

5820

ATTACHMENT BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, Eubie D. Byrd, d/b/a Byrd's Garage, and _____, are held firmly and bound unto C. D. White in the sum of FOUR HUNDRED THIRTY and 20/100 (\$430.20) DOLLARS, to be paid to the said C. D. White, his heirs, executors, administrators and assigns; for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally and firmly by these presents. Sealed with our seals, and dated this 15th day of November, 1963.

The condition of the above obligation is such, that, whereas, the above bound bondsman, Eubie D. Byrd, d/b/a Byrd's Garage, has on the date hereof, prayed an attachment at the suit of Eubie D. Byrd, d/b/a Byrd's Garage, against the estate of the above named C. D. White for the sum of \$215.10, and has obtained same, returnable to the December 17th term of the Circuit Court of Baldwin County, Alabama.

Now if the said Plaintiff shall prosecute said attachment to effect, and pay the defendant all such costs and damages as he may sustain by reason of the wrongful or vexatious suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

Eubie D. Byrd (L.S.)
(L.S.)

Approved this 15th day of November, 1963.

Alice J. Luck
Clerk Circuit Court

EUBIE D. BYRD, d/b/a	X	
BYRD'S GARAGE	X	IN THE CIRCUIT COURT OF
Plaintiff	X	BALDWIN COUNTY, ALABAMA
vs	X	AT LAW NO. 5820
C. D. WHITE	X	
Defendant	X	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Comes the defendant, C. D. White, and shows unto the Court that more than thirty days prior to the filing of this motion, the defendant in the above styled cause propounded interrogatories to plaintiff, Eubie D. Byrd, under Code 1940, Tit.7, Section 477-486, requiring said plaintiff to answer certain interrogatories therein propounded, and that although more than sixty days have elapsed since the service by the sheriff of said interrogatories upon the plaintiff, Eubie D. Byrd, the said plaintiff has failed, and still fails and refuses to answer the interrogatories therein propounded.

Wherefore, the defendant moves the Court to enforce the penalty as provided by Title 7, Section 483 of the Code of 1940, as re-compiled.

THOMPSON & WHITE

BY:

C. Le Roy Thompson
Attorneys for defendant

*I certify I served a copy of the foregoing
on Hon. Kenneth Cooper, atty for P.P.*

This 8 of June 1964

C. Le Roy Thompson
atty

FILED

JUN 8 1964

ALICE I. DUCK, CLERK
REGISTER

EUBIE D. BYRD, d/b/a
BYRD'S GARAGE

Plaintiff

vs

C. D. WHITE

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5820

Comes the defendant in the above styled cause and propounds the following interrogatories to W. Roy Davis, whose name appears on the attachment bond of the plaintiff:

1. State your name and address.
2. Are you the individual co-signing an attachment bond with Eubie D. Byrd, d/b/a Byrd's Garage, plaintiff in the above styled cause.
3. Give the description of real property which you own and assess in Baldwin County and the value of said assessment according to the records in the office of the Tax Assessor of Baldwin County.
4. Are you an agent, servant or employee of Eubie D. Byrd, d/b/a Byrd's Garage?
5. If you have described any real property situate in Baldwin County, is there a mortgage or other indebtedness outstanding against said property?
6. If so, give the name and address of the mortgagee and the amount of said mortgage.

THOMPSON & WHITE

BY:

C. LeNoir Thompson
Attorneys for Defendant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of W. Roy Davis to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.

C. LeNoir Thompson
C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 4th day of December, 1963.

FILED

DEC 4 1963

Mary Thompson White
Notary Public State of Alabama at Large

NOTARY PUBLIC

5820

Eubie D. Byrd

VS

C. H. White

4 day of Dec. 63
18 day of Dec. 63

Served a copy of the within

W. Roy Davis

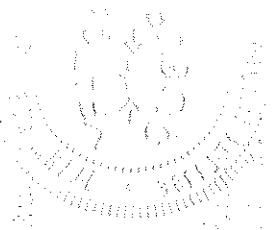
service on

TAYLOR WILKINS, Sheriff

By W. A. Talbot

02m1

So he served on
W. Roy Davis
op Eubie Byrd



EUBIE D. BYRD, d/b/a
BYRD'S GARAGE

Plaintiff

vs

C. D. WHITE

Defendant

X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5820

Comes the defendant in the above styled cause and propounds
the following interrogatories to the plaintiff, Eubie D. Byrd:

1. State your name.
2. Are you the plaintiff in this cause?
3. Do you claim to have done certain garage repair, replacement
or installation work for the said defendant?
4. If your answer is "yes", set out an itemized statement of
the entire account against the said defendant from the last day on
which the account, if any, was paid in full.
5. Show in the itemized account the work done by you or your
employees for each amount charged on the account.
6. State, if you know, whether or not you agreed on the amount
to be charged on each item of work before you entered into this work
for the defendant.
7. If this was not done specifically with each item, state the
procedure under which you arrived at the charge you made for each
item of work.
8. State the source of information on which you have made
affidavit that the defendant was "about to fraudulently dispose of
his property".
9. State the name and address of the individual who executed
with you the attachment bond filed with the Circuit Clerk in this
cause.
10. Give the description of real property which you own and
assess in Baldwin County and the value of said assessment according
to the records in the office of the Tax Assessor of Baldwin County.
11. If you have described any real property situate in Baldwin
County, is there a mortgage or other indebtedness outstanding
against said property?
12. If so, give the name and address of the mortgagee and the
amount of said mortgage.

THOMPSON & WHITE

BY:

C. LeNoir Thompson
Attorneys for defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.

C. LeNoir Thompson
C. LeNoir Thompson

subscribed and sworn to before me by the said C. LeNoir Thompson on this the 24th day of December, 1963.

Mary Thompson White
Notary Public *State of Alabama at Large*

FILED

DEC 4 1963

MADE J. DUCK, CLERK
REGISTER

5820



Eubie Byrd

VS.

C. H. White

To be served on
Eubie Byrd

4 day of Dec. 1943
id on day of Dec. 1943
serve a copy of the within Am. & cross
Eubie Byrd

service on

TAYLOR WILKINS, Sheriff
BY W. A. Tolbert, D. S.
Perdido

Sheriff claims 26 miles at
For Costs per mile Total \$ 2.60
TAYLOR WILKINS, Sheriff
BY W. A. Tolbert, DEPUTY SHERIFF

ATTACHMENT BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, Eubie D. Byrd, d/b/a Byrd's Garage, and W. Roy Davis, are held firmly and bound unto C. D. White in the sum of FOUR HUNDRED THIRTY and 20/100 (\$430.20) DOLLARS, to be paid to the said C. D. White, his heirs, executors, administrators and assigns; for which payment well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally and firmly by these presents. Sealed with our seals, and dated this 15th day of November, 1963.

The condition of the above obligation is such, that, whereas, the above bound bondsman, Eubie D. Byrd, d/b/a Byrd's Garage, has on the date hereof, prayed an attachment at the suit of Eubie D. Byrd, d/b/a Byrd's Garage, against the estate of the above named C. D. White for the sum of \$215.10, and has obtained same, returnable to the December 17th term of the Circuit Court of Baldwin County, Alabama.

Now if the said Plaintiff shall prosecute said attachment to effect, and pay the defendant all such costs and damages as he may sustain by reason of the wrongful or vexatious suing out of such attachment, then this obligation to be void, otherwise to remain in full force and effect.

Eubie D. Byrd (L.S.)
W. Roy Davis (L.S.)

Approved this 15th day of November, 1963.

Richard L. Webb
Clerk Circuit Court

EUBIE D. BYRD, d/b/a
BYRD'S GARAGE

Plaintiff

vs

C. D. WHITE

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5820

Comes the defendant for answer to said complaint filed herein
shows unto this Honorable Court as follows:

1. He denies the allegations of said complaint.

2. That he is not indebted as alleged.

3. That the plaintiff was indebted to the defendant in the
sum of \$324.00 by account which amount was due defendant on to-wit,
November 1, 1963, and which amount is now due and unpaid and which
defendant hereby offers to set off against the demand of the
plaintiff and he claims judgment for the excess.

4. Comes the defendant, C. D. White and claims of the
plaintiff Eubie D. Byrd, by way of recoupment the sum of \$324.00
by account viz:

Error in plaintiff's bookkeeping	\$174.00
Ford truck frame	75.00
Set of tandem wheels	75.00

the reasonable value thereof for which damages are claimed in said
sums.

THOMPSON & WHITE

BY:

C. D. White
Attorneys for defendant

Filed - 12-4-63

5820

STATE OF ALABAMA

BALDWIN COUNTY

AFFIDAVIT FOR ATTACHMENT

Before me, Kenneth Cooper, Notary Public, State at Large, State of Alabama, personally appeared Eubie D. Byrd, who being duly sworn, deposes and says that

C. D. White, of Perdido, Baldwin County, Alabama, is justly indebted to him in the sum of Two Hundred and Fifteen and 10/100 (\$215.10) Dollars, and that the said C. D. White is about to fraudulently dispose of his property, and that the said C. D. White has moneys, property, or effects, liable to satisfy his debt, which he fraudulently withholds, and

That this attachment is not sued out for the purpose of vexing or harassing the said Defendant.

Eubie D. Byrd
Affiant

Sworn to and subscribed before me this 15th day of November, 1963.

Kenneth Cooper
Notary Public, State at Large,
State of Alabama

FILED

NOV 15 1963

ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon C. D. White, of Perdido, Baldwin County, Alabama, to appear and plead, answer or demur within the time allowed by law from the service hereof to the Complaint filed in the Circuit Court of Baldwin County, Alabama, at Bay Minette, Alabama, against the said C. D. White by Eubie D. Byrd, d/b/a Byrd's Garage, Owner.

Witness my hand and seal this 15th day of November, 1963.

Alice J. Duck
Clerk

EUBIE D. BYRD, d/b/a

IN THE CIRCUIT COURT OF

BYRD'S GARAGE,

BALDWIN COUNTY, ALABAMA

vs

At Law

C. D. WHITE

COUNT 1:

The Plaintiff claims of the Defendant Two Hundred Fifteen and 10/100 (\$215.10) Dollars, due from him on account between the Defendant and the Plaintiff, on, to-wit, the 11th day of November, 1962, which sum of money, with interest thereon, is still unpaid.

COUNT 2:

The Plaintiff claims of the Defendant Two Hundred Fifteen and 10/100 (\$215.10) Dollars, due from him on account stated between the Plaintiff and the Defendant, on, to-wit, the 11th day of November, 1962, which sum of money, with interest thereon, is still unpaid.

COUNT 3:

The Plaintiff claims of the Defendant Two Hundred Fifteen and 10/100 (\$215.10) Dollars, due for work and labor done for the Defendant by the Plaintiff on the 11th day of November, 1962, and prior thereto, at his request, which sum of money, with interest thereon, is still unpaid.

Kenneth Coon
Attorney For Plaintiff

FILED

NOV 15 1963

ALICE J. DUCK, Clerk

64-11-22-63

STATE OF ALABAMA Ø
BALDWIN COUNTY Ø

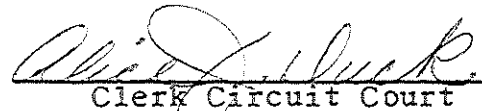
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Eubie D. Byrd, of Perdido, Baldwin County, Alabama, hath complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, that C. D. White, of Perdido, Baldwin County, Alabama, is justly indebted to the Plaintiff Eubie Byrd, d/b/a Byrd's Garage, Perdido, Alabama, in the sum of TWO HUNDRED FIFTEEN and 10/100 (\$215.10) DOLLARS, and the said Eubie Byrd having made affidavit and given bond as required by law, in such cases, you are hereby COMMANDED to attach so much of the estate of C. D. White, to-wit, a 4 inch I-beam metal frame pulpwood hauling frame for truck, with hydraulic loader in center of frame, and any other property, as will be of value to sufficiently to satisfy said debt and costs, according to the complaint, and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Alabama, at a term thereof, to be held at the Courthouse of said County on the 17th day of December, 1963, next, when and where you must make known to said Court how you have executed this Writ.

WITNESS my hand this 15th day of November, 1963.


Clerk Circuit Court

