

COMPLAINT

JACK HAYES AND HOWARD HAYES,

PLAINTIFFS

VS

HERLEY MELTON AND MRS. P. M. MELTON,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

4573

I

The Plaintiffs claim of the Defendants Four Hundred Eleven and 78/100 (\$411.78) Dollars, due from them on account, to-wit: the 15th day of November 1960, which sum of money, with interest thereon, is still unpaid.

FILED

JAN 30 1961

ALICE J. DUCK, CLERK  
REGISTER

  
Attorney for Plaintiffs

We the Jury Find  
For the Plaintiff  
And Assess  
Damages  
At \$411.

Plus 67¢  
\$477.

David Golden  
Foreman

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

POST OFFICE BOX 298

WHITEHALL 3-3601

September 5, 1961

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

Re: Jack Hayes et al  
Vs: Hurley Melton, et al  
At Law, No. 4573

Dear Mrs. Duck:

Please dismiss the above suit as to Mrs. P. M. Melton  
only.

Sincerely,

  
James A. Brice

JAB:j  
cc: C. G. Chason, Atty.  
Foley, Alabama

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,  
Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Herley Melton and Mrs. P. M. Melton

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

Herley Melton and Mrs. P. M. Melton, Defendant. S.

by Jack Hayes and Howard Hayes

Witness my hand this 30 day of Jan, 1961, Plaintiff S.

Ed 2-9-61

Reisner, Clerk

No. 4573

Page \_\_\_\_\_

# STATE of ALABAMA

Baldwin County

## CIRCUIT COURT

Jack Hayes and Howard Hayes

Plaintiffs

vs.

Herley Melton and

Mrs. P. M. Melton

Defendants

Summons and Complaint

Filed \_\_\_\_\_ 19\_\_\_\_

Clerk

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Foley, Alabama

Received In Office

1-30-, 1961

Sheriff.

I have executed this summons

this Feb 9 1961

by leaving a copy with

Herley Melton  
Came

Mrs P M Melton

Sheriff claims 14 1/2 miles at  
Ten Cents per mile Total \$ 14.50  
TAYLOR WILKINS, Sheriff  
BY [Signature]  
DEPUTY SHERIFF

[Signature] Sheriff.  
[Signature] Deputy Sheriff.

[Signature]

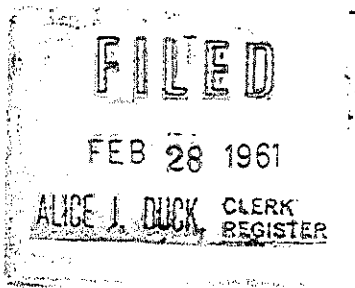
Jack Ayres & Howard Ayres

VS  
Harley Milton & Mrs R M. Milton

Oath by demand trial by Jury.

The allegations of the complaint  
are untrue

Harley Milton



JACK HAYES and HOWARD HAYES

Plaintiffs

-VS-

HERLEY MELTON and MRS. P. M. MELTON,

Defendants.

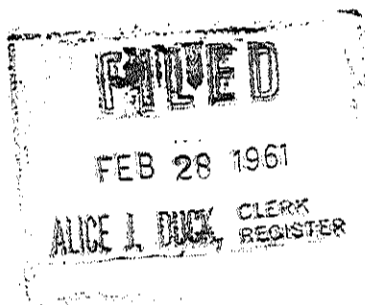
IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA

AT LAW

Comes the defendant, Mrs. P. M. Melton and in answer to the Bill of Complaint heretofore filed in said cause shows as follows:

1. The allegations of the Complaint are untrue.



  
Attorney for Defendant  
Mrs. P. M. Melton

PLAINTIFF

HURLEY MELTON

DEFENDANT

H. KENNEDY, an individual

GARNISHEE

AT LAW, NO. 4573 <sup>1/2</sup>

You are hereby commanded to notify Hurley Melton that on the 25 day of Oct 1961, a Writ of Garnishment in the above stated case was issued to H. Kennedy, an individual, as Garnishee.

And you will return this Writ according to law.

WITNESS my hand this 25 day of Oct 1961.

*George F. Duck*  
~~Sheriff~~ Clerk

Received in this office the \_\_\_\_\_ day of \_\_\_\_\_ 1961.

Sheriff

Executed by serving a copy of the within writ on the \_\_\_\_ day of  
1961.

Sheriff

*[Faint, illegible handwritten notes]*

72 miles at  
 Sheriff claims  
 730  
 Ten Cents per mile Total \$7.30  
 TAYLOR WILKINS, Sheriff  
 BY DEPUTY SHERIFF

Received 24 day of Oct 1941  
 and on 30 day of Oct 1941  
 I served a copy of the within Notice  
 on Harley Melton  
 By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
 By [Signature]  
[Signature]

W. 457 3/4  
 Jack Hayes and  
 Howard Hayes  
 vs  
 Harley Melton

To the Sheriff and  
 Harley Melton

EXHIBIT  
 1941  
 I hereby certify that a copy of the within writ on the \_\_\_\_\_ day of \_\_\_\_\_  
 1941  
 was served on the \_\_\_\_\_ day of \_\_\_\_\_  
 1941  
 at \_\_\_\_\_  
 1941

ALLIANCE BY WRIT OF HABEAS CORPUS  
 AND YOU WILL RETURN WRIT ACCORDING TO LAW  
 CELESTINE  
 ABOVE STATED CASE WAS REFERRED TO H. KENNEDY, JR. JUDGE, AS  
 1941  
 AND THE MATTER COMMENCED TO MOTION HADLEY HAYES CASE ON THE  
 10 VIA SHEKILL OF THE CIVIL OF WYOMING, CLEVELAND:

H. KENNEDY, JR. JUDGE  
 DELENDVMI  
 HADLEY HAYES  
 AS  
 CIVIL  
 JACK HAYES AND HOWARD HAYES  
 VI LAW NO. 4213  
 BYDMIA COBMA WYOMING  
 IN THE CIVIL COURT OF

AFFIDAVIT ON JUDGMENT

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

Personally appeared before me, a Notary Public in and for said State and County, James A. Brice, who being duly sworn, deposes and saith that Jack Hayes and Howard Hayes, on the 12th day of September 1961, in the Circuit Court of Baldwin County, Alabama, recovered a judgment against Hurley Melton for the sum of Four Hundred Twenty-Seven and NO/100 (\$427.00) Dollars and the further sum of Thirty-Seven and 40/100 (\$37.40) Dollars cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that H. Kennedy, an individual, has or is believed to have in his possession or under his control, money or effects belonging to the defendant, or he is liable 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.

  
James A. Brice

Sworn to and subscribed before me this  
24th day of October 1961.

  
  
Notary Public

AFFIDAVIT ON JUDGMENT

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

Personally appeared before me, a Notary Public in and for said State and County, James A. Brice, who being duly sworn, deposes and saith that Jack Hayes and Howard Hayes, on the 12th day of September 1961, in the Circuit Court of Baldwin County, Alabama, recovered a judgment against Hurley Melton for the sum of Four Hundred Twenty-Seven and NO/100 (\$427.00) Dollars and the further sum of Thirty-Seven and 40/100 (\$37.40) Dollars cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that H. Kennedy, an individual, has or is believed to have in his possession or under his control, money or effects belonging to the defendant, or he is liable 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.

  
James A. Brice

Sworn to and subscribed before me this  
24th day of October 1961.

  
  
Notary Public

FILED

OCT 25 1961

ALICE J. DUCK, CLERK  
REGISTER

GARNISHMENT ON JUDGMENT

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW, NO. 4573 *1/2*

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WHEREAS, on the 12th day of September 1961, being a regular day of said court, Jack Hayes and Howard Hayes recovered judgment against Hurley Melton for the sum of Four Hundred Twenty-seven and NO/100 (\$427.00) Dollars and Thirty-Seven and 40/100 (\$37.40) Dollars cost of suit, and affidavit having been made by James A. Brice, that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named person, viz: H. Kennedy, an individual, has or is believed to have in its possession, or under its control money or effects belonging to said defendant, or that it is, or is believed to be indebted to said defendant or to be liable to him, 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 H. Kennedy, an individual, to be and appear before the Circuit Court for Baldwin County, Alabama, on the \_\_\_\_\_ day of \_\_\_\_\_ 1961, then and there 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 serving the garnishment and making an answer it 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 liable to the said defendant 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 defendant Hurley Melton.

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

WITNESS, Alice J. Duck, Circuit Clerk, this 25 day of

Oct 1961. Issued 25 day of Oct 1961.

ATTEST:

*Alice J. Duck*  
Clerk

Received 24 day of October: 1931  
and on 24 day of October: 1931

I received a copy of the within summons to James H. Kennedy Vice J. Dock, Circuit Clerk, for the

money or effects of James H. Kennedy Sheriff and whether it has been discharged or not of personal property, whether is payable in personal property for the payment of money which may be discharged or the said defendant for the delivery of personal property, or then existing, and whether by a contract then existing is liable

Sheriff claims 600 miles at 600 Ten Cents per mile Total \$ 36.00  
TAYLOR WILKINS, Sheriff  
DEPUTY SHERIFF

13  
No. 4573 1/2

Jack Hayes and Howard Hayes vs. Harley Nelson  
I AM HEREBY COMMANDED TO SUMMON H. Kennedy, as owner of property or which is payable in personal property, or money or effects of James H. Kennedy Sheriff and whether it has been discharged or not of personal property, whether is payable in personal property for the payment of money which may be discharged or the said defendant for the delivery of personal property, or then existing, and whether by a contract then existing is liable

To be served on  
H. Kennedy

for the delivery of personal property, or on a contract for the indebted to said defendant or to be liable to him, on a contract belonging to said defendant, or that it is, or is believed to be have in its possession, or under its control money or effects person, viz: H. Kennedy, an individual, has or is believed to obtain satisfaction of such judgment, and that the following named Brice, that process of garnishment is believed to be necessary to Dollars cost of suit, and affidavit having been made by James H. NO. 100 (\$423.00) Dollars and thirty-seven and NO. 100 (\$33.00) against Harley Nelson for the sum of four hundred twenty-seven and day of said court, Jack Hayes and Howard Hayes recovered judgment WHEREAS, on the 12th day of September 1931, being a regular TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

COUNTY OF BALDWIN } AT LAW, NO. 4573 1/2  
STATE OF ALABAMA } BALDWIN COUNTY, ALABAMA  
IN THE CIRCUIT COURT OF  
GARNISHMENT ON JUDGMENT

INSTALLMENT PROMISSORY NOTE

\$1,000.00

Gulf Shores, Alabama  
January 19, 1960

FOR VALUE RECEIVED, I promise to pay to the order of Roy W. Nelson and Mrs. Roy W.

Nelson, the principal sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) payable in installments as followsm towit:

~~\$150.00~~ due April 15, 1960.  
~~\$150.00~~ due May 15, 1960.  
\$250.00 due June 15, 1960.  
\$300.00 due July 15, 1960.  
\$150.00 due August 15, 1960.

Together with 6% interest per annum from maturity of any portion of this note, it being agreed and understood that default in the payment of any installment hereunder shall cause the entire balance of said indebtedness to become immediately due and payable at the option of the legal holder of this note.

Demand, protest and notice of protest and non-payment of this note are hereby waived.

Edna H. Anderson

Foley, Alabama

August 3, 1960

We, Roy W. Nelson and Mrs. Roy W. Nelson, do hereby transfer and assign to Farmers & Merchants Bank of Foley, Alabama, all of our rights, title and interest to the within installment promissory note with full rights to collect same and with full recourse on us.

The consideration for this assignment is the payment of ONE HUNDRED & 00/100 DOLLARS (~~\$100.00~~) in cash, receipt of which is hereby acknowledged, and the return of a promissory note executed by the undersigned dated January 1, 1960 payable on demand in the principal amount of SIX HUNDRED THIRTY & 77/100 DOLLARS (\$630.77).

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 3rd day of August, 1960.

Witness

Roy W. Nelson (SEAL)  
Roy W. Nelson

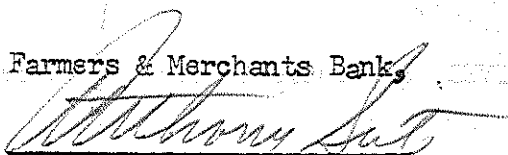
Mrs. Roy W. Nelson (SEAL)  
Mrs. Roy W. Nelson

James L. Childers

584

For value received we hereby assign sell and transfer the within note to Paul Schultz without recourse.

Farmers & Merchants Bank,



Cashier

4573