

The State of Alabama,
Baldwin County

No. 5589

CIRCUIT COURT

19

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon W. J. Evans

to appear within thirty days from the service of this writ, in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of Atlas Finance Co.

Witness my hand this 30 day of May 1963

Alice J. Duck, Clerk

COMPLAINT

ATLAS FINANCE CO.

W. J. EVANS

Plaintiff

Versus

Defendant

The plaintiff claims of the defendant the following personal property, to-wit:

1 - 1957 Cadillac, Model 62, 2 Dr. Hardtop, Motor No. 5762-088128

with the value of the hire or use thereof during the detention, to-wit:

from May 4 1963, to date 19

FILED

MAY 30 1963

ALICE J. DUCK, CLERK REGISTER

Thompson & White
By Mary Thompson White Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

Atlas Finance Co

Plaintiff

VS.

W. J. Evans

581 Middle St Fairhope

567 Defendant

Detinue Summons and Complaint

Filed 5-30, 1963

Alvin J. Neuck Clerk

Plaintiff's Attorney

Defendant's Attorney

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

Alvin J. Neuck Clerk

Defendant lives at

Sheriff claims 7 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Fred Seibert, Sheriff
DEPUTY-SHERIFF

I have executed this summons

this 18th day of June, 1963

by leaving a copy with

W. J. Evans and

attaching 1-

1957 Cadillac

described within

Deft. made bond

6/19/63 by W. J. Evans

Claude S. Phillips

Dr. W. K. Cooper

DEPUTY SHERIFF

BY TAYLOR WILKINS, Sheriff

Ten Cents per mile Total \$

Sheriff claims 7 miles at

Taylor Wilkins, Sheriff

Fred Seibert, Deputy Sheriff

Printed by Moore Printing Co.

059

The State of Alabama, }
Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, W. J. Evans
Claude Phillips

and Dr. D. K. Cooper

are held and firmly bound unto Atlas Finance Co.

in the sum of Two Thousand (\$2,000.00) - - - - - Dollars, for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 4 day of June 19 63

The condition of the above obligation is such that whereas the said _____

Atlas Finance did, on the 30th day of May 1963 sue out of the Circuit Court of Baldwin County a writ of detinue directed to any Sheriff of said State and commanding him to take into his possession the following property, to-wit: _____

1 - 1957 Cadillac 2-door-hardtop- Motor No. 57-6237-1308

which said writ was placed in the hands of Taylor Wilkins, Sheriff of Baldwin County, Alabama, on the 30th day of May, 19 63, and executed by him on the 4th day of June, 1963, by taking into his possession the following property, to-wit: _____

1 - 1957 Cadillac 2-door-hardtop- Motor No. 57-6237-1308

And whereas the above bound W. J. Evans, Defendant in said suit, has, within five days from the execution of said writ, entered into and executed this bond as required by law and thereby obtained possession of said property seized under this writ.

Now if the said W. J. Evans is cast in said suit and within thirty days after judgment deliver the property aforesaid to the Plaintiff and pay all costs and damages which may accrue from the detention thereof, then this obligation to be void, otherwise to remain in full force and effect.

W. J. Evans (SEAL)
Claude Phillips (SEAL)
Dr. D. K. Cooper (SEAL)

Taken and approved this 19 day of June 1963
Taylor Wilkins
Sheriff, Baldwin County, Ala.

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

Baldwin COUNTY

BALDWIN COUNTY

Before me, _____, a Notary Public in and for said County, personally appeared M. P. Coghlan, manager of Atlas Finance Co. who being by me duly sworn deposes and says that the property sued for in the complaint of Atlas Finance Co. filed in said Court, to-wit: Atlas Finance Co. v. W. J. Evans

belongs to Atlas Finance Co., the plaintiff.

Sworn to and subscribed before me this 30 day of May 1963

M. P. Coghlan

Letitia Robinson
Notary Public

STATE OF ALABAMA

IN THE CIRCUIT COURT OF

_____ COUNTY

BALDWIN

_____ COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, Atlas Finance Co.

_____, Principal, and _____, Sureties, are held and firmly bound unto W. J. Evans, his heirs, executors and administrators in the sum of Fifty (\$50.00) Dollars, for the payment of which we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated the _____ day of _____, 19 _____

The condition of the above obligation is such that whereas, the above bound Atlas Finance Co. has on the _____ day of May, 1963 sued out a writ of detinue in the Circuit Court of Baldwin County, returnable to the said Circuit Court against the said

W. J. Evans for the recovery of the following described property, to-wit:

1 - 1957 Cadillac, Model 62, 2 Dr. Hardtop, Motor No. 5762-088128 of a value of \$438.97.

Now, if the said Atlas Finance Co. shall fail in said suit and shall pay to the said W. J. Evans, the defendant in said suit, all such costs and damages as he may sustain by the wrongful complaint, then this obligation to be void, otherwise, to remain in full force and effect.

Taken and approved this 30 day of May 1963 M. P. Coghlan (SEAL)

May, 1963 United States Fire Insurance Co. (SEAL)

By: LeMoyné Johnston (SEAL)
LeMoyné Johnston, Attorney In Fact
Clerk, Circuit Court

ATLAS FINANCE COMPANY	(
)	IN THE CIRCUIT COURT OF
Plaintiff	(BALDWIN COUNTY, ALABAMA
VS)	AT LAW
W. J. EVANS	(NO. <u>5589</u>
Defendant)	

Comes now the Defendant in the above styled cause and for answer to the Plaintiff's complaint says:

1.

The allegations of the complaint are untrue.

2.

For further answer to the complaint, the Defendant says that he purchased the automobile sued for from Claude Phillips, owner of Phillips Motors in Robertsdale, Baldwin County, Alabama, on the 17th day of April, 1963, that at that time he had no knowledge that Atlas Finance Company claimed a lien on this property and says further that Atlas Finance Company has not filed a copy of the instrument showing their claim in the Office of the Probate Judge of Baldwin County, Alabama, hence the Defendant is an innocent purchaser for value without notice.

3.

For further answer to the complaint, the Defendant says that he is an innocent purchaser for value without knowledge.

FILED

JUN 12 1963

ALICE I. DUCK, CLERK
REGISTER

WILTERS, BRANTLEY AND NESBIT

BY: Robert M Brantley
Attorneys for Defendant

No. 5589

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

ATLAS FINANCE COMPANY

Plaintiff

VS

W. J. Evans

Defendant

ANSWER

Thompson and White
Bay Minette, Alabama
Attorneys for Plaintiff

Witlers, Brantley & Nesbit
Box 555
Robertsdale, Alabama

Attorneys for Defendant

FILED

JUL 12 1933

ALICE J. DUCK, CLERK
REGISTER

The State of Alabama,
Baldwin County

CIRCUIT COURT

No. _____

19____

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon W. J. Evans

to appear within thirty days from the service of this writ, in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the complaint of Atlas Finance Co.

Witness my hand this 5th day of Nov 1964

Henry French, Clerk

Amended COMPLAINT

ATLAS FINANCE CO.

W. J. EVANS

Plaintiff

Versus

Defendant

The plaintiff claims of the defendant the following personal property, to-wit:

1 - 1957 Cadillac, Model 62, 2 Dr. Hardtop, Motor No. 5762-088128
of a value of \$438.97.

with the value of the hire or use thereof during the detention, to-wit:

from May 4 1963, to date 19____

[Signature] Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

ATLAS FINANCE CO.

Plaintiff

VS.

W. J. EVANS

Defendant

Detinue Summons and Complaint

Filed _____, 19____

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

Clerk

Defendant lives at

*531 Middle St.
Tuskegee, Ala.*

Received in office

_____, 19____

_____, Sheriff

I have executed this summons

this _____, 19____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

ATLAS FINANCE COMPANY

Plaintiff

VS

W. J. EVANS

Defendant

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5589

Comes now the Defendant in the above styled cause and amends his answer heretofore filed in this cause, by adding the following.

4.

The Defendant says he purchased the automobile sued for from Claude Phillips, owner of Phillips Motors, on the 17th day of April, 1963, that at that time he had no knowledge that Atlas Finance Company claimed a lien on this property and says further that the Plaintiff had not at that time filed any instrument in the office of the Probate Judge of Mobile County. The Defendant avers that Mobile County was the County where Atlas Finance Company took the lien they claim on the automobile sued for, hence the Defendant is protected under the provisions of the Alabama Code, Title 47.

WILTERS, BRANTLEY & NESBIT

BY:

Phillip S. Nesbit
Attorneys for Defendant

*Cape delivered personally
to Suppressor of Title atty
Phillip S. Nesbit
10-29-64*

FILED

OCT 29 1964

WALTER J. QUINN, CLERK REGISTER

THE STATE OF ALABAMA

)

BALDWIN COUNTY

)

)

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon National Union Fire Insurance Company to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of Ben and Sula Umansky.

WITNESS: Alice J. Duck, Clerk of said Court, this

3 day of June, 1963.

Attest: Alice J. Duck
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 1963 and on _____ day of _____, 1963 I served a copy of the within _____ on _____ by service on _____.

_____ SHERIFF

By: _____