

APPLICATION, AFFIDAVIT, AND ENTRY
OF DEFAULT

CASE NUMBER
CV 92-572 NJ

THE Circuit COURT OF Shelby COUNTY

Plaintiff SouthTrust Bank of Alabama, N.A. Defendant Emmett W. Cloud

☒ An entry of default against the defendant Emmett W. Cloud in the above case is requested for his failure to plead, answer or otherwise defend.

Signed _____

☒ A default judgment against the defendant Emmett W. Cloud in the above case is requested for his failure to plead, answer, or otherwise defend.

Signed _____

James J. Robinson, Burr & Forman

STATE OF ALABAMA Jefferson COUNTY

The affiant James J. Robinson, being duly sworn, says that he has personal knowledge of the following facts:

1. That the defendant was served with a copy of the Statement of Claim or Complaint on (date) August 6, 1992.
2. That more than 30 days have elapsed since the defendant was served with a copy of the Statement of Claim or Complaint.
3. That the defendant has failed to answer or otherwise defend himself against the plaintiff's claim.
4. That this affidavit is executed by the affiant in accordance with Rule 55(a) of the Alabama Rules of Civil Procedure, for the purpose of enabling the plaintiff to obtain an entry of default against the defendant, for his failure to answer or otherwise defend himself against the plaintiff's claim.
5. That the defendant is not an infant or an incompetent person, and there has been no violation of the provisions of Chapter 19, Title 5, Code of Alabama, 1975.
6. Judgment conditions: ☒ with ☐ without waiver of exemptions.
7. That the amount of money due by the defendant to the plaintiff in this case is ☐ TO BE DETERMINED BY COURT, ☒ THE SUM OF \$102,098.97, WHICH IS TO BE DETERMINED BY THE CLERK AND COMPOSED OF THE FOLLOWING:

Principal Balance	<u>\$83,105.00</u>
Interest	<u>\$ 6,416.22</u>
Attorney Fee	<u>\$12,465.75</u>
(If provided by contract, note or law)	
+ costs	<u>\$ 112.00</u>

AND/OR ☐ SPECIFY PROPERTY (Describe below property the plaintiff demanded right to possession of from the defendant in complaint)

Sworn To and Subscribed Before Me This

Date: 9-11-92

Affiant James J. Robinson, Esq., Burr & Forman

Officer's Signature Sherry Hagler Barker

NOTARY

Title

Entry of default entered against defendant Emmett W. Cloud this 25th day of September 1992

Inst # 1992-25097

Dan Reeves
Clerk/Register

By: sb

Burr & Forman

420 N 20th St.

Suite 3000

B'ham, AL 35203

10/29/1992-25097
12:44 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

001 MCD

7.50