

THE BANK OF FAIRHOPE,  
a banking corporation,

Plaintiff,

VS

WILLIAM G. MARSHALL &  
ANELLIA MARSHALL, his  
wife,

Defendants.


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 Defendants the sum of FOUR HUNDRED SEVENTY-NINE and 01/100 (\$479.01) Dollars due by promissory note made by them on, to-wit, the 17th day of October, 1959, for the original sum of SIX HUNDRED EIGHTY-NINE and 88/100 (\$689.88) Dollars and payable in thirty-six (36) consecutive monthly installments of NINETEEN and 17/100 (\$19.17) Dollars, beginning the 17th day of November, 1959; and the Plaintiff avers that the Defendants defaulted in the payment due on the 17th day of October, 1960, and the Plaintiff under the terms of said note declared the entire unpaid balance due and payable.

And the Plaintiff avers that in said note and as part of the consideration thereof, the Defendants have expressly waived his rights to claim personal property as exempt to them 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 hereby claims the further sum of SEVENTY-ONE and 85/100 (\$71.85) Dollars as such attorney's fee.

  
E. G. Rickarby, Attorney for the  
Plaintiff.

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 WILLIAM G. MARSHALL & AMELLIA MARSHALL,  
husband and wife,

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 \_\_\_\_\_

WILLIAM G. MARSHALL & AMELLIA MARSHALL, husband & wife  
Defendant &.....

by \_\_\_\_\_  
\_\_\_\_\_ BANK OF FAIRHOPE, a banking corporation, Plaintiff.....

Witness my hand this 10 day of March 1961

Reese J. Leach, Clerk

No. 4627

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**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

BANK OF FAIRHOPE, a banking  
corporation

Plaintiffs

vs.

WILLIAM G. MARSHALL & AMELLIA  
MARSHALL, husband and wife

Defendants

**SUMMONS and COMPLAINT**

**FILED**

Filed MAR 10 1961, 19.....

ALICE J. DUCK, CLERK  
REGISTER, Clerk

E. G. Rickarby  
Attorney at Law  
P. O. Box 71  
Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

P. O. Box 211,  
Daphne, Alabama

RECEIVED IN OFFICE

March 13, 1961

Taylor Wilkin, Sheriff

I have executed this summons

this 3-23, 1961

by leaving a copy with

William G. Marshall

Amellia Marshall

Sheriff claims 100 miles at

Ten Cents per mile Total \$10.00

TAYLOR WILKINS, Sheriff

BY Garner  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. O. Garner Deputy Sheriff

Belforest

E. G. RICKARBY

392 FAIRHOPE AVENUE

FAIRHOPE, ALABAMA

P. O. BOX 71

July 24, 1961

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

Dear Mrs. Duck:

Inre: Bank of Fairhope  
vs: William G. & Amellia  
Marshall  
Case #4627½

Enclosed find writ to Garnishee in this case,  
together with affidavit by E. G. Rickarby as  
Attorney for the Bank of Fairhope and notice  
to defendant, William G. Marshall. Please  
process and oblige.

Yours very truly,



EGR/wr  
Encl.

THE BANK OF FAIRHOPE,  
a Banking Corporation,

Plaintiff,

-VS-

WILLIAM G. MARSHALL &  
AMELLIA MARSHALL,

Defendants,

SCOTT PAPER COMPANY,

Garnishee.

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA,

AT LAW.

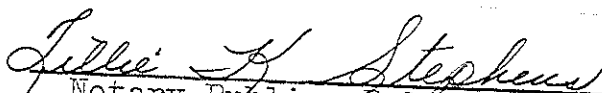
Case #4627½

A F F I D A V I T

Before me, the undersigned notary public, personally appeared E. G. RICKARBY, Attorney for the Plaintiff, who being duly sworn doth depose and say that the said BANK OF FAIRHOPE, a Banking Corporation, on the 24th day of June, 1961, recovered judgment against WILLIAM G. MARSHALL for the sum of FIVE HUNDRED FIFTY DOLLARS (\$550.00), and the further sum of TWENTY-SEVEN & 50/100 (\$27.50) Dollars, costs of suit; and that he believes the process of garnishment against SCOTT PAPER COMPANY is necessary to obtain satisfaction of said judgment, and that said SCOTT PAPER COMPANY is supposed to be indebted to or have effects of the said defendant in its possession, or under its control.

  
E. G. Rickarby, Attorney for the  
Bank of Fairhope

Sworn to and subscribed before me this the 25<sup>th</sup> day of  
July, 1961.

  
Notary Public, Baldwin County, Alabama.

FILED

JUL 26 - 61

ALICE J. DUCK, CLERK  
REGISTER

State of Alabama

BALDWIN COUNTY

TO WILLIAM G. MARSHALL, Defendant.....

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

THE BANK OF FAIRHOPE, a Banking Corporation, Plaintiff.....

versus WILLIAM G. MARSHALL &amp; AMELLIA MARSHALL, Defendants.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

SCOTT PAPER COMPANY

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 26.....

day of July, 1946.....

Clerk of the Circuit Court.

Sheriff claims 54 miles at

Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS Sheriff

BY W. D. Garner  
DEPUTY SHERIFF

Received 26 day of July 1961  
and on 11 day of August 1961  
I served a copy of the within Notice  
on William G. Marshall  
By service on William G. Marshall

TAYLOR WILKINS Sheriff

By W. D. Garner  
Deputy

4627 1/2  
Subpoena Recd  
NOTICE

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

TO

THE BANK OF FAIRHOPE, a

Banking Corporation,

Plaintiff.....

VS.

WILLIAM G. MARSHALL &

AMELLIA MARSHALL,

Defendant S.....

E. G. Rickarby  
Attorney at Law  
Fairhope, Alabama

ATTORNEY FOR PLAINTIFF

Garnishment on Judgment.

The State of Alabama,  
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19...

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Term, 19..., of the Circuit Court of Baldwin County,  
to-wit: On the 24th day of June, 1961, being a regular day of  
said term, THE BANK OF FAIRHOPE, a Banking Corporation,

recovered judgment against WILLIAM G. MARSHALL

for the sum of FIVE HUNDRED FIFTY DOLLARS (\$550.00) Dollars, and cost of suit,  
and affidavit having been made by E. G. RICKARBY, Attorney for Plaintiff  
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the  
following named persons or corporations, viz:

SCOTT PAPER COMPANY

has or is believed to have in its possession, or under its control money  
or effects belonging to said defendant WILLIAM G. MARSHALL or that SCOTT PAPER CO. is, or  
is believed to be indebted to said defendant or to be liable to them, or to one of them 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

SCOTT PAPER COMPANY

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House  
thereof, in the city of Bay Minette, on the Monday in A. D. 19...,  
then and there within the three first days of the term, 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 serv-  
ing the garnishment, and making the answer the garnishee was indebted to said defendant  
and whether will not be indebted in future to said defendant

WILLIAM G. MARSHALL by a contract then existing, and whether by a contract then existing Garnishee  
is, or are, liable to said defendants 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 Garnishee has not in its possession or under its control money or  
effects belonging to the defendant WILLIAM G. MARSHALL

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

Witness, ALICE J. DUCK, Clerk of said Court, this day of A. D., 19...

Issued 24 day of July A. D., 1961.

ATTEST:

Alice J. Duck, Clerk.



GARNISHEE:

*E. L. Hefner Rec. Inspector*  
178 SCOTT PAPER COMPANY  
Magazine Point  
Mobile County  
Mobile, Alabama

Received 28 Day of July 1961  
and on 1st Day of August 1961  
I served a copy of the within endorsement  
on Scott Paper Co.  
by service on Mr. E. L. Hefner  
Raymond Marshall

RAY D. BRIDGES, Sheriff  
BY B. F. Hornum D.C.

RECEIVED

JUL 28 1961

SHERIFF'S OFFICE

*Har* *2792*  
*R*  
Circuit Court, Baldwin County  
*7/26/61*

No. 4627½

THE BANK OF FAIRHOPE, a  
Banking Corporation

VS. } Garnishment On Judgment  
WILLIAM G. MARSHALL

Issued 26 day of July 1961

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

E. G. RICKARBY  
ATTORNEY AT LAW  
FAIRHOPE, ALABAMA

Attorney

THE BANK OF FAIRHOPE,  
a Banking Corporation,

Plaintiff,

-vs-

WILLIAM G. MARSHALL &  
AMELLIA MARSHALL,

Defendants,

SCOTT PAPER COMPANY,

Garnishee.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

CASE #4627½

The Defendant in the above mentioned cause, having gone into bankruptcy, Plaintiff consents that said garnishee, SCOTT PAPER COMPANY, be released from answering said garnishment.

Done this the 14th day of August, 1961.

  
E. G. Rickarby, Attorney for the  
Plaintiff.

cc: Higgins and Moody, Esquires  
Attorneys for Defendant  
Mobile, Alabama

cc: John Chason, Esquire  
Attorney for Garnishee  
Bay Minette, Alabama

FILED

AUG 14 1961

MADE L. DICK, CLERK  
REGISTER

THE BANK OF FAIRHOPE,  
a Banking Corporation,

Plaintiff,

vs-

WILLIAM G. MARSHALL &  
AMELIA MARSHALL,

Defendants,

SCOTT PAPER COMPANY,

Garnishee.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

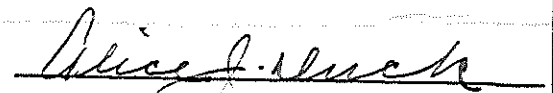
AT LAW

CASE NO. 4627½

The Defendant in the above mentioned cause, having gone into bankruptcy, and the Plaintiff consents that said garnishee, SCOTT PAPER COMPANY, be released from answering the said garnishment.

You are hereby notified that it will not be necessary to answer said garnishment.

Witness my hand and seal this 14th day of August, 1961.

  
Clerk of the Circuit Court  
Baldwin County, Alabama

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

April 19, 1961

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

Dear Mrs. Duck:

Inre: Bank of Fairhope  
vs: William G. & Amellia Marshall  
Case #4627

There has been a bankruptcy petition filed in this matter. Please give me cost bill at once so that I can get the money out of the Bank and file claim on this FHA note.

Yours very truly,



EGR/wr  
cc: Bank of Fairhope

**E. G. RICKARBY**

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

June 17, 1961

CERTIFIED MAIL

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

Dear Mrs. Duck:

Inre: Bank of Fairhope  
vs: William G. & Amellia Marshall  
Case #4627

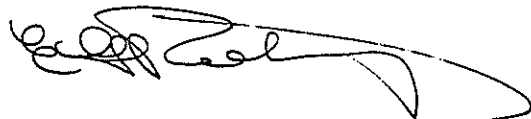
In this case, debtor filed a petition under Chapter XIII and I stayed proceedings as to him. I just received notice that this Chapter XIII was dismissed, therefore, with this I am handing you the following:

1. Order of dismissal of proceedings under Chapter XIII as regarding William G. Marshall.
2. Note signed by Mr. and Mrs. Marshall.

Request you have judgment by default entered in this case against Mr. and Mrs. Marshall for \$550.86, being \$479.01--principal, and \$71.85--attorney's fee, with waiver.

Frankly I don't know what I have to do to get this case revived against Mr. Marshall but I think this is in line with the court's practice. If it is not please advise.

Yours very truly,



EGR/wr  
Enclosures  
cc: Bank of Fairhope  
6/29/61

# 5352

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE SOUTHERN DISTRICT OF ALABAMA

In the matter of

WILLIAM OWEN MARSHALL

Debtor

\* In Proceedings for a  
Composition and/or  
\* Extension Chapter XIII  
\* No. 10,212

ORDER OF DISMISSAL

At Mobile in said District on the 1st day of  
June, 1961, before Sidney J. Gray, Referee  
in Bankruptcy;

It appearing to the Court that the debtor failed  
to submit his proposed plan at the meeting of the  
Creditors and no further time was requested in which to  
submit his plan, it is

ORDERED, ADJUDGED AND DECREED:

1. That petition filed under Section 622 on the  
12th day of April, 1961, be, and the same  
hereby is, dismissed, and

2. That the Creditors be, and they are hereby noti-  
fied of the dismissal of this case.

Dated at Mobile, Alabama, this June 1, 1961.

SIDNEY J. GRAY  
Referee in Bankruptcy

FILED

JUN 20 1961

ALICE I. DUCK, CLERK  
REGISTER