

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF ALABAMA - SOUTHERN DIVISION

IN THE MATTER OF

WILLIAM HAROLD SPAIN

BK 79-03543-SD

IN BANKRUPTCY, No.

(Include here all names used by the  
Bankrupt within the last six years.)

BANKRUPT.

## VOLUNTARY PETITION

1. Petitioner's post office address is 5417 Caldwell Mill Road  
Birmingham, Alabama 35243
2. Petitioner has resided (or has had his domicile or has had his principal place of business) within this district for the preceding 6 months (or for a longer portion of the preceding 6 months than in any other district).
3. Petitioner is qualified to file this petition and is entitled to the benefits of the Bankruptcy Act as a voluntary bankrupt.

WHEREFORE, petitioner prays for relief as a voluntary bankrupt under the Act.

Milton G. Garrett  
Attorney at Law **MILTON G. GARRETT**  
**ATTORNEY AT LAW**  
Address 2021 CITY FEDERAL BUILDING  
BIRMINGHAM, ALABAMA 35243  
Telephone Number Telephone: 252-2400

William H. Spain  
Petitioner **WILLIAM HAROLD SPAIN**

Filed in Bankruptcy Clerk's Office, Northern District of Alabama and Referred to Referees Stephen B. Coleman and W. E. Johnson, Jr.  
Social Security Number

OCT 9 1979

WAVERLYN E. FOUST  
CLERK, U. S. BANKRUPTCY COURT

BY: DEPUTY CLERK

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, William Harold Spain, the petitioner named in the foregoing petition, do hereby swear that the statements contained therein are true according to the best of my knowledge, information, and belief.

William H. Spain  
Petitioner **WILLIAM HAROLD SPAIN**

Subscribed and sworn to before me on 10-9-79

Notary Public

My Commission Expires June 21, 1980

## APPLICATION TO PAY FILING FEES IN INSTALLMENTS

1. Applicant is filing herewith a voluntary petition in bankruptcy.
2. He is unable to pay the filing fees except in installments.
3. He proposes to pay such fees to the Clerk of the District Court upon the following terms:

4. He has paid no money and transferred no property to his attorney for services in connection with this case or any pending case under the Act, and he will make no payment or transfer to his attorney for such services until the filing fees are paid in full.

WHEREFORE, applicant prays that he be permitted to pay the filing fees in installments.

Dated: \_\_\_\_\_

RECEIVED  
BANKRUPTCY FILING FEE  
\$60.00  
UNITED STATES BANKRUPTCY COURT  
Address  
DEPUTY CLERK

Barber, Johnston, Hughes & Warrington  
P.O. Box 3361-A  
Birmingham, AL 35255

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF ALABAMA - SOUTHERN DIVISION

IN THE MATTER OF

WILLIAM HAROLD SPAIN

BANKRUPT.

IN BANKRUPTCY No. \_\_\_\_\_

BANKRUPTCY STATEMENT

(Each question must be answered, even negative answers, or the petition will not be accepted by the Clerk.)

Name William Harold Spain Other names used in last 6 years None

Address 5417 Caldwell Mill Road Birmingham

Alabama (Zip Code) 35243

Married? Yes Spouse's Name Mary P. Spain Separated or Divorced? No

Spouse's Address Same Address

Alimony or Support Payments? \$ No Paid ( ) Received ( )

List Other Dependents Daniel H. Spain, age 5

Amanda A. Spain, age 6 months

Name and Address of Employer Spain Equipment Company, Inc.

404 No. 2nd. Street, Booneville, Mississippi 38829

Years so Employed 4 Type of Work Part Time Automobile Salesman

Identification or Badge No. None Previous Employment American Cast Iron Pipe Company

Gross Earnings \$ 15,000.00 per year Spouse's Gross Earnings \$ none per --

Net Earnings \$ 12,500.00 per year Spouse's Net Earnings \$ -- per --

(After deductions for income taxes, social security, insurance and union dues only.)

Other Income \$ 100.00 per month Source MIC Insurance Company

Your gross income for last calendar year \$ Small Loss Spouse \$ None

Suits Pending? Yes (2) American Cast Iron Pipe Co., Jefferson Cty, Al.

George L. Dillon, Booneville, Mississippi

Have you paid your attorney any fee for services in this case? YES If so, Amount \$ \$ 2,000.00

Have you ever filed a Bankruptcy Petition? No Date Last Time --

Have you ever filed a Debtor's Petition? No Date Last Time --

Own or buying Automobiles? Own Own or buying Home? Buying

Makes & Models 1969 Pontiac Payments \$ 385.00 per month

Payments \$ paid for per -- Cost \$ 60,000.00

To Whom? -- Equity \$ 7,500.00

Principal Balance \$ -- Rent -- \$ -- Per Month

BOOK 48 PAGE 620

Name and Residence of Creditors (Including Zip Code Number)	Date Contracted	CHARACTER OF DEBT Whether Account, Note or Judgment, Secured or not, State Security.	Amount
<del>SCHEDULE A-2 Creditors Holding Security</del> SCHEDULE A-2 CREDITORS HOLDING SECURITY			
Clark Life of Alabama 1600 Vanderbilt Road Birmingham, Alabama 35234	Oct. 1979	Equipment Note	10,000
Ford Motor Credit Co. 11 West Oxmoor Road Birmingham, Alabama 35209	Oct. 1979	Truck	13,800.
SCHEDULE A-2 Creditors Holding Security			
Johnson-Rast & Hayes Co. 2131 Magnolia Ave. South Birmingham, Alabama 35205	1973	First Mtg. on Home	45,000.
Peoples Bank & Trust Co. Booneville, Miss. 38829	1973	Second Mtg. on Home	15,000.
SCHEDULE A-3 Unsecured Creditors			
American Cast Iron Pipe Co. c/o James R. Shaw, Atty. Huey Fernambucq, Stuart & Smith 825 First Al. Bank Building Birmingham, Alabama 35203	9-7-76	Lawsuit #CA55006 Circuit Court Jeff. Cty. Al. Disputed Claim	59,450.
George L. Dillon General Delivery Booneville, Miss. 38829	April, 1979	Lawsuit, <del>filed</del> filed in Booneville, Miss. Disputed	10,000.
Master Charge, BTNB P.O. Box 122 Birmingham, Alabama 35201	Running Acct. 2 years	A/C#53008-181-307-967 Credit Card	1,038
P. David Mitchell 2382 Edgewater Drive West Palm Beach, Fla. 33406	2 years ago	Loan } <i>been in Booneville miss. up to 8 months</i>	35,000
Sears Roebuck & Co. 1531 Second Ave. North Birmingham, Alabama 35203	3 years	Running Account Charge Card	1,000.
State Farm Ins. Co. 2121 Highland Ave. South Birmingham, Alabama 35205	April, 1979	Loan Against Insurance	6,800
Bank of Mississippi Booneville, Miss. 38829	1 year ago	Co-Sign Note	15,800
The Fidelity & Casualty Ins. Co. of New York c/o James R. Shaw, Atty. Huey, Fernambucq, Stuart & Smith 825 First Alabama Bank Building Birmingham, Alabama 35203	9-7-76	Lawsuit CA55006 Circuit Ct. Jefferson County, Al. Disputed Claim	59,450

TOTAL \$ ~~272,338~~  
272,338

DESCRIPTION		Check Claimed Exempt Yes or No	Value of Equity or Property
<b>1. Vehicles, Trailers, Boats, Automobiles &amp; Motors:</b>			
A.	1969 Pontiac Grand Prix	Yes	100.00
B.			
C.			
D.			
<b>2. Household Goods (Subject to following liens):</b>			
A.	None		
B.			
C.			
D.			
<b>3. I have in my possession or under my control: Yes or No</b>			
	Electric Refrigerator	X	Yes 50.00
	Television	X	Yes 50.00
	Range	X	Yes 25.00
	XXXX 3 Bedroom Suits (\$50.00ea)	X	Yes 150.00
	XXXX Living Room Suit	X	Yes 50.00
	Camera	X	Yes 25.00
	Piano		
	Washer	X	Yes 50.00
	Dryer	X	Yes 50.00
<b>4. Other Personal Property:</b>			
	Pistol P-38	Yes	50.00
<b>Accounts or Wages Due:</b>			

**DEBTOR CLAIMS ALL STATUTORY EXEMPTIONS**

**TOTAL \$ 600.00**

**SCHEDULE "B" REAL PROPERTY (EXTEND LEGAL DESCRIPTION ON REVERSE SIDE IF NECESSARY)**

Buying House at: 5417 Caldwell Mill Road  
Birmingham, Alabama 35243

(VALUE OF EQUITY) \$ 7,500.00

CLAIMED EXEMPT: YES X NO  
(State all mortgages or liens)

**Purchased 1973 for \$60,000.00**

First Mtg.	\$45,000.00
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**Johnson Rast & Hayes**  
**Birmingham, Alabama**

Second Mtg. *1.1.00* \$15,000.00

Peoples Bank & Trust  
Booneville, Mississippi

PATH OF INDIVIDUAL TO SCHEDULES A AND B

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, William Harold Spain

I, William Harold Spain, do hereby swear that I have read the foregoing schedules consisting of 1 sheets, and that they are a statement of all my debts and all my property in accordance with the Bankruptcy Act, to the best of my knowledge, information, and belief.

Subscribed and sworn to before me on:

**Signed**

~~WILLIAM HAROLD SPAID~~

**Notary Public**

**My Commission Expires June 11, 1980**

WILLIAM HAROLD SPAIN

BANKRUPT.

IN BANKRUPTCY No. \_\_\_\_\_

## STATEMENT OF AFFAIRS FOR INDIVIDUAL, CORPORATE OR PARTNERSHIP BANKRUPT OR DEBTOR

## 1. Give name and residence, if you are an individual or natural person.

## a. What is your full name and social security number?

**William Harold Spain**

## b. What is your Tax Identification number?

## c. Have you used, or been known by, any other names within the 6 years immediately preceding the filing of the original petition herein? (If so, give particulars)

**No**d. Where do you now reside? **5417 Caldwell Mill Road, Birmingham, Alabama 35243**

## e. Where else have you resided during the 6 years immediately preceding the filing of the original petition herein?

**None**

## 2. Occupation and income.

## a. What is your occupation?

**Automobile Salesman**

## b. Where are you now employed? (Give the name and address of your employer, or the address at which you carry on your trade or profession, and the length of time you have been so employed).

**Spain Equipment Company, Inc.****404 No. 2nd. Street****Booneville, Mississippi 38829****4 years**

## c. Have you been in a partnership with anyone, or engaged in any business during the 6 years immediately preceding the filing of the original petition herein? (If so, give particulars, including names, dates, and places.)

**Yes Spain Equipment Company, Inc. Booneville, Mississippi was 50% Partner from 1973 to February, 1978**

## d. What amount of income have you received from your trade or profession or from the operation of your business during each of the 2 calendar years immediately preceding the filing of the original petition herein?

**1978 Had Small Loss****1977 Had Small Loss**

## e. What amount of income have you received from other sources during each of these 2 years? (Give particulars, including each source, and the amount received therefrom.)

**\$100.00 per month from MIC Insurance Corp.**

## 3. HAVE YOU ENGAGED IN BUSINESS WITHIN THE PAST TWO YEARS? If so, give the nature, location and name of business:

## a. Under what name and where have you carried on your business?

**Yes - see 2 (c) above**

## b. In what business are you engaged? (If business operations have been terminated, give the date of such termination.)

**Now Automobile Salesman - Sold partnership out**

## c. When did you commence such business?

**From 1973 to February 1978**

## d. Where else, and under what other names, have you carried on business within the six years immediately preceding the filing of the original petition herein? (Give street addresses, the names of any partners, joint adventurers, or other associates, the nature of the business, and the periods for which it was carried on.)

**Same as 2 (c) above.**e. When was business closed? **Still operating in Booneville, Mississippi**f. Who has possession of keys to business? **N/A**g. What is your Employer Identification number? **None**

## 4. Tax returns and refunds.

## a. Where did you file your last federal and state income tax returns for the 2 years immediately preceding the filing of the original petition herein?

**Federal - Chamblee, Ga.****State - Montgomery, Alabama**

## b. What tax refunds (income and other) have you received during the year immediately preceding the filing of the original petition herein?

**None**

## c. To what tax refunds (income or other), if any, are you, or may you be, entitled? (Give particulars, including information as to any refund payable jointly to you and your spouse or any other person.)

**None**

## d. In whose possession are copies of your federal and state income tax returns for the 3 years immediately preceding the filing of the original petition herein?

**Myself**

## 5. Bank accounts and safe deposit boxes.

## a. What bank accounts have you maintained, alone or together with any other person, and in your own or any other name within the 2 years immediately preceding the filing of the original petition herein? (Give the name and address of each bank, the name in which the deposit is maintained, and the name and address of every other person authorized to make withdrawals from such account.)

**Bank of Alabaster, Alabaster, Alabama. Myself, wife Mary P. Spain and father, Harold D. Spain.**



b. What safe, box or boxes, other depository or depositories have you kept valuables within the 2 years immediately preceding the filing of the original petition herein? (Give the name and address of the bank or other depository, the name in which each box or other depository was kept; the name and address of each other person who had the right of access thereto, a brief description of the contents thereof, and, if the box has been surrendered, state when surrendered, or, if transferred, when transferred, and the name and address of the transferee.)

None

6. Books and Records.

a. By whom, or under whose supervision, have your books of account and records been kept during the 2 years immediately preceding the filing of the original petition herein? (Give names, addresses, and periods of time.)

Myself

b. By whom have your books of account and records been audited during the 2 years immediately preceding the filing of the original petition herein? (Give names, addresses and dates of audits.)

No one

c. In whose possession are your books of account and records? (Give names and addresses.)

Myself

d. If any of these books or records are not available, explain. All available

e. Have any books of account or records relating to your affairs been destroyed, lost, or otherwise disposed of within the 2 years immediately preceding the filing of the original petition herein? (If so, give particulars, including date of destruction, loss, or disposition, and reason therefor.)

None

7. Property Held for Another Person.

a. What property do you hold for any other person? (Give name and address of each person, and describe property, or value thereof, and all writings relating thereto.)

None

8. Prior Bankruptcy.

a. What proceedings under the Bankruptcy Act have previously been brought by or against you? (State the location of the bankruptcy court, the nature and number of each proceeding, the date when it was filed, and whether a discharge was granted or refused, the proceeding was dismissed, or a composition, arrangement, or plan was confirmed.)

None

9. Receiverships, General Assignments, and Other Modes of Liquidation.

a. Was any of your property, at the time of the filing of the original petition herein, in the hands of a receiver, trustee, or other liquidating agent? (If so, give a brief description of the property, the name and address of the receiver, trustee, or other agent, and, if the agent was appointed in a court proceeding, the name and location of the court and the nature of the proceeding.)

None

b. Have you made any assignment of your property for the benefit of your creditors, or any general settlement with your creditors, within 2 years immediately preceding the filing of the original petition herein? (If so, give dates, the name and address of the assignee, and a brief statement of the terms of assignment or settlement.)

None

10. Property in Hands of Third Person.

a. Is any other person holding anything of value in which you have an interest? (Give name and address, location and description of the property, and circumstances of the holding.)

None

11. Suits, Executions, and Attachments.

a. Were you a party to any suit pending at the time of the filing of the original petition herein? (If so, give the name and location of the court and the title and nature of the proceeding.)

American Cast Iron Pipe Co., Jefft. Cty. Circuit Ct. \$59,450.00  
George L. Dillon, Booneville, Miss. \$10,000.00

b. Were you a party to any suit terminated within the year immediately preceding the filing of the original petition herein? (If so, give the name and location of the court, the title and nature of the proceeding, and the result.)

No

c. Has any of your property been attached, garnished, or seized under any legal or equitable process within the 4 months immediately preceding the filing of the original petition herein? (If so, describe the property seized or person garnished, and at whose suit.)

No

12. Payments on Loans and Installment Purchases.

a. What repayments on loans in whole or in part, and what payments on installment purchases of goods and services, have you made during the year immediately preceding the filing of the original petition herein? (Give the names and addresses of the persons receiving payment, the amounts of the loans and of the purchase price of the goods and services, the dates of the original transactions, the amounts and dates of payments, and, if any of the payees are your relatives, the relationship; if the bankrupt is a partnership and any of the payees is or was a partner or a relative of a partner, state the relationship; if the bankrupt is a corporation and any of the payees is or was an officer, director, or stockholder, or a relative of an officer, director, or stockholder, state the relationship.)

No - just regular bills

a) Have you made any gifts, other than ordinary and usual presents to family members, charitable donations, during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of donees and dates, description, and value of gifts.)

No

b) Have you made any other transfer, absolute or for the purpose of security, or any other disposition which was not in the ordinary course of business during the year immediately preceding the filing of the original petition herein? (Give a description of the property, the date of the transfer or disposition, to whom transferred or how disposed of, and state whether the transferee is a relative, partner, shareholder, officer, or director, the consideration, if any, received for the property, and the disposition of such consideration, if so, state the relationship.)

No

14. Repossessions and Returns.

Has any property been returned to, or repossessed by, the seller or by a secured party during the year immediately preceding the filing of the original petition herein? (If so, give particulars including the name and address of the party getting the property and its description and value.)

No

15. Losses and Payments or Transfers to Attorneys.

a. Have you suffered any losses from fire, theft, or gambling during the year immediately preceding the filing of the original petition herein? (If so, give particulars, including dates, names and places, and the amounts of money or value and general description of property lost.)

No

b. Was the loss covered in whole or part by insurance? (If so, give particulars.)

N/A

c. Have you during the year immediately preceding or since the filing of the original petition herein paid any money or transferred any property to an attorney or to any other person on his behalf? (If so, give particulars, including amount paid or value of property transferred and date of payment or transfer.)

Paid Milton G. Garrett \$2,000.00 to handle this case.

d. Have you, either during the year immediately preceding or since the filing of the original petition herein, agreed to pay any money or transfer any property to an attorney at law, or to any other person on his behalf? (If so, give particulars, including amount and terms of obligation.)

No

16. Withdrawals.

a. If you are an individual proprietor of your business, what personal withdrawals of any kind have you made from the business during the year immediately preceding the filing of the original petition herein?

N/A

b. If the bankrupt is a partnership or corporation, what withdrawals, in any form (including compensation or loans), have been made by any member of the partnership, or by any officer, director, managing executive, or shareholder of the corporation, during the year immediately preceding the filing of the original petition herein? (Give the name and designation or relationship to the bankrupt of each person, the dates and amounts of withdrawals, and the nature or purpose thereof.)

N/A

(If the bankrupt is a partnership, corporation or sole proprietorship, the following additional questions should be answered.)

17. Members of Partnership: Officers, Directors, Managers, and Principal Stockholders of Corporation.

a. What is the name and address of each member of the partnership, or the name, title, and address of each officer, director, and managing executive, and of each stockholder holding 25 per cent or more of the issued and outstanding stock of the corporation?

N/A

b. During the year immediately preceding the filing of the original petition herein, has any member withdrawn from the partnership, or any officer, director, or managing executive of the corporation terminated his relationship, or any stockholder holding 25 per cent or more of the issued stock disposed of more than 50 per cent of his holdings? (If so, give name and address and reason for withdrawal, termination, or disposition, if known.)

N/A

c. Has any [redacted] acquired or disposed of 25 per cent or more of the stock of the corporation during the year immediately preceding the filing of the petition? (If so, give name and address and particulars.)

N/A

18. Inventories.

a. When was the last inventory of your property taken? N/A

b. By whom, or under whose supervision, was this inventory taken?

N/A

c. What was the amount, in dollars, of the inventory? (State whether the inventory was taken at cost, market, or otherwise.)

N/A

d. When was the next prior inventory of your property taken? N/A

e. By whom, or under whose supervision, was this inventory taken?

N/A

f. What was the amount, in dollars, of the inventory? (State whether the inventory was taken at cost, market, or otherwise.)

N/A

g. In whose possession are the records of the 2 inventories above referred to? (Give names and addresses.)

N/A

19. Accounts and Other Receivables.

a. Have you assigned, either absolutely or as security, any of your accounts or other receivables during the year immediately preceding the filing of the original petition herein? (If so, give names and addresses of assignees.)

NONE

20. Business Leases.

a. If you are a tenant of business property, what are the name and address of your landlord, the amount of your rental, the date to which rent has been paid at the time of the filing of the original petition herein, and the amount of security held by the landlord?

NONE

THIS STATE COURT CO.  
CERTIFY THIS  
INSTRUMENT WAS FILED

1983 FEB -7 AM 9:37

Thomas A. Snowling, Jr.  
JUDGE OF PROBATE

Rec 12.00  
Jud 1.00  
13.00.

STATE OF Alabama )  
COUNTY OF Jefferson ) ss:

I, William Harold Spain, do hereby swear that I have read the answers contained in the foregoing statement of affairs, and that they are true and complete to the best of my knowledge, information, and belief.

Subscribed and sworn to before me on 10-9-79

WILLIAM HAROLD SPAIN

Bankrupt

Notary Public [Signature]

(Official Character)

My Commission Expires June 11, 1980

INSTRUCTIONS

PERSONS WHO HAVE NOT BEEN ENGAGED IN BUSINESS within two years of filing will find some questions inapplicable, in which event he may so answer.

HOWEVER, IF THE BANKRUPT HAS OPERATED A BUSINESS as a sole proprietorship, engaged in business, or owned a business or an interest therein as partner, associate, or joint venturer, within two years, then all questions must be answered.

If there is not sufficient space under the Captioned Headings to fully answer, indicate continued on page 4, and use that number on page 4 (in blank space) as your continued answer.

This statement consisting of 4 pages was designed and lithographed entirely by and for sale by Business Service Co., 229 Finley Avenue, West, Birmingham, Al. 35204 Phone 252-0418 and copying these forms in any way for Resale is Strictly Forbidden.

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