

H.C.Terhune,Plff.

vs.Judgment

Sam Turner,Dft.

The Defendant, Sam Turner, having been duly summoned herein, and failing to answer, it is adjudged by the court that Plaintiff, H.C.Terhune, recover of said Defendant the sum of ONE HUNDRED AND NINETY ONE DOLLARS AND EIGHTEEN CENTS (\$191.18) with interest thereon at the rate of 6 per centum per annum from February 17, 1921, until paid, and his cost herein expended.

It is further adjudged that the grounds of attachment set forth in the petition be, and they are, hereby sustained.

It appearing from the answers of garnishees herein, State Bank & Trust Company and The Burley Tobacco Growers Co-operative Association, that on Jan.13, 1923, Dft. delivered to said Association 1850 pounds of tobacco, and on Feb.28, 1923, delivered to it 3945 pounds of tobacco, all of the 1922 crop, receiving on first delivery an advancement of \$222.83, and on the second, the sum of \$351.23, and it further appearing from said answers that the garnishee, State Bank & Trust Company, is the holder of the warehouse receipts for the delivery of said tobacco to secure loans made by it to Defendant, viz., one for \$175.00, with 6 per cent interest from Jan.13, 1923, and one for \$309.06, with 6 per cent interest from Mch.2, 1923, said receipts having been assigned to said State Bank & Trust Company, with power to collect the whole when due; it is now ordered by the court that the garnishee, The Burley Tobacco Growers Co-operative Association, after satisfying its lien claims against the amount due and to become due it by Defendant, Sam Turner, out of the proceeds of the sale said deliveries of tobacco, pay over to State Bank & Trust Company, of Harrodsburg, whatever sum remains due on said sales, and the payment thereof as directed shall a full acquittance of its liability in this action. It further appearing that W.D. Sparrow is claiming an interest in the proceeds of the sale of the tobacco involved in this action, it is ordered that a summons issue and that he be required to set his claim herein to the attached funds, it being denied that he has any interest therein. When said balance due on said tobacco sales has been paid over to Dft. State Bank & Trust Company, it is ordered to hold the same subject to further orders of the court, after satisfying its own claims under contract with Defendant Turner. This cause is continued for adjudication of the ~~*****~~ rights of Plaintiff and claimant W.D. Sparrow.