

SUMMONS

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon H. P. HOLMAN, doing business as HOLMAN DAIRY, 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, Alabama, at the place of holding same by F. L. IRWIN and LAMAR IRWIN, a partnership doing business as L. IRWIN & SON.

Witness my hand this the 3rd day of January, 1961.

Alicia J. Reuck
Clerk

* * * * *

COMPLAINT

F. L. IRWIN and LAMAR IRWIN,
a partnership doing business
as L. IRWIN & SON,

PLAINTIFF

VS:

H. P. HOLMAN, doing business
as HOLMAN DAIRY,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The plaintiff claims of the defendant ONE THOUSAND THREE HUNDRED FIFTY-FOUR & 10/100 DOLLARS (\$1,354.10), due from him by account on, to wit: the 23rd day of November, 1960, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The plaintiff claims of the defendant ONE THOUSAND THREE HUNDRED FIFTY-FOUR & 10/100 DOLLARS (\$1,354.10), due from him on account stated between the plaintiff and the defendant on, to wit: the 23rd day of November, 1960, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The plaintiff claims of the defendant ONE THOUSAND THREE HUNDRED FIFTY-FOUR & 10/100 DOLLARS (\$1,354.10), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 23rd day of November, 1960, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 23rd day of December, 1960.

The defendant's address is:

Foley, Alabama
FAIRHOPE

Philip C. Cullen
Attorney for Plaintiff

FILED

281

JAN 3 1961

Alicia J. Reuck - clerk

L. IRWIN & SON
FOLEY, ALABAMA

Holman Dairy

DATE *12/23/60* 19__

DATE	INV. NO.			
8/24/60	2582	Feed		
8/29	2627	"	48.60	
8/31	2649	"	18.50	
9/6	2691	"	81.50	
9/13	2771	"	74.00	
9/20	2830	check on m/c	74.00	
9/21	2837	Feed		148.60
9/24	2884	"	106.60	
10/3	2969	"	125.10	
10/10	3037	"	149.30	
10/13	3069	"	75.60	
10/17	3102	"	92.50	
10/24	3160	CK on account	186.70	
10/24	3167	Feed		500.00
10/26	3186	"	84.85	
10/31	3225	"	143.00	
11/7	3294	"	180.90	
11/12	3335	"	163.45	
11/14	3358	"	18.50	
11/16	3390	"	95.85	
11/19	3428	"	18.00	
11/23	3470	"	224.65	2.50
			43.60	
			1354.10	

I, FRANCIS TRU
being duly sworn, do
say that this is a
correct copy of this
after allowing all
Sworn to and subscri
me this the 23rd day
December, 1960.
Notary Public
Baldwin County, A

4533.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

F. L. IRWIN and LAMAR IRWIN, a
partnership doing business as
L. IRWIN & SON,

PLAINTIFF

VS:

H. P. HOLMAN, doing business as
HOLMAN DAIRY,

DEFENDANT

SUMMONS AND COMPLAINT and
Notice To Defendant of
Garnishment.

Received 3 day of Jan 1961
and on 16 day of Jan 1961
I served a copy of the within 99C, Notice
on H. P. Holman
By service on _____

TAYLOR WILKINS, Sheriff
By Edlough Steadhorn
Fairhope, Ala.

Sheriff claims 70 miles at
Ten Cents per mile 7.00
TAYLOR WILKINS, Sheriff
BY 66
DEPUTY SHERIFF

FILED
JAN 3 1961
ALICE J. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

F. L. IRWIN and LAMAR IRWIN, a
partnership doing business as
L. Irwin & Son,

Plaintiff,

VS.

H. P. HOLMAN, doing business as
HOLMAN DAIRY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

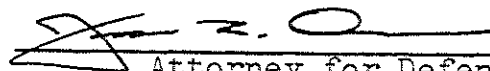
AT LAW

No. 4533

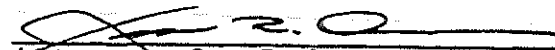
PLEA

Now comes the Defendant in the above styled cause and for
plea to the complaint heretofore filed in said cause and to each
count thereof says separately and severally.

1. Not guilty.
2. The allegations of the complaint are untrue.


Attorney for Defendant

Defendant demands a trial of said cause by jury.


Attorney for Defendant

FILED

FEB. 15 1961

ALICE J. DUCK, Clerk

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama—Greeting:

Whereas, F.L. IRWIN, doing business as L. IRWIN & SON

has commenced suit by Summons and Complaint returnable to the next term of the Circuit Court of said County, against H.P. HOLMAN, doing business as HOLMAN DAIRY

ONE THOUSAND THREE HUNDRED FIFTY-FOUR & 10/100
for the sum of _____ Dollars and whereas, the said

F.L. IRWIN, doing business as L. IRWIN & SON

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

H.P. HOLMAN, doing business as HOLMAN DAIRY

is indebted to them in the sum of One Thousand Three Hundred Fifty-Four & 10/100 -

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 WOODHAVEN DAIRY, Robertsdale, Alabama

_____ is believed to be chargeable as garnishee in the cause.

YOU ARE THEREFORE, commanded to summon the said WOODHAVEN DAIRY, Robertsdale, Ala.

_____ to be and appear at the next term of the Circuit Court, to

be holden for the County of Baldwin, ~~on 30 days after service~~, 19____ 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 3 day of Jan, 1961

Cliff J. Smith
Clerk.

No. 4533

Circuit Court of Baldwin County

VS.

Garnishment On Summons

Issued _____ day of _____, 19____

Plaintiff's Attorney

Received _____ day of _____, 19____
and on 9 day of July, 1966

I served a copy of the within Summons
on Woodhawn Dairy
W. G. McKibben

By service on _____

L. TAYLOR WILKINS, Sheriff
BY Ed Leigh Steadman

Rebertsdale, Ala

Sheriff's fee 50 cents
Tax Court fee 5.80
TAYLOR WILKINS, Sheriff
BY Ed Leigh Steadman
DEPUTY SHERIFF

No. 4533

Circuit Court of Baldwin County

VS.

Garnishment On Summons

Received _____ day of _____ 19____
and on 9 day of Jan 1961
I served a copy of the within Garn
on Woodhawn Dairy
W. G. McKibben
By service on _____

L. TAYLOR WILKINS, Sheriff

BY Edleigh Steadman

Rebertsdale, Ala

Sheriff's return 50 copies of

Ten Cents per copy Total \$ 5.00

L. TAYLOR WILKINS, Sheriff

BY 68

DEPUTY SHERIFF

Issued _____ day of _____, 19____

Plaintiff's Attorney

BOND

The State of Alabama, }
Baldwin County

CIRCUIT COURT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, F. L. IRWIN and B. C. GATESare held and firmly bound unto H. P. HOLMAN, d/b/a HOLMAN DAIRYin the sum of TWO THOUSAND SEVEN HUNDRED FIFTY & 00/100 DOLLARS,to be paid to the said H. P. HOLMAN, d/b/a HOLMAN DAIRY

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 30th day of December, 1960

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

F. L. IRWIN and B. C. GATES

have commenced suit in the Circuit Court of said County by summons and complaint, which have issued from said Court, to recover of said H. P. HOLMAN, d/b/a HOLMAN DAIRY

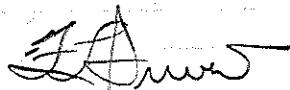
the sum of ONE THOUSAND THREE HUNDRED FIFTY-FOUR & 10/100 Dollars, and have on the day of the date hereof, prayed that Writ of Garnishment issue out of said Court to

WOODHAVEN DAIRY, Robertsedale, Alabama

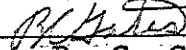
summoning it to answer what it is indebted to said Defendant, or what effects of said Defendant has in its possession, or under its control; and said Plaintiff having made oath as required by law in such cases, said Writ is about to issue out of said Court, returnable to the next Term of the Circuit Court, to be holden for Baldwin County.

NOW, if the said Plaintiffs 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 we hereby severally certify that we have property free from all incumbrance, to the full amount of the above bond.


F. L. IRWIN

(Seal)


B. C. GATES

(Seal)

(Seal)

Approved this 3rd day of January A. D., 1961
 Clerk.

Forest A. Christian
Attorney at Law
Foley, Alabama

The State of Alabama

Baldwin County

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

in and for said County, personally appeared F. L. IRWIN

who, being duly sworn, doth depose S and say S that H. P. HOLMAN, doing business
as HOLMAN DAIRY

indebted to them in the sum of ONE THOUSAND THREE HUNDRED FIFTY FOUR & 00/100 Dollars,
and that they have commenced on suit by summons and complaint on said indebtedness
against the said H. P. HOLMAN, doing business as HOLMAN DAIRY

and that WOODHAVEN DAIRY, Robertsdale, Alabama

supposed to be indebted to the said Defendant, or to have effects of the said Defendant, in its
possession, or under its control, and that he believe that process of Garnishment against the said
H. P. HOLMAN, doing business as HOLMAN DAIRY

is necessary to obtain satisfaction of said claim; and that the said WOODHAVEN DAIRY
is believed to be chargeable as Garnishee in said cause; and that this Writ is not sued out for the purpose
of vexing or harassing said Defendant, or other improper motives.

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

WITNESS:

_____, Clerk Circuit Court.

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No. 4533

THE STATE OF ALABAMA
Baldwin County.

CIRCUIT COURT

Plaintiff

TO

Defendant

Bond and Affidavit in Garnishment
on Summons

Filed this 1-3 day of _____

1961

Clerk.

Printed by Moore Ptg. Co.

F. L. IRWIN, doing business	X	
as L. IRWIN & SON,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
H. P. HOLMAN, doing business	X	
as HOLMAN DAIRY,	X	NUMBER 4533
	X	
Defendant.	X	
	X	
WOODHAVEN DAIRY,	X	
	X	
Garnishee.	X	

Comes now Woodhaven Dairy, Garnishee, in the above styled cause, acting by and through W. G. McKibbon as Vice President and General Manager and for answer to the Writ of Garnishment served upon the Woodhaven Dairy, in the above styled cause, says:

That it is not indebted to the Defendant by a contract and it is not liable to him for the delivery of personal property or the payment of money which may be discharged by the delivery of personal property except as hereinafter set out or which is payable in personal property and it does not have in its possession or under its control money or effects belonging to the Defendant except as hereinafter set out.

For further answer to the Writ of Garnishment the Garnishee says that the Defendant sells milk to the Garnishee on daily delivery and the Garnishee remits or accounts to the Defendant on the 1st and the 15th of each month. On December 15, 1960, the Garnishee was indebted to the Defendant for milk in the sum of \$718.69 and on December 31, 1960, the Garnishee was indebted to the Defendant for milk in the sum of \$844.23. Against this amount the Defendant has an indebtedness which he is due the Garnishee in the sum of \$266.44 and the Defendant has given the Garnishee an assignment on his milk check in the sum of \$100.00 for each pay period. The Defendant is also indebted to other companys and has executed assignments of a portion of his pay check to each of them, which assignments are held by the Garnishee. Out of the amount due the Defendant each pay period there is withheld for the Commercial Credit Company the sum of \$75.00; the Planters Cotton & Cattle Credit Corporation \$267.50;

Cosby Hodges Milling Company the sum of \$100.00 and the Garnishee the sum of \$100.00, making a total deduction of \$542.52 out of the check due the Defendant for each pay period.

Should the Court require your Garnishee to withhold anything from such check in addition to the amounts above set out it would make a very difficult operation for the Defendant at this time. The Garnishee does not know the amount of the indebtedness due the companys named above other than the Garnishee but the amount due the Garnishee will be paid within the next three pay periods. Your Garnishee prays that it be advised of any further proceedings in connection with this matter in order that a satisfactory means of repayment can be ascertained.

Having fully answered the Writ of Garnishment the Garnishee prays that it be advised of any further orders or decrees rendered herein.

WOODHAVEN DAIRY, INC., a Corporation

By: L. B. McCallister
As Vice President and General Manager

Sworn to and subscribed before me
on this the 13th day of January,
1961.

Blanche White
Notary Public, Baldwin County, Alabama

