving a copy with

W. M. Johnston
Evelyn Johnston

Sheriff claims 120 miles at 60

Ten Cents per mile Total \$ 12.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff
W.O. Causeway Deputy Sheriff

Causeway

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1743

MOBILE, ALABAMA

36601

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
OLIVER J. LATOUR, JR.

JAMES W. TARLTON, III
CHARLES R. BUTLER, JR.
E. TED TAYLOR
JANELLA J. WOOD

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

CABLE ADDRESS:
HAMILTONS

TELEPHONE: 432-7517
AREA CODE 205

May 2, 1967
(Dictated May 1st)

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Request for Pluries
Writ of Execution
Case No. 4516
American National Bank
vs. W. M. Johnston and
Evelyn Johnston
Our File No. 14,298-OJL

Dear Mrs. Duck:

Today the Sheriff held a sale of a vehicle levied upon pursuant to a writ issued by your office in December of 1966. We understand that a final bid of \$1500.00 was accepted on the automobile. As you recall we obtained a judgment against Mr. and Mrs. Johnston on March 15, 1961, and the balance prior to the Sheriff's levy and sale was \$2,715.00 plus interest at the rate of six per cent (6%) per annum from the date of judgment plus court cost.

As we calculate the amount due prior to the sale of today, the Johnstons owe \$3,692.40 plus costs figured as follows:

Six years interest at 6% or 36%
of the balance due on the judgment
of \$2,715.00 or \$977.40 for a total
of \$3,692.40.

Since according to our figures the Johnstons still owe in excess of \$2200.00, we hereby request that a pluries writ of execution be issued directing the Sheriff to levy upon all of the right, title and interest in and to the following described personal property belonging to Mrs. Evelyn Johnston:

Handwritten calculations:
1217.89
977.40

2195.29
+ int. to date: 41.00

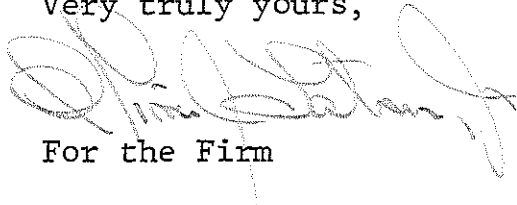
1217.89
89

Mrs. Alice J. Duck
May 2, 1967
Page Two

One (1) 1966 Cadillac
Serial No. B6276258
License No. 2-12200

You will note that we are enclosing an extra copy of this letter plus a self-addressed stamped envelope and, as is your practice, we would kindly appreciate a reply from you evidencing the fact that the writ has been issued.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Charles Prater", is written over the typed name "For the Firm". The signature is fluid and cursive.

For the Firm

OJL:pg
Enclosures
cc: Mr. W. Charles Prater

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1743

MOBILE, ALABAMA

36601

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

CABLE ADDRESS:
HAMILTONS

TELEPHONE: 432-7517
AREA CODE 205

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
OLIVER J. LATOUR, JR.

JAMES W. TARLTON, III
CHARLES R. BUTLER, JR.
E. TED TAYLOR
JANELLA J. WOOD

May 2, 1967
(Dictated May 1st)

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Request for Pluries
Writ of Execution
Case No. 4516
American National Bank
vs. W. M. Johnston and
Evelyn Johnston
Our File No. 14,298-OJL

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of the balance due on the judgment
of \$2,715.00 or \$977.40 for a total
of \$3,692.40.

Since according to our figures the Johnstons still owe in excess of \$2200.00, we hereby request that a pluries writ of execution be issued directing the Sheriff to levy upon all of the right, title and interest in and to the following described personal property belonging to Mrs. Evelyn Johnston:

Mrs. Alice J. Duck
May 2, 1967
Page Two

One (1) 1966 Cadillac
Serial No. E6276258
License No. 2-12200

You will note that we are enclosing an extra copy of this letter plus a self-addressed stamped envelope and, as is your practice, we would kindly appreciate a reply from you evidencing the fact that the writ has been issued.

Very truly yours,

A handwritten signature in dark ink, appearing to read "R. M. Salen", written over a horizontal line.

For the Firm

OJL:pg
Enclosures
cc: Mr. W. Charles Prater

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

36601

PETER HAMILTON (1828-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

CABLE ADDRESS:
HAMILTONS

TELEPHONE: 432-7517
AREA CODE 205

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
OLIVER J. LATOUR, JR.
JAMES W. TARTLYN, III
CHARLES R. BUTLER, JR.
E. TED TAYLOR

December 16, 1966

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Request for Alias Writ of
Execution
Case No. 4516
American National Bank vs.
W. M. Johnston and Evelyn Johnston
Our File No. 14,298-OJL

Dear Mrs. Duck:

As attorneys for the judgment creditor in the above mentioned matter, we hereby request that you issue an alias writ of execution directing the Sheriff to levy upon all of the right, title and interest in and to the hereinafter described automobiles belonging to W. M. Johnston (Wallace M. Johnston) and Mrs. Evelyn Johnston sufficient to satisfy our judgment in the present balance of \$2,715.00 plus interest from March 15, 1961 at the rate of 6% per annum plus court costs.

One (1) 1958 Oldsmobile
4 Door, Vehicle Identification # 587A. 14322

One (1) 1965 Oldsmobile 88 Sedan
Vehicle Identification # 356695D 119563

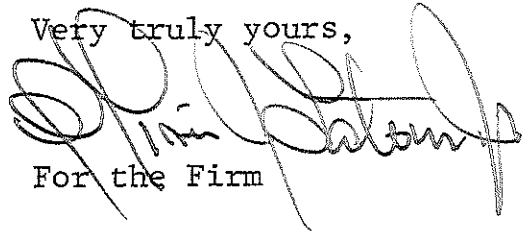
One (1) 1966 Chevrolet Caprice 2 Door
Vehicle Identification # 166476A 100731

We understand that Mr. and Mrs. Johnston live on Route 5 outside of Daphne, Alabama. We trust the Sheriff will have no trouble in locating these automobiles, but we request that you direct the Sheriff to notify me if he does have trouble locating these automobiles.

-2-

Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. Edgar Hoover", written over a horizontal line.

For the Firm

OJL:pg

cc: Mr. Charles Prater

HAMILTON, BUTLER, RIDDICK & LATOUR

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1743

MOBILE, ALABAMA

36601

THOMAS A. HAMILTON
CHARLES R. BUTLER
HARRY H. RIDDICK
OLIVER J. LATOUR, JR.
JAMES W. TARTON, III

CHARLES R. BUTLER, JR.
JOSEPH M. ALLEN, JR.
JANELLA J. WOOD

PETER HAMILTON (1938-1988)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

CABLE ADDRESS:
HAMILTONS

TELEPHONE: 432-7517
AREA CODE 205

December 9, 1970

T. M. Byrd, Deputy Sheriff
Baldwin County Sheriff's Department
Bay Minette, Alabama 36507

Re: The American National Bank
& Trust Company of Mobile
v. W. M. Johnston and Evelyn Johnston
Circuit Court Case No. 4516
Our File No. 14,298-OJL

Dear Mr. Byrd:

We have received your letter of December 8, 1970 inquiring as to the status of the judgment in the above styled matter. The balance on the judgment which remains unpaid is \$2,195.30 plus court costs and statutory interest at the rate of 6% per annum since April 26, 1967. Anything you can do to help us collect this judgment against the Johnstons would be deeply appreciated.

Please don't hesitate to call us collect if we can be of any assistance to you and if you need any information from us.

Very truly yours,


For the Firm

OJL:jp

cc: Mrs. Alice J. Duck
Clerk, Circuit Court of Baldwin County
Baldwin County Court House
Bay Minette, Alabama 36507

Mr. E. N. Cannon
The American National Bank &
Trust Company of Mobile

12-26-67

Case No. 4514

American Telephone

Co.

Long Distance Dept.

Balance due prior to 12/26/67 \$2715.00
Interest 977.40
3692.40

4-26-69 Ad by Long Distance Dept.

Balance due

1479.10

2195.30

(+ sent to date
+ court cost)

Note:

Please verify these figures
before another payment is made

A. J. R.

XERO

XERO
COPY

XERO
COPY

XERO
COPY

THE AMERICAN NATIONAL
BANK & TRUST COMPANY OF
MOBILE, a National Banking
Association,

Plaintiff,

VS.

W. M. JOHNSTON and EVELYN
JOHNSTON,

Defendants.

and

MOBILE BONDING COMPANY,

Garnishee.

*

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4516 $\frac{1}{2}$

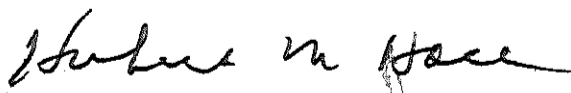
ORDER

The above matter coming on to be heard on the Motion of the plaintiff to render a judgment Ni Si against the garnishee in the above styled cause because of its failure to answer the garnishment served on it on the 5th day of October, 1962, and the Court having considered the matter, is of the opinion that the Motion should be granted; it is therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that a judgment Ni Si is hereby rendered against the garnishee, Mobile Bonding Company, herein, in the sum of Three Thousand Two Hundred and Fifteen Dollars (\$3,215.00) and costs. Said judgment will be made absolute unless said garnishee appears within thirty (30) days after notice of this conditional judgment.

IT IS FURTHER ORDERED and DECREED by the Court that the Clerk of said Court shall issue a notice to the garnishee of such conditional judgment and that such notice shall be served upon the garnishee as required by law.

Done this the 21 day of November, 1962.



JUDGE

Received 21 day of Nov 1962

and on 21 day of Nov 1962

I served a copy of the within Order

on Mobile Bonding Co

By service on David Aye
Agent

TAYLOR WILKINS, Sheriff

By James D. S.

THE AMERICAN NATIONAL
BANK & TRUST COMPANY OF
MOBILE, a National Bank-
ing Association,

Plaintiff,

Vs.

W. M. JOHNSTON and EVELYN
JOHNSTON,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4516 1/2

Personally appeared before me, the undersigned authority, Harold Saye, who is personally known to me, who being by me duly sworn, on oath, says that he is a Partner in the Mobile Bonding Company, and as such Partner, has authority to make answer for the Garnishee in the above styled cause. In answering the Garnishment therein, he says that the Garnishee is not now indebted to the Defendants in any sum whatever, and was not indebted to them at the time of the service of this Garnishment, nor at any time intervening between the time of the service of the Garnishment and the making of this answer, and that it will not be indebted in the future to the said Defendants by any contract then or now existing, and that it will not be liable to the Defendants for the delivery of personal property by any contract then or now existing for the delivery of personal property, nor for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and that it has not in its possession or under its control money or effects belonging to the Defendants.

Sworn to and subscribed before me on this the 31st day of November, 1962.

FILED

NOV 21 1962

ALICE J. DUCK, CLERK
REGISTER

Notary Public

State of Alabama at Large

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

the undersigned authority,

Personally appeared before me, ~~John E. Mandeville, Clerk of the Circuit Court in and for Mobile~~

~~County and State aforesaid.~~ Oliver J. Latour, Jr.

who being duly sworn, on oath says, that on the 8th day of March, 1961.

of the Circuit Court of ^{Baldwin} ~~Mobile~~ County, The American National Bank & Trust Company

of Mobile, a National Banking Association,

recovered a judgment against W. M. Johnston and Evelyn Johnston

for the sum of

Three Thousand Two Hundred Fifteen and No/100----- Dollars,

besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect; that

Mobile Bonding Company of 107 South Royal Street, Mobile,

Alabama, is

supposed to be indebted to or have effects of the said W. M. Johnston

in its possession or under its control, and that he believes process of

Garnishment against said Mobile Bonding Company

is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 29th

day of September, A. D., 1962.

Harry G. Reddick

Notary Public, Mobile County, Alabama

Oliver J. Latour, Jr.

FILED

001 3 1962

CLERK REGISTER

No. 4516

CIRCUIT COURT

THE AMERICAN NATIONAL BANK & TRUST
COMPANY OF MOBILE

vs.

W. M. JOHNSTON and EVELYN JOHNSTON

**AFFIDAVIT FOR GARNISHMENT
ON JUDGMENT**

Filed in Office

19

Clerk.

| | | |
|---------------------------------|---|-----------------------------|
| THE AMERICAN NATIONAL BANK | * | |
| AND TRUST COMPANY OF MOBILE, | * | |
| a National Banking Association, | * | IN THE CIRCUIT COURT OF |
| | * | |
| Plaintiff, | * | BALDWIN COUNTY, ALABAMA |
| | * | |
| VS. | * | |
| | * | AT LAW |
| W. M. JOHNSTON and EVELYN | * | |
| JOHNSTON, | * | |
| | * | |
| Defendants. | * | CASE NO. 4516 $\frac{1}{2}$ |
| | * | |
| MOBILE BONDING COMPANY, | * | |
| | * | |
| Garnishee | * | |

MOTION FOR JUDGMENT NI SI

Comes now the plaintiff in the above styled cause and moves this Honorable Court for a judgment Ni Si, and shows unto Your Honor as follows:

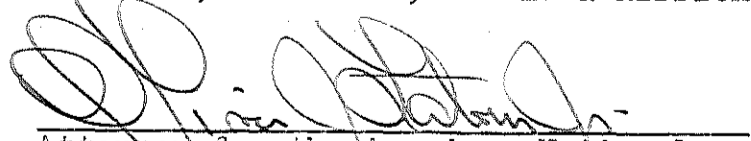
1. That heretofore, and on, to-wit, the 8th day of March, 1961, the plaintiff herein recovered a judgment in the amount of Three Thousand Two Hundred and Fifteen Dollars (\$3,215.00) against the defendants herein.

2. On, to-wit, the 30th day of September, 1962, the plaintiff filed herein its affidavit for garnishment on the judgment and on, to-wit, the 5th day of October, 1962 the defendant and Mobile Bonding Company of 107 South Royal Street, Mobile, Alabama were served with the necessary process.

3. Mobile Bonding Company has failed to file its answer to the garnishment in the time allowed by law.

Wherefore, plaintiff moves this Honorable Court to enter a judgment Ni Si against the garnishee allowing it to answer in the time allowed by law, failing which, a final judgment be entered against it.

HAMILTON, DENNISTON, BUTLER & RIDDICK


 Attorney for the American National
 Bank & Trust Company of Mobile.

FILED
 NOV 20 1962
 ALICE J. DUCK, CLERK
 REGISTER

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS AND COUNSELLORS AT LAW

AMERICAN NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

October 1, 1962

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
MILLER A. WIDEMIRE
OLIVER J. LATOUR, JR.
J. GORDON HOUSE, JR.
FERRILL D. McRAE

PETER HAMILTON 1836-1888
THOMAS A. HAMILTON 1844-1897
J. GAILLARD HAMILTON 1899-1956

Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Court House
Bay Minette, Alabama

Re: American National Bank & Trust Company
vs. W. M. Johnston and Evelyn Johnston
Case No. 4516
Judgment rendered 8 March, 1961
Our File No. 14,298 - OJL

Dear Mrs. Duck:

You will please find enclosed two properly executed and notarized affidavits for garnishment on the above mentioned judgment, which garnishment should be served upon Mobile Bonding Company of 107 South Royal Street, Mobile, Alabama. We assume it will be necessary for you to send this garnishment to the Honorable Ray D. Bridges, Sheriff of Mobile County, so that he might serve same upon Mobile Bonding Company.

We wish to thank you in advance for your cooperation in this matter.

Very truly yours,

For the Firm

OJL/lgm
Enclosure:

cc: Mr. H. T. Lawson

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

Personally appeared before me, ~~John F. Henderson, Clerk of the Circuit Court for Mobile County and State aforesaid.~~ ^{the undersigned authority,} ~~Oliver J. Latour, Jr.~~ ^{Oliver J. Latour, Jr.}

who being duly sworn, on oath says, that on the 8th day of March, 1961
of the Circuit Court of ~~Mobile County,~~ ^{Baldwin} ~~The American National Bank & Trust Company~~
of Mobile, a National Banking Association,
recovered a judgment against W. M. Johnston and Evelyn Johnston

.....for the sum of
Three Thousand Two Hundred Fifteen and No/100----- Dollars,
besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect; that
Mobile Bonding Company of 107 South Royal Street, Mobile,
Alabama, is

supposed to be indebted to or have effects of the said W. M. Johnston
in its possession or under its control, and that he believes process of
Garnishment against said Mobile Bonding Company

is necessary to obtain satisfaction of said Judgment.

Sworn to and subscribed this 29th
day of September A. D., 1962

Harry D. Redick
Notary Public, Mobile County, ~~Alabama~~ ^{Alabama}

Oliver J. Latour, Jr.

No. 4516 *1/12*.....

CIRCUIT COURT

THE AMERICAN NATIONAL BANK & TRUST
COMPANY OF MOBILE

vs.

W. M. JOHNSTON and EVELYN JOHNSTON

**AFFIDAVIT FOR GARNISHMENT
ON JUDGMENT**

Filed in Office,

.....19.....

.....
Clerk.

Original

Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Spring Term, 1961, of the Circuit Court of Baldwin County,
to-wit: On the 8th day of March, 1961, being a regular day of
said term, THE AMERICAN NATIONAL BANK AND TRUST COMPANY OF MOBILE

recovered judgment against W. M. JOHNSTON AND EVELYN JOHNSTON

for the sum of Three thousand two hundred fifteen and no/100 Dollars, and cost of suit,
and affidavit having been made by Oliver J. Latour, Jr
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

Mobile Bonding Company of 107 South Royal Street, Mobile, Alabama

has or is believed to have in their possession, or under their control money
or effects belonging to said defendants W. M. Johnston and Evelyn Johnston or that they are, or
is believed to be indebted to said defendant s or to be liable to them, or to one of them on a
contract for the delivery of personal property, or on a contract for the payment of money which may be
discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

Mobile Bonding Company of 107 South Royal Street, Mobile, Alabama

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, on the within 30 days Monday in October A. D. 1962,

then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making their answer, or at any time intervening the time of serv-

ing the garnishment, and making the answer they ~~were~~ indebted to said defendant
W. M. Johnston
& Evelyn Johnston and whether they will not be indebted in future to said defendant s

by a contract then existing, and whether by a contract then existing they
~~is~~ or are, liable to said defendants 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 they has not in their possession or under their control money or
effects belonging to the defendant s W. M. Johnston and Evelyn Johnston

Herein fail not, and have you then and there this Writ.

Witness, ALICE J. DUCK, Clerk of said Court, this 3rd day of October, A. D., 1962

Issued 3rd day of October A. D., 1962.

ATTEST:

269

Alice J. Duck, Clerk.

Received 3 day of Oct 1962
and on 5 day of Oct 1962
I served a copy of the within Sum
on Mobile Bonding Co.

By service on Harold Saye,
Partner

TAYLOR WILKINS, Sheriff
By Fred Seibert D. S.
Sp. Jst

Sheriff claims 44 miles at
Ten Cents per mile Total \$ 4.40
TAYLOR WILKINS, Sheriff
BY Seibert
DEPUTY SHERIFF

Circuit Court, Baldwin County

No. 4516¹/₂

THE AMERICAN NATIONAL BANK AND TRUST CO
COMAPNY OF MOBILE

VS. } Garnishment On Judgment

W. M. JOHNSTON and EVELYN JOHNSTON

Issued 3rd day of October 1962

Returnable day of 19

Attorney

State of Alabama

BALDWIN COUNTY

TO W. M. Johnson and Evelyn Johnson, Defendant s.:

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

THE AMERICAN NATIONAL BANK AND TRUST COMPANY OF MOBILE, Plaintiff.....versus W. M. JOHNSTON AND EVELYN JOHNSTON, Defendant.....

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

Mobile Bonding Company of 107 South Royal Street

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 3.....day of October, 1946...Alice J. - Quick
Clerk of the Circuit Court.

720.45116/4

Received 3 day of Oct 1962
and on 5 day of Oct 1962
served a copy of the within Notice
William Johnston
and Evelyn Johnston
service on _____

TAYLOR WILKINS, Sheriff
By Fred Seibert S.
2 mi. West of
Fort

Sheriff claims 156 miles at
Ten Cents per mile Total \$ 15.60
TAYLOR WILKINS, Sheriff
BY Fred Seibert
DEPUTY SHERIFF

NOTICE
TO DEFENDANT OF GARNISHMENT
BY
CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
TO

The American National
Bank & Trust Co. of Mobile
Plaintiff.....

VS.

W.M. Johnston
Evelyn Johnston
Defendant.....

Defendant.....

File to add

THE AMERICAN NATIONAL BANK *
AND TRUST COMPANY OF MOBILE, *
a National Banking Association, *

Plaintiff, *

VS. *

W. M. JOHNSTON and EVELYN *
JOHNSTON, *

Defendants. *

MOBILE BONDING COMPANY, *

Garnishee *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4516¹/₂

MOTION FOR JUDGMENT NI SI

Comes now the plaintiff in the above styled cause and moves this Honorable Court for a judgment Ni Si, and shows unto Your Honor as follows:

1. That heretofore, and on, to-wit, the 8th day of March, 1961, the plaintiff herein recovered a judgment in the amount of Three Thousand Two Hundred and Fifteen Dollars (\$3,215.00) against the defendants herein.

2. On, to-wit, the 30th day of September, 1962, the plaintiff filed herein its affidavit for garnishment on the judgment and on, to-wit, the 5th day of October, 1962 the defendant and Mobile Bonding Company of 107 South Royal Street, Mobile, Alabama were served with the necessary process.

3. Mobile Bonding Company has failed to file its answer to the garnishment in the time allowed by law.

Wherefore, plaintiff moves this Honorable Court to enter a judgment Ni Si against the garnishee allowing it to answer in the time allowed by law, failing which, a final judgment be entered against it.

HAMILTON, DENNISTON, BUTLER & RIDDICK


Attorney for the American National
Bank & Trust Company of Mobile.

FILED

NOV 20 1962

ALICE L. DICK, CLERK
REGISTER

THE AMERICAN NATIONAL BANK *
AND TRUST COMPANY OF MOBILE, *
a National Banking Association, * IN THE CIRCUIT COURT OF
Plaintiff, * BALDWIN COUNTY, ALABAMA
VS. *
W. M. JOHNSTON and EVELYN * AT LAW
JOHNSTON, *
Defendants. * CASE NO. 4516 $\frac{1}{2}$
MOBILE BONDING COMPANY, *
Garnishee *

MOTION FOR JUDGMENT NI SI

Comes now the plaintiff in the above styled cause and moves this Honorable Court for a judgment Ni Si, and shows unto Your Honor as follows:

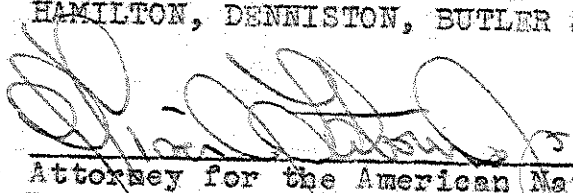
1. That heretofore, and on, to-wit, the 8th day of March, 1961, the plaintiff herein recovered a judgment in the amount of Three Thousand Two Hundred and Fifteen Dollars (\$3,215.00) against the defendants herein.

2. On, to-wit, the 30th day of September, 1962, the plaintiff filed herein its affidavit for garnishment on the judgment and on, to-wit, the 5th day of October, 1962 the defendant and Mobile Bonding Company of 107 South Royal Street, Mobile, Alabama were served with the necessary process.

3. Mobile Bonding Company has failed to file its answer to the garnishment in the time allowed by law.

Wherefore, plaintiff moves this Honorable Court to enter a judgment Ni Si against the garnishee allowing it to answer in the time allowed by law, failing which, a final judgment be entered against it.

HAMILTON, DENNISTON, BUTLER & RIDDICK


Attorney for the American National
Bank & Trust Company of Mobile.

FILED
NOV 20 1962

MADE A. BERRY, CLERK
REGISTER

HAMILTON, DENNISTON, BUTLER & RIDDICK
MOBILE, ALABAMA

THE AMERICAN NATIONAL
BANK & TRUST COMPANY OF
MOBILE, a National Banking
Association,

Plaintiff,

VS.

W. M. JOHNSTON and EVELYN
JOHNSTON,

Defendants.

and

MOBILE BONDING COMPANY,

Garnishee.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4516 $\frac{1}{2}$

ORDER

The above matter coming on to be heard on the Motion of the plaintiff to render a judgment Ni Si against the garnishee in the above styled cause because of its failure to answer the garnishment served on it on the 5th day of October, 1962, and the Court having considered the matter, is of the opinion that the Motion should be granted; it is therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, that a judgment Ni Si is hereby rendered against the garnishee, Mobile Bonding Company, herein, in the sum of Three Thousand Two Hundred and Fifteen Dollars (\$3,215.00) and costs. Said judgment will be made absolute unless said garnishee appears within thirty (30) days after notice of this conditional judgment.

IT IS FURTHER ORDERED and DECREED by the Court that the Clerk of said Court shall issue a notice to the garnishee of such conditional judgment and that such notice shall be served upon the garnishee as required by law.

Done this the 21 day of November, 1962.

Julius M. Ball
JUDGE

THE AMERICAN NATIONAL
BANK & TRUST COMPANY OF
MOBILE, a National Banking
Association,

Plaintiff,

VS.

W. M. JOHNSTON and EVELYN
JOHNSTON,

Defendants.

and

MOBILE BONDING COMPANY,

Garnishee.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4516 $\frac{1}{2}$

TO: MOBILE BONDING COMPANY, 107 SOUTH ROYAL STREET, MOBILE,
ALABAMA:

YOU ARE HEREBY NOTIFIED that a conditional judgment was
rendered against you by the Circuit Court of Baldwin County,
Alabama, At Law, in the above styled cause for the sum of Three
Thousand Two Hundred and Fifteen Dollars and costs of Court,
which conditional judgment will be made absolute unless you
appear within thirty (30) days after service of this notice
in the Circuit Court of Baldwin County, Alabama, to show cause
why such conditional judgment should not be made absolute.

Done this the 21 day of November, 1962.



Alice J. Duck, Clerk

THE AMERICAN NATIONAL
BANK & TRUST COMPANY OF
MOBILE, a National Banking
Association,

Plaintiff,

VS.

W. M. JOHNSTON and EVELYN
JOHNSTON,

Defendants.

and

MOBILE BONDING COMPANY,

Garnishee.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

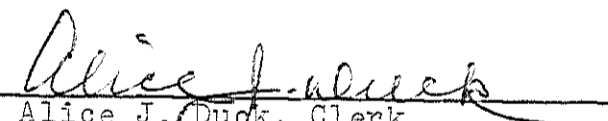
AT LAW

CASE NO. 4516 $\frac{1}{2}$

TO: MOBILE BONDING COMPANY, 107 SOUTH ROYAL STREET, MOBILE,
ALABAMA:

YOU ARE HEREBY NOTIFIED that a conditional judgment was
rendered against you by the Circuit Court of Baldwin County,
Alabama, At Law, in the above styled cause for the sum of Three
Thousand Two Hundred and Fifteen Dollars and costs of Court,
which conditional judgment will be made absolute unless you
appear within thirty (30) days after service of this notice
in the Circuit Court of Baldwin County, Alabama, to show cause
why such conditional judgment should not be made absolute.

Done this the 21 day of November, 1962.


Alice J. Duck, Clerk

451612
Received 21 day of Nov 1962
and on 21 day of Nov 1962
I served a copy of the within Notice
on Mobile Bonding Co.

By service on Harold Baye,
Agent

TAYLOR WILKINS; Sheriff

By James D. Sze

THE AMERICAN NATIONAL BANK &
TRUST COMPANY OF MOBILE,

Complainant,

vs.

W. M. JOHNSTON and
EVELYN JOHNSTON,

Respondents.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

) ALABAMA

) AT LAW

) NO.

)

ANSWER OF GARNISHEE

Comes now Ernest M. Megginson, as Executor of the Estate of Robert L. Johnston, deceased, as garnishee in the above cause, and for answer to the writ of garnishment heretofore conferred upon him in this cause, says upon oath as follows:

That at the time of the service of the said garnishment he was not indebted to either of the defendants.

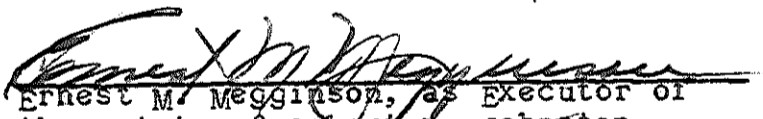
That, as such executor, he expects to have assets of the estate of said decedent in his hand upon the consummation of the sale of said real property and that, after the payment of legal charges against the estate, he expects a portion of said assets to be distributable to the said defendant, W. M. Johnston, but that the payment of said legal charges and the distributive share of said W. M. Johnston will be subject to an appropriate order of the probate court of Mobile County, Alabama having jurisdiction of said estate. Garnishee further states that the distributive share of said W. M. Johnston is one-sixth (1/6th) of forty (40%) per cent of the net assets of said estate.

Garnishee further shows unto the court that heretofore and prior to the service of the writ of garnishment in this cause he was served with a writ of garnishment in that certain judgment issued out of the Circuit Court of Mobile County, Alabama, At Law, in the case of First National Bank of Mobile, Alabama, vs. Wallace M. Johnston, cause No. 18,594, which said writ of garnishment this garnishee duly answered and pursuant thereto and pursuant to an order of partial settlement dated July 1, 1960, rendered by the probate court of Mobile County, Alabama, in said estate proceedings, he paid over the sum of \$520.89 in said cause, the said amount

being the distributive share of the said Wallace M. Johnston upon said partial settlement.


Garnishee states, therefore, that while he holds other assets of said Estate being reduced to cash and while there will be other distributive amounts to be paid to the defendant, W. M. Johnston, he has been served with a prior writ of garnishment above described and garnishee doubts that the ultimate distributive shares of the said W. M. Johnston in the Estate will be sufficient to satisfy the prior writ of garnishment.

Garnishee states further that other than as above set out he was not indebted to the defendants in this cause by contract then existing, at the time of service of this garnishment or at the time of making this answer or at any intervening time and that other than as above set out he will not be indebted in the future to the said defendants by contract existing or liable to the said defendants for the delivery of personal property or for the payment of money which may be discharged by the payment of personal property or which is payable in personal property and that other than as set out above he does not have in his possession or under his control money or effects belonging to the defendants, W. M. Johnston and Evelyn Johnston.


Ernest M. Megginson, as Executor of
the Estate of Robert L. Johnston,
Deceased.

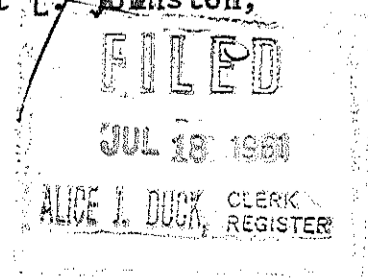
STATE OF ALABAMA)
COUNTY OF MOBILE)

personally appeared before me, the undersigned authority, Ernest M. Megginson, as Executor of the Estate of Robert L. Johnston, Deceased, who, by me being first duly sworn, deposes and says: that the matters alleged in the foregoing answer of garnishee are true and correct.


Ernest M. Megginson, as Executor of
the Estate of Robert L. Johnston,
Deceased.

SWORN TO AND SUBSCRIBED
before me this ____ day of
July, 1961.


Notary Public, Mobile County, Alabama



Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

May

TERM, 19 61

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Term, 19____, of the Circuit Court of Baldwin County,
to-wit: On the 8th day of March, 1961, being a regular day of
said term, The American National Bank & Trust Company of Mobile

recovered judgment against W.M. Johnston & Evelyn Johnston

for the sum of Three Thousand Two Hundred Fifteen & no/100 Dollars, and cost of suit,
and affidavit having been made by Oliver J. Latour, Jr.
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

Earnest M. Megginson, as executor of the Estate of Robert E L. Johnston

has or is believed to have in its possession, or under its control money
or effects belonging to said defendants or that it is, or
is believed to be indebted to said defendant or to be liable to them, or to one of them on a
contract for the delivery of personal property, or on a contract for the payment of money which may be
discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

Earnest M. Megginson, as Executor of the Estate of Robert L. Johnston

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, on the Monday in A. D. 19____,
then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making its answer, or at any time intervening the time of serv-
ing the garnishment, and making the answer its was indebted to said defendant
and whether it will not be indebted in future to said defendant
by a contract then existing, and whether by a contract then existing
is, or are, liable to said defendants 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 it has not in its possession or under its control money or
effects belonging to the defendants W.M. Johnston & Evelyn Johnston

Herein fail not, and have you then and there this Writ.

Witness, ALICE J. DUCK, Clerk of said Court, this 5th day of May, A. D., 19 61

Issued 5th day of May A. D., 19 61

ATTEST:

Alice J. Duck, Clerk.

Received 8 Day of May 1961
and on 14 Day of June 1961
I served a Copy of the within Harmen-bus
on Ernest M. Meagnum
by service on Ernest M. Meagnum

RAY D. BRIDGES, Sheriff

Ray D. Bridges D.S.

RECEIVED
MAY 8 1961
SHERIFF'S OFFICE

4516 1/2

2744

Circuit Court, Baldwin County

No. 4516 1/2

THE AMERICAN NATIONAL BANK & TRUST
COMPANY OF MOBILE

VS. } Garnishment On Judgment

W.M. JOHNSON & EVELYN JOHNSTON

Issued 5th day of May 1961

Returnable day of 19

9 Westgate Rd
Springhill
Mobile

Attorney

State of Alabama

BALDWIN COUNTY

TO W.M. Johnston & Evelyn Johnston, Defendant.

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

The American National Bank & Trust Company of Mobile, Plaintiff,

versus W.M. Johnston & Evelyn Johnston, Defendant,

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

Earnest M. Megginson, as Executor of the Estate of Robert L. Johnston,

has been named as Garnishee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 5th

day of May, 1946.

Clerk of the Circuit Court.

NOTICE TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

TO

THE AMERICAN NATIONAL BANK &
TRUST COMPANY OF MOBILE,

Plaintiff.....

VS.

W.M. JOHNSTON & EVELYN JOHNSTON

Defendant.....

Received 5 day of May 1961
 on 9 day of May 1961
 served a copy of the within Notice
W.M. Johnston
Evelyn Johnston
 by service on _____

TAYLOR WILKINS Sheriff
 By W.O. Garner s.
Garner

Sheriff claims 60 miles at

Ten Cents per mile Total \$6.00

TAYLOR WILKINS, Sheriff:

BY W.O. Garner
 DEPUTY SHERIFF

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS & COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING
P. O. BOX 1671

MOBILE, ALABAMA

THOMAS A. HAMILTON
ROBERT P. DENNISTON
CHARLES R. BUTLER
HARRY H. RIDDICK
ROBERT R. LOCKLIN
MILLER A. WIDEMIRE

PETER HAMILTON (1838-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

May 4, 1961

Mrs. Alice Duck, Clerk
Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Dear Mr. Duck:

Re: Case No. 4516
American National Bank vs. W. M. Johnston, etc.

We would appreciate it if you would file the enclosed affidavit for garnishment on a judgment in the above mentioned case and issue the necessary papers so that the garnishee might be served at his place of residence which is 9 Westgate Road, Springhill, Mobile, Alabama.

Thank you very much for your kind attention in this matter.

Very truly yours,


For the Firm

OJL/gth
14,298

Enclosures
cc: Mr. Hugh Lawson
American National Bank

THE STATE OF ALABAMA,
BALDWIN ~~MOBILE~~ COUNTY

AFFIDAVIT FOR GARNISHMENT ON JUDGMENT
CIRCUIT COURT

the below mentioned authority

Personally appeared before me, ~~W. Elsworth Haughton, Register of the Circuit in and for Mobile~~
~~County and State aforesaid~~ Oliver J. Latour, Jr.

who being duly sworn, on oath says, that on the 8th day of March, 1961
of the Circuit Court of ~~Mobile~~ ^{Baldwin} County, The American National Bank & Trust Company
of Mobile

recovered a judgment against W. M. Johnston and Evelyn Johnston

for the sum of

Three Thousand Two Hundred Fifteen & No/100 - - - - - Dollars,

besides cost of suit; that said judgment remains wholly unsatisfied and in full force and effect; that
Earnest M. Megginson, as Executor of the Estate of Robert L. Johnston, is

supposed to be indebted to or have effects of the said W. M. Johnston and Evelyn Johnston

in his possession, or under his control, and that believes
process of Garnishment against said Earnest M. Megginson, as Executor of the Estate
of Robert L. Johnston

is necessary to obtain satisfaction of said Judgment,

Sworn to and subscribed this 4th
day of March May A. D., 19 61

Harry B. Ruck

Register.

W. Elsworth Haughton

Filed

35-55-61

W. Elsworth Haughton, Register

W. Elsworth Haughton

THE STATE OF ALABAMA,
BALDWIN ~~MOBILE~~ COUNTY

AFFIDAVIT FOR GARNISHMENT ON JUDGMENT
CIRCUIT COURT

the below mentioned authority
Personally appeared before me, ~~W. Elsworth Haughton, Register of the Circuit in and for Mobile~~
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in his possession, or under his control, and that believes
process of Garnishment against said Earnest M. Megginson, as Executor of the Estate
of Robert L. Johnston

is necessary to obtain satisfaction of said Judgment,

Sworn to and subscribed this 4th

day of March May A. D., 19 61.

Harry B. Reddick
Register.

Oliver J. Latour, Jr.
Filed 5-5-61
W. Elsworth Haughton, Register
W. Elsworth Haughton

The American National Bank &
Trust Company of Mobile, a National
Banking Association
Plaintiff.
VS.
W. M. Johnston and Evelyn
Johnston,

Defendant.

IN THE CIRCUIT COURT

OF

Baldwin
MOBILE COUNTY, ALABAMA.

NO. 4516

NON-MILITARY AFFIDAVIT

STATE OF ALABAMA

COUNTY OF MOBILE

NOW comes,

H. T. Lawson

who being first duly sworn, deposes and says that the defendant herein, W. M. Johnston and Evelyn Johnston was not at the time of the filing of this suit, and is not now in the Military or Naval Service of the United States.

The Defendant resides at

Blue Hill Fishing
Camp, on East end of Mobile Bay Causeway,
North Side.

Sworn to and subscribed before me,
this 8th day of March

1950

H. T. Lawson
Notary Public.

Harry D. Riddick
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

CLERK

