

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

4597

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon FRED A. MILLS, individually and doing business as MILLS LUMBER COMPANY, 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 JENNINGS L. THOMAS.

Witness my hand this the 10th day of February, 1961.

Alice J. Duck
Clerk

* * * * *

COMPLAINT

| | | |
|-----------------------------|---|-------------------------|
| JENNINGS L. THOMAS, |) | |
| |) | |
| PLAINTIFF |) | |
| |) | |
| VS: |) | IN THE CIRCUIT COURT OF |
| |) | |
| FRED A. MILLS, individually |) | BALDWIN COUNTY, ALABAMA |
| and doing business as |) | |
| MILLS LUMBER COMPANY, |) | AT LAW |
| |) | |
| DEFENDANT. |) | |

COUNT I:

Comes your Plaintiff and claims a lien for stumpage for timber sold from certain lands owned by the plaintiff in southwest Baldwin County for the purposes of rafting, shipping or manufacture for the stipulated price or value thereof amounting to, to wit: TWO THOUSAND FOUR HUNDRED SIXTY-NINE & 14/100 DOLLARS (\$2,469.14), commonly known as stumpage.

COUNT II:

The plaintiff claims of the defendant TWO THOUSAND FOUR HUNDRED SIXTY-NINE & 14/100 DOLLARS (\$2,469.14), due from him by account on, to wit: the 1st day of January, 1961, which sum of money, with interest thereon, is still unpaid.

COUNT III:


The plaintiff claims of the defendant TWO THOUSAND FOUR HUNDRED SIXTY-NINE & 14/100 DOLLARS (\$2,469.14), due from him on account stated between the plaintiff and the defendant on, to wit: the 1st day of January, 1961, which sum of money, within interest thereon, is still unpaid.

COUNT IV:

The plaintiff claims of the defendant TWO THOUSAND FOUR HUNDRED

SIXTY-NINE & 14/100 DOLLARS (\$2,469.14), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 1st day of January, 1961, /with interest thereon, is still unpaid.
which sum of money,

The plaintiff has filed an affidavit and attachment bond and has requested a writ of attachment against timbers located in and on the premises known as MILLS LUMBER COMPANY, near Bay Minette, Alabama.



Attorney for Plaintiff

The defendant's address is:
Bay Minette, Alabama

FILED
FEB 10 1961
ALICE J. DUCK, Clerk

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, JENNINGS L. THOMAS and
W. M. LEWIS

....., of the County of Baldwin

are held and firmly bound unto FRED A. MILLS, individually and doing business
as MILLS LUMBER COMPANY

in the sum of ~~XXXXXX~~ FIVE THOUSAND & 00/100 (\$5,000.00) DOLLARS Dollars, to
be paid to the said FRED A. MILLS, individually and doing business as MILLS
LUMBER COMPANY, his heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind our-
selves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly
by these presents.

Sealed with our seals and dated the 10th day of February, 1961

The Condition of this Obligation is such:

That whereas, the above bounden JENNINGS L. THOMAS
..... ha S, on the day of the date
hereof, prayed an Attachment at the suit of JENNINGS L. THOMAS

..... against the estate of above named
FRED A. MILLS, individually and doing business as MILLS LUMBER COMPANY

for the sum of TWO THOUSAND NINE HUNDRED SIXTY-NINE & 14/100 Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said JENNINGS L. THOMAS

should prosecute said Attachment to effect, and pay the said Defendant all such damages as he
may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be
void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now,
or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

Jennings L. Thomas (Seal)

W. M. Lewis (Seal)

..... (Seal)

..... (Seal)

Approved, this 10th day of February, 1961

Alice J. Duck Clerk

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, Forest A. Christian, a Notary Public,
in and for said County, personally appeared Jennings L. Thomas
who, being duly sworn, on oath saith that FRED A. MILLS, individually and doing
business as MILLS LUMBER COMPANY justly indebted to

JENNINGS L. THOMAS

in the sum of TWO THOUSAND NINE HUNDRED SIXTY-NINE & 14/100 Dollars,

which said amount is justly due after allowing all just offsets and discounts, and that the said

JENNINGS L. THOMAS sold to said FRED A. MILLS, individually and
doing business as MILLS LUMBER COMPANY, timber for manufacturing
for a stipulated price or value commonly known as stumpage and
the said claim is due, and the defendant, on demand, refuses to
pay same.

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this 10th day of February, 1961

Notary Public

Page

No.

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

At Bay Minette, Ala.

TO

ATTACHMENT BOND AND AFFIDAVIT

Filed this the day

of , 19

Clerk

Attorney

ATTACHMENT

THE STATE OF ALABAMA,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS,

Jennings L. Thomas

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
FRED A. MILLS, Ind. & d/b/a MILLS LUMBER COMPANY

is justly indebted to the Plaintiff JENNINGS L. THOMAS

in the sum of (\$2,469 14) Two Thousand, Four Hundred-Sixty-Nine and 14/100 Dollars, and

Jennings L. Thomas

having made affidavit and given bond
as required by law, in such cases, you are hereby commanded to attach so much of the estate of

Fred A. Mills, Ind. & d/b/a MILLS LUMBER COMPANY

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on Monday of 19
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 10th day of February A. D., 1961

Alice J. Duck Clerk.

No. 4597

ATTACHMENT

JENNINGS L. THOMAS

Vs. } ATTACHMENT

FRED A. MILLS, Ind. & d/b/a

MILLS LUMBER COMPANY

Issued February 10, 1961

Moore Printing Co.,

Received 10 day of Feb 1961
and on 13 day of Feb 1961
served a copy of the within Attachment
on Fred A. Mills

by service on

TAYLOR WILKINS Sheriff
By W. A. Talbot D. S.
3 miles north of B.M.

Return by Comptroller
attorney order

Feb 15 1960

W. A. Talbot

Sheriff claims 6 miles at

Ten Cents per mile Total \$ 60.00

TAYLOR WILKINS, Sheriff

BY Talbot
DEPUTY SHERIFF

Forest A. Christian
Attorney for Plaintiff

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

February 10, 1961

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find the case of Jennings L. Thomas vs. Mills Lumber Company. I am very anxious that you get the writ out and the papers served on this today, because I understand that Mr. Mills is hawling out this lumber to Crestview by big trucks.

If there is anything else which needs to be done, please do it and if necessary, you may call me.

I especially urge the Sheriff to serve the attachments and writ today.

With best wishes, I am

Cordially yours,



FOREST A. CHRISTIAN

cc: Hon. Taylor Wilkins
Sheriff Baldwin County
Bay Minette, Alabama

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

February 13, 1961

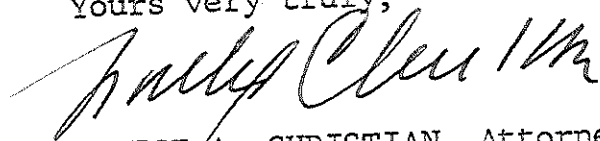
Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Jennings L. Thomas
vs: Fred A. Mills, individually
and doing business as Mills
Lumber Company.

Dear Mrs. Duck:

Kindly enter a non-suit in this case and furnish a copy of
this letter to the Sheriff's office.

Yours very truly,



FOREST A. CHRISTIAN, Attorney
for Jennings L. Thomas

Mills
I, FRED A. THOMAS, individually and doing business as Mills
Lumber Company, do hereby agree that no action will be taken on
the attachment bond.

Fred A. Mills

Fred A. Mills

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

February 13, 1961

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Jennings L. Thomas
vs: Fred A. Mills, individually
and doing business as Mills
Lumber Company.

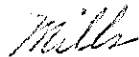
Dear Mrs. Duck:

Kindly enter a non-suit in this case and furnish a copy of
this letter to the Sheriff's office.

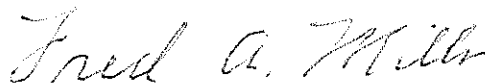
Yours very truly,



FOREST A. CHRISTIAN, Attorney
for Jennings L. Thomas



I, ~~FRED A. THOMAS~~, individually and doing business as Mills
Lumber Company, do hereby agree that no action will be taken on
the attachment bond.



Fred A. Mills

4597

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

JENNINGS L. THOMAS,
PLAINTIFF

VS:

FRED A. MILLS, individually
and doing business as MILLS
LUMBER COMPANY,
DEFENDANT

Received 18 day of Feb 1961
and on 13 day of Feb 1961
served a copy of the within S & C
on Fred A. Mills
By service on Fred A. Mills

TAYLOR WILKINS, Sheriff
By W. A. Zolbert D. S.
3 miles north of 1.1

Sheriff claims 6 miles at
Ten Cents per mile Total \$ 60.00
TAYLOR WILKINS, Sheriff
BY W. A. Zolbert
DEPUTY SHERIFF

FILED

FEB 10 1961

ALICE J. DICK, CLERK

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA