

MAYER W. PERLOFF
ATTORNEY AT LAW
SUITE 605 VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-5412

February 13, 1961

4600

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

Re: Public Finance Corp. vs. W. W. JOINER

Dear Mrs. Duck:

Please file the attached suit in your Circuit Court
and advise me when service has been had.

Very truly yours,

Mayer W. Perloff
Mayer W. Perloff

MWP:rms

Enc.

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

PUBLIC LOAN CORPORATION OF
WARRAINGTON, A Corporation,
Plaintiff,

Vs.

W. W. JOINER,
Defendant.

TO: Hon Mayer W. Perloff, Attorney of Record for Plaintiff,
GREETINGS:

Please take notice, that in the foregoing stated cause pending in our Circuit Court of Baldwin County, Alabama, interrogatories to be propounded to Plaintiff, Public Loan Corporation of Warraington, a Corporation, a copy of which herewith issues, witness in behalf of the said Defendant, W. W. Joiner, have been filed in my office on this date.

Witness, Alice J. Duck, Clerk of said Court, this 11 day of May, 1961.

ATTEST:

Alice J. Duck
Alice J. Duck, Clerk of Circuit
Court, Baldwin County, Ala.

PUBLIC LOAN CORPORATION OF)
WARRAINGTON, A Corporation,)
Plaintiff,)
Vs)
W. W. JOINER,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

Case No. 4600

INTERROGATORIES

Comes now Defendant in above styled cause, and propounds to the Plaintiff the following separate and several interrogatories:

1. What was the date of the making of the promissory note upon which this action was instituted?

2. What was the amount of the said promissory note?

3. To whom was said promissory note made payable?

4. By whom was said promissory note signed?

5. Where was the said promissory note signed?

6. What was listed as security on said promissory note?

Relative to the money loaned, for which the promissory note that is the subject of this suit was instituted, the following interrogatories numbers 7 through 16 are propounded:

7. Give the name and address of the lender and the obligators of the loan?

8. Schedule of installments or description thereof?

9. The amount of cash advanced?

10. To whom the said cash was paid?

11. Purpose for which cash was loaned to the borrower?

12. The face amount of the note evidencing the loan?

13. The amount collected or paid for insurance, if any?

14. Name of insurance company insuring the borrower or borrowers, and give the terms of said policy?

15. The amount collected or paid for filing or other fees?

16. Address of corporation at time loan was made.

17. Do you have a complete record of all payments made on this loan, for which subject promissory note was given? If so, furnish copy of said payments.

18. Do you have record showing who made the payments? If so attach same.

19. Do you have a complete record showing the amounts of interest and principal paid, by dates? If so, furnish same.
20. Did you at any time ever sell this loan to any other individual, company or corporation? If so, give name, date, and address?
21. Have you, or any other owners of this loan, promissory note or account ever charged usurious rates of interest?
22. Did you ever notify all the obligators or makers of this promissory note that it was due and payable? If so, give dates thereof.
23. Did you issue receipts to the makers of the promissory note for each payment received?
24. Was the promissory note ever recorded in any public office?
25. If the answer to interrogatory #24, above, is in the affirmative, in what office was it recorded, and when?
26. Have you, or any other owners of this promissory note ever instituted legal proceedings in any other court, other than the Circuit Court of Baldwin County, Alabama, to collect on this promissory note?
27. If the answer to interrogatory #26, above, is in the affirmative, give:
- A. Name of Court;
 - B. Date of filing suit;
 - C. Disposition made of the case by the Court thereof.
28. Have you brought suit against any other obligators on this promissory note?
29. If you answer to interrogatory #28, above is in the negative, then state the reason or reasons why?
30. Did you ever make a loan to W. W. Joiner and Fannie Joiner?
31. If you answer to interrogatory #30, above, is in the affirmative, then:
- A. What was the date of said loan?
 - B. Where was said loan made?
 - C. What was the amount of said loan?
 - D. Was a promissory note given to secure said loan? and if so:
 - (1) Who signed said note?
 - (2) What property was listed as security thereon?
 - (3) Was said note satisfied or cancelled, and if so, When?

14) Do you have a record of payments made on said note, showing dates of payments, by whom paid, and amount of said payments applied to interest and principal, by months? If os, furnish such records.

E. Was not the promissory note that is the subject of this suit taken after the satisfaction or cancellation of that note referred to in interrogatory 31, D, above?

32. If your answer to interrogatory #30, above, is in the affirmative, then what was the terms or conditions whereby said former loan and promissory note to secure the same, was changed over to the promissory note that is the subject of this suit?

33. If you answer to interrogatory #30, above, is in the affirmative, then what was the consideration for cancellation of said loan?

34. Were you a licensee under the Small Loan Law of Florida at the time of the loan that is the subject of this suit?

35. Has you license to operate as a small loan or finance company ever been suspended or revoked since you were originally licensed to operate in the State of Florida?

36. When was your corporation originally licensed to operate as a small loan firm in the State of Florida?

37. On what date was your corporation chartered to do business in the State o Florida?

38. What county in the State of Florida is the Home Office of your corporation located in?

Kenneth Cooper
Kenneth Cooper, Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ira H. Becker, Notary Public, Baldwin County, Alabama, personally appeared Kenneth Cooper, who, being by me first duly sworn, on oath says that he is the attorney of record for the Defendant in above styled cause and he says that the answers of the Plaintiff to the foregoing interrogatories propounded by the Defendant, if fully and truthfully made, will be meterial testimony for the Defendant in said cause.

Subscribed and sworn to before me this 11th day of May, 1961.

Ira H. Becker
Notary Public, Baldwin County, Ala.

FILED

MAY 11 1961

ALICE J. DUCK, CLERK
REGISTER

No. 4600

Public Loan Corp. of
Washington, D.C.

vs
W. W. Joiner

to be served on
Hon. Wm. W. Perloff
Van Antwerp Bldg.
Mobile, Ala.

FILED

MAY 11 1961

ALICE J. DUCK, CLERK
REGISTER

EXECUTED

This 17 day of May, 1961
by serving a copy of the within on

Hon. Wm. W. Perloff
RAY D. BRIDGES, Sheriff
By R. Rogers D.S.

RECEIVED

MAY 15 1961

SHERIFF'S OFFICE

2697

PUBLIC LOAN CORPORATION OF)
WARRAINGTON, A Corporation,)
Plaintiff,)
Vs)
W. W. JOINER,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

CASE No. _____

DEMURRERS

Comes now the Defendant, W. W. Joiner, in the above styled cause, and demurs to the Bill of Complaint, and to the count thereto, separately and severally, as follows:

ONE:

Neither the Complaint, nor the count thereof, state a cause of action.

TWO:

Both the Complaint, and the count thereto, is ambiguous.

THREE:

The Complaint, nor the count thereof, does not allege any liability on the part of the Defendant.

FOUR:

The Complaint, and the count thereof, fails to allege that the note is due and payable.

Kenneth Cooper
Attorney for Defendant.

Defendant demands a trial by jury.

Kenneth Cooper
Kenneth Cooper
Attorney for Defendant

FILED
MAR 31 1961
ALICE J. DUCK, Clerk

PUBLIC LOAN CORPORATION OF)
WARRINGTON, A Corporation,)
Plaintiff,)
Vs)
W. W. JOINER,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 4600

PLEAS:

Comes now the Defendant in above styled cause, and respectfully submits the following pleas to the Bill of Complaint heretofore filed in this cause of action, and the Defendant, for answer to each and every count thereof, says:

1. That the debt or promissory note upon which this suit was commenced, has been paid.
2. That the promissory note, upon which this action is founded, is usurious and void for unlawful interest thereon.
3. The Defendant has paid the debt or demand, for which recovery this suit was instituted.
4. The Defendant does not owe the debt sued for nor any amount thereon.
5. There was no consideration for the note sued on.
6. The Plaintiff does not allege nor show that the collateral or security given to secure the said promissory note has been sold and the proceeds applied on payment of the stated promissory note before instituting this suit.
7. The allegations of the complaint are untrue.

Kenneth Cooper
Attorney for Defendant.

FILED

MAY 11 1961

ALICE J. DUCK, CLERK
REGISTER

PUBLIC LOAN CORPORATION OF)
WARRINGTON, A Corporation,)

Plaintiff,

Vs

W. W. JOINER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 4600

MOTION TO ENFORCE PENALTY

TO THE HONORABLE HUBERT M. HALL, Judge of said Court:

Comes the Defendant, W. W. Joiner, and shows unto this Honorable Court that more than thirty days prior to the filing of this motion, the Defendant in the above styled cause propounded interrogatories to the Plaintiff, under Title 7, Sections 477-486, Code of Alabama, Recompiled 1958, requiring the Plaintiff to answer certain interrogatories therein propounded, and that although more than sixty days have elapsed since the service of the said interrogatories, said service having been executed on May 17, 1961, upon the Plaintiff, the Plaintiff has failed, and still fails and refuses to answer the interrogatories therein propounded:

WHEREFORE, the Defendant, W. W. Joiner, moves this Honorable Court to enter a judgment by default for the Defendant, W. W. Joiner, and tax the Plaintiff with all costs of this proceeding.

Kenneth Cooper
Attorney for Defendant

TO: Hon Mayer W. Perloff
Attorney at Law
Suite 605 Van Antwerp Building
Mobile, Alabama
ATTORNEY OF RECORD FOR PLAINTIFF

Please take notice that the above motion has been filed in the Circuit Court of Baldwin County, Alabama, and that said motion is set for hearing on the 11 day of September, 1961.

Kenneth Cooper
Attorney for Defendant

I hereby certify that I have mailed a copy of the foregoing motion and notice to Plaintiff's attorney of record as above indicated this 30th day of August, 1961.

Kenneth Cooper
Attorney for Defendant

FILED

AUG 30 1961

ALICE I. DUCK, CLERK
REGISTER

PUBLIC LOAN CORPORATION OF
WARRINGTON, a corporation,

Plaintiff,

-VS-

W. W. JOINER,

Defendant.

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW

*

*

NO. _____

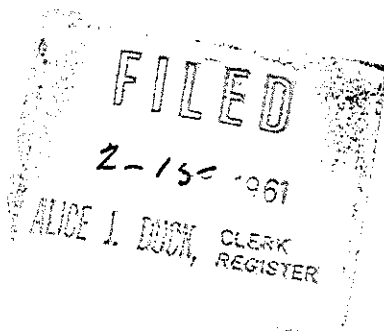
Plaintiff claims of Defendant TWO HUNDRED SIXTY THREE AND 48/100 (\$263.48) DOLLARS, for that heretofore on to-wit: December 2, 1958, the Defendant executed a written promissory note wherein the Defendant agreed to pay Public Loan Corporation of Warrington the sum of Two Hundred Ninety Six and No/100 (\$296.00) Dollars in installments of Twenty and no/100 (\$20.00) Dollars for twenty (20) consecutive months, including interest, of which Plaintiff claims One Hundred Ninety Seven and 61/100 (\$197.61) due and payable. Defendant waived all right to exemption under the Constitution and Laws of Florida and agreed to pay a reasonable attorney's fee in the event of default which fee plaintiff claims in the amount of \$Sixty Five and 87/100 (\$65.87) Dollars. Plaintiff avers that Defendant breached note by failure to pay and under the terms of same Plaintiff declares all future payments due and payable wherefore Plaintiff sues. Plaintiff is a licensee under the Small Loan Law of the State of Florida.

WHEREFORE, Plaintiff claims of the Defendant ONE HUNDRED NINETY SEVEN AND 61/100 (\$197.61) DOLLARS, plus interest, and plus attorney's fees, as aforesaid.

M. W. Perloff
MAYER W. PERLOFF, Atty for Plaintiff

?Defendant may be served:

Address: Rabun Route, Bay Minette, Ala.
Emp: Scott Paper Company, Mobile, Ala.
Machine Dept. - #3 Machine



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. W. Joiner

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. W. Joiner

_____, Defendant

by Public Loan Corporation of Warrington, A Corp

_____, Plaintiff.....

Witness my hand this 15th day of Feb 19 61

Exp-3-7-61

Brief - Ruck, Clerk

No. 4600

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

PUBLIC LOAN CORPORATION OF

WARRINGTON, A Corp,

Plaintiffs

vs.

W. W. JOINER

Defendants

SUMMONS and COMPLAINT

Filed 2-15, 19 61

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

2/15, 19 61

, Sheriff

I have executed this summons

this 7 March, 19 61

by leaving a copy with

W. W. Joiner

Lylos Wilkins Sheriff
W. A. Talbot Deputy Sheriff
Omni