

Mercer Quarterly Court.

A.B.Teater,

Plff.

Vs. Petition to be made a party.

D.M.Moore,

Def't.

The petitioner, Brummett & Shewmaker, state that on the 20th day of August and before the levy of the attachment issued herein, the defendant, D.M.Moore, executed and delivered to this petitioner and claimant, a check on the fund attached in the Mercer National Bank, for the sum of \$10.00. He says that the said execution and delivery of the check as aforesaid is an equitable assignment of said fund to the extent of the amount of said check and that it creates and constitutes a lien on said fund prior and superior to the lien created by the said levy of the attachment aforesaid. The reason the said check is not filed herewith is because it has been lost. Wherefore, petitioner prays to be made a party to this action and that this petition be regarded as his answer and that he be adjudged to have a lien on said fund for the sum of \$10.00 and that that said lien be held to be prior and superior to the plaintiff's lien and that a judgment for him in said amount be rendered by this court and that the said attachment to the extent thereof be released and discharged and that he have judgment also for all the costs of his expended in this action. He prays for all relief to which he is or may appear to be entitled.

Brummett & Shewmaker  
by D.M. Brummett,

Subscribed and sworn to before me by Brummett & Shewmaker by

D.T.Brummet, September, 8, 1919.

D. L. Black  
Examiner Mercer County.