

SWIFT & COMPANY, a  
corporation,

Plaintiff,

VS

PAUL CHILDRESS, JR.

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

C O M P L A I N T

COUNT I

The Plaintiff claims of the Defendant the sum of ONE THOUSAND THREE HUNDRED (\$1,300.00) Dollars due by Promissory Note made by the Defendant on to-wit the 4th day of August, 1958 and payable on, to-wit, the 1st day of November, 1958 with interest thereon at the rate of eight per cent (8%) per annum from maturity.

Said Note being originally made for THREE THOUSAND FIVE HUNDRED EIGHTY-NINE and 91/100 (\$3,589.91) Dollars and reduced to the principal balance of ONE THOUSAND THREE HUNDRED (\$1,300.00) Dollars by payments of:

TWO THOUSAND EIGHTY-NINE and 91/100 (\$2,089.91) Dollars on, to-wit, the 13th day of December, 1958.

ONE HUNDRED (\$100.00) Dollars on, to-wit, the 15th day of July, 1959.

ONE HUNDRED (\$100.00) Dollars on, to-wit, the 31st day of December, 1959.

Plaintiff avers that in said note and as a part of the consideration thereof, the Defendant has expressly waived his rights to claim personal property as exempt to him under the Constitution and Laws of the State of Alabama and agreed to pay an attorney's fee for the collection thereof and the Plaintiff claims the further sum of TWO HUNDRED NINETY-SIX and 41/100 (\$296.41) Dollars as such attorney's fee.

Defendant's address  
is Loxley, Alabama

ATTORNEY FOR THE PLAINTIFF

FILED

AUG 18 1960

ALICE E. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4386

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Paul Childress, Jr

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-----

Paul Childress, Jr

-----, Defendant---

by Swift & Co. a Corp

-----, Plaintiff---

Witness my hand this 18th day of August 1960.

Deirdre J. Smith, Clerk

No. 4386 Page       

The State of Alabama

Baldwin County

CIRCUIT COURT

SWIFT & COMPANY, a corp

Plaintiffs

vs.

PAUL CHILDRESS, Jr.

Defendants

Summons and Complaint

Filed 8-18 1960

Alice J. Duek Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

8/18 1960

\_\_\_\_\_, Sheriff

I have executed this summons

this 8/20 1960

by leaving a copy with

Paul Childress Jr.

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY [Signature]  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Steadman Deputy Sheriff

Loxley, Ala

SWIFT & COMPANY, a  
Corporation,  
Plaintiff,

-VS-

PAUL CHILDRESS, JR.,  
Defendant

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

Ø CASE NO. 4386  
Ø

NOTICE TO DEFENDANT, under Section 903, Title 7, Code.

To PAUL CHILDRESS, JR:

Take notice, that, whereas, the plaintiff in the above entitled cause has requested, in writing, the undersigned, as clerk of said Court, to issue to you, as defendant, in the above entitled cause, and in the judgment therein, requiring you to file a statement, in writing, under oath, all of your assets, as provided in Code 1940, Title 7, Section 903, and has filed said request, in writing, in this cause with the undersigned as clerk of the Court, and it appearing from said request, and the record in said cause, that an execution was returned on the judgment in this cause on, to-wit, the 22nd day of July, 1965, endorsed "no property found" by the Sheriff of Baldwin County, and that you reside in the State of Alabama.

Now, therefore, you are hereby required, within thirty days from the service hereof, to file in this Court, a statement, in writing, under oath, of all your assets, including money, choses in action, notes, bonds, and accounts, and all other property, real, personal or mixed, or any interest therein, with a detailed description of the same, the location and reasonable value of each item thereof, together with a detailed list or statement, of any and all liens, mortgages or incumbrances thereon showing the amounts due upon each, and the owner or holder of such liens, encumbrances or mortgages.

Witness my hand this 26 day of July, 1965.

Alice Duck  
ALICE DUCK, Clerk of the Circuit Court.

TO ANY SHERIFF OF THE STATE OF ALABAMA--Greeting:

You are hereby commanded to serve the foregoing notice upon PAUL CHILDRESS, JR., the Defendant, and make due return

of your said service and of this notice, within thirty days from this date, how you have executed the same.

Witness my hand this 26 day of July,  
1965.

Alice Duck  
ALICE DUCK, Clerk of the Circuit  
Court.

Defendant's address is Loxley, Alabama.

P-212-B

4386

Received 26 day of July 1965  
and on 6 day of Aug 1965  
I served a copy of the within quit & wage  
on Paul Childress Jr.

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By W. D. Garner D. S.  
Sheriff

Sheriff claims 40 miles at  
Ten Cents per mile Total \$ 4.00  
TAYLOR WILKINS, Sheriff  
BY W. D. Garner  
DEPUTY SHERIFF

Swift & Co.  
a corp.

Paul Childress, Jr.

Wait of Recovery

E. H. Presbury

SWIFT & COMPANY, a	X	IN THE CIRCUIT COURT OF
Corporation,	X	BALDWIN COUNTY, ALABAMA
Plaintiff	X	AT LAW
vs	X	CASE NO. 4386
PAUL CHILDRESS, JR.,	X	
Defendant	X	

Now comes Paul Childress, Jr., the Defendant in the above styled cause, and in obedience to the notice heretofore served on him in this cause for a statement of his assets and liabilities, says:

ASSETS:

209 acres of land at \$150.00 per ac.	\$31,350.00
25 head dairy cattle (Mtge on \$20,000.00 First National Bank note)	2,500.00
Farm Machinery (Mtge on \$20,000.00 First National Bank note)	500.00
1963 Chev. Pick-up Truck	800.00
1956 G. M. C. Truck	400.00
One 70 John Deere Tractor 1955	<u>400.00</u>
	\$35,950.00

LIABILITIES

Farmers Home Administration First Mortgage	\$10,000.00
First National Bank of Bay Mientte Second Mortgage	20,000.00
Paul Childress, Sr. Third Mortgage	11,000.00
Judgment Fred Crigler d/b/a Modern Mix Milling, February 10, 1961	1,420.08
Court Costs Judgment Book 11, page 20	30.50
Judgment Commercial Credit Equipment Company, April 13, 1961,	3,168.51
Court Costs Judgment Book 11, page 141	30.00
Judgment Swift & Company Sept. 27, 1960	1,786.41
Court Costs Judgment Book 11, page 163	20.00

Judgment J. C. Grimes d/b/a Loxley  
Produce Company, July 21, 1961 3,381.60  
Court Costs Judgment Book 11, page 169 37.00

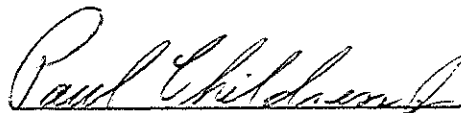
Judgment Jacob Van Kamphuis Oct 19, 1960  
Judgment Book 11, page 479 1,079.89  
Court Costs 32.00

Judgment C. A. Moulton Oct 26, 1960 2,022.69  
Judgment Book 10, page 339  
Court Costs 30.00

Judgment Herbert C. England Estate  
November 19, 1964, Judgment Book 15, 898.60  
page 107, Court Costs 26.00

\$54,963.28

Done this 30<sup>th</sup> day of August, 1965.

  
Paul Childress, Jr.

Sworn to and subscribed before me this 30<sup>th</sup> day of  
August, 1965.

  
Notary Public, State of Alabama at Large

FILED  
AUG 30 1965  
AUG 1 1965, CLERK  
REGISTER



SWIFT & COMPANY, a corporation, Ø

Plaintiff, Ø

-VS- Ø

PAUL CHILDRESS, JR., Ø

Defendant. Ø

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4386

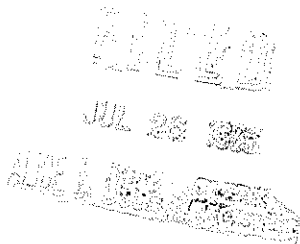
REQUEST FOR A DISCOVERY OF ASSETS under Code Section 903, Title 7.

The Plaintiff herein having recovered on the 27<sup>th</sup> day of September, 1960, a Judgment against the defendant in the above styled cause for the sum of ONE THOUSAND SEVEN HUNDRED EIGHTY-SIX AND 41/100 (\$1,786.41) DOLLARS and costs and such execution having been endorsed by the sheriff of Baldwin County, Alabama, "no property found", the plaintiff now requests in writing that the clerk of this court will issue a notice to the above named defendant requiring him, within thirty days from the service of such notice, to file in this cause a statement in writing, under oath, of all his assets of every kind, character, and description and wheresoever located as provided by Code 1940, Tit. 7, Section 903.



E. R. RICKARBY, Attorney for Plaintiff.

Defendant can be located at Loxley, Alabama.



P. 212-C

**E. G. RICKARBY**

392 FAIRHOPE AVENUE

FAIRHOPE, ALABAMA

P. O. BOX 71

September 23, 1960

Honorable Hubert M. Hall  
Circuit Judge  
Bay Minette, Alabama

Dear Judge Hall:

RE: Swift & Company  
vs Paul Childress, Jr.  
Our File: 5187

Enclosed find promissory note executed by Mr.  
Childress. Service in this case was had on  
the 20th day of August.

Request judgment by default for:

Principal.....	\$1,300.00
Interest.....	190.00
Attorney's fee.....	296.41
Total:	<u>\$1,786.41</u>

and including waiver of exemption.

Yours very truly,



EGR/wr

Enc:

10/5/60

cc: (dup) Client

\$ 3589.91

Baldwin

County, Alabama

8-4

19 58

Loxley, Ala.

P. O.

On or before the 1st day of November

19 58

I, we, or either of us, jointly and severally, promise to pay to Swift & Company or order Three thousand five hundred eighty nine & 91/100 Dollars,

with interest at the rate of eight per cent (8%) per annum from November 1, 1958 until paid,

at the office of the said Company at Harvey, Louisiana, for value received in fertilizers, as stated below:

300 sacks 12-12-12, 1.00 sacks 6-8-8, 300 sacks 14-10-7, sacks

Should this note be unpaid at maturity and placed in the hands of an attorney for collection, then there shall also become due as a part of the principal hereof reasonable attorney's fees.

The consideration of this note is commercial fertilizers which I (or we) hereby acknowledge were sold and delivered with the guaranty only of analysis printed on the sacks and not any warranty of results from use nor of effect thereof upon crops, nor any other warranty or guaranty whatsoever, whether of the same kind or not. Said fertilizers were inspected, tagged, and branded according to the laws of this state and were sold and delivered upon a waiver of all claims, objections, damages, or reclamations of every kind whatsoever, except claim for the actual commercial value (or if this is unlawful then amount prescribed by statute) of deficiency in analysis when and only when determined by analysis by the State Chemist (or other authorized official) from samples taken in the presence of the seller or its duly authorized agent (or in other legally prescribed manner) from fertilizers on which claim is made.

I (or we) waive and renounce my (or our) rights to the benefits of any exemptions or homestead under any laws, State or Federal, except as to any property as to which the laws aforesaid may prohibit a waiver. I (or we) waive presentment, demand, notice of demand, protest, and non-payment.

And to secure the payment of this note and any other sums I (or we) may owe the payee before this note is paid, I (or we) mortgage, sell, and convey to said payee

unencumbered property, as follows: All soybeans grown on 304 acres in Baldwin County, Alabama.

\_\_\_\_\_ and my (or our) entire crops of soybeans, and all rents accruing to me (or us), for the calendar year appearing at the head hereof, in \_\_\_\_\_ County, State of Alabama, and described as follows, to-wit:

until paid, and empower said payee or his endorsee to take possession of the same whenever he deems himself insecure and may thereafter sell same at either public or private sale after ten days' notice of time, place and terms of sale by posting in three public places in the county in which the mortgaged property is situated. If sold at public sale said payee or its assigns shall have the right to purchase said property at said sale. Time of payment of note may be extended without notice to or consent of endorsers or sureties.

WITNESS X *J. N. Sawyer*

WITNESS \_\_\_\_\_

WITNESS \_\_\_\_\_

X *Paul Childress Jr.* L.S.

\_\_\_\_\_ L.S.

\_\_\_\_\_ L.S.

LAW OFFICES  
E. G. RICKARBY  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

May 1, 1961

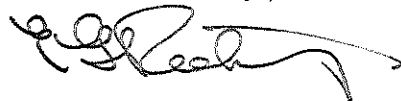
Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

We have recorded a judgment against a man whom we haven't a judgment against, and this isn't right.

If you will look in the file of Swift and Company, a corporation, versus Paul Childress, Jr., case #4386, you will find that the suit is against Paul Childress, Jr. I am enclosing the certificate of judgment which was written up against Paul Childress, ~~Sr.~~. Could you make a correct certificate of judgment against Paul Childress, Jr., and we will record it. I ask that you get it recorded for me with the enclosed letter. Please also call to the attention of the Sheriff that the judgment in the case is against Paul Childress, Jr., so that Mr. Paul Childress, Sr., will not be annoyed.

Yours very truly,



EGR/wr

Enc:

cc: Mr. Paul Childress, Sr.

**E. G. RICKARBY**

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA 36532

July 23, 1965

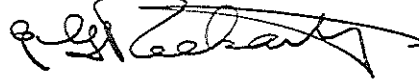
Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Swift & Company  
Vs: Paul Childress, Jr.  
Our File: 5187

Enclosed find Request for Writ of Discovery and Notice. Please  
process same and oblige.

Yours very truly,



EGR/jlb  
Encls.  
cc: Swift & Company  
8-3-65