

GIBBONS & STOKES

ATTORNEYS AT LAW  
308-309 VAN ANTWERP BUILDING  
MOBILE, ALABAMA  
TELEPHONE 433-2611

E. GRAHAM GIBBONS  
B. F. STOKES, III

May 20, 1964

MAILING ADDRESS  
P. O. BOX 293  
MOBILE, ALABAMA, 36601

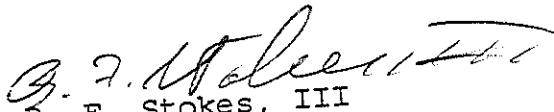
Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: General Finance Corporation of New Orleans  
vs. Thomas J. Hilburn, Case No. 5961

Dear Mrs. Duck:

The above case has been settled. Therefore, please enter an order of non-suit upon motion of the plaintiff and, in accordance with the agreement, please send the bill of costs to Mr. John V. Duck, Attorney for defendant.

Sincerely yours,

  
B. F. Stokes, III

BFS:m

GIBBONS & STOKES

ATTORNEYS AT LAW

308-309 VAN ANTWERP BUILDING

MOBILE, ALABAMA

TELEPHONE 433-2611

E. GRAHAM GIBBONS  
B. F. STOKES, III

March 3, 1964

MAILING ADDRESS  
P. O. BOX 293  
MOBILE, ALABAMA. 36601

Mrs. Alice J. Duck, Clerk  
Circuit Court  
Baldwin County, Alabama  
Bay Minette, Alabama

Re: General Finance Corporation of New Orleans vs.  
Thomas J. Hilburn

Dear Mrs. Duck:

I am enclosing a complaint, pertaining to detinue of a 1962 Pontiac automobile. Also, I am enclosing a detinue bond and affidavit in the sum of \$3,400.00, double the value of the vehicle. You will note that the surety is a corporate surety, National Surety Corporation of New York. This is a nation wide surety company. You will recall that you recently approved a bond in a detinue suit of an automobile where this same surety was the bondsman. Therefore, I trust that you will be able to approve this bond. If for any reason you cannot do so, please call me collect at once.

I would appreciate it if you would process this as soon as possible and deliver the papers to the sheriff, so that he might seize this vehicle.

Your kind cooperation and courtesies are always appreciated.

Sincerely yours,

*B. F. Stokes, III*  
B. F. Stokes, III

BFS:m  
Encl

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR

T  
O

Mrs. Alice J. Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

F  
R  
O  
M

**JOHN V. DUCK & RICHARD C. LACEY**  
Attorneys At Law  
319 Magnolia Avenue  
FAIRHOPE, ALABAMA

SUBJECT:

General Finance Corp. of New Orleans  
-vs- Thomas J. Hilburn,

DATE:

4/17/64

*Message - Reply*

FOLD A THIS IS NCR (NO CARBON REQUIRED) PAPER.

{ JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION  
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 82 - New England Business Service, Inc., Townsend, Mass.

Dear Mrs. Duck:

Enclosed you will find Answer to the Bill of Complaint  
on the above.

Would you please send a copy to B. F. Stokes, Attorney  
at Law, Mobile, Alabama.

JVD/oq  
Encl:

Sincerely,

SIGNED:

REPLY TO:

John V. Duck

DATE OF REPLY:

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

GENERAL FINANCE CORPORATION	)	IN THE CIRCUIT COURT OF
OF NEW ORLEANS,		
	)	BALDWIN COUNTY,
Plaintiff	)	ALABAMA
VS:	)	
	)	AT LAW
THOMAS J. HILBURN,	)	
	)	CASE NO. <u>5961</u>
Defendant	)	

Plaintiff claims of the defendant the following personal property, viz:

One 1962 Pontiac Catalina, 4 door,  
Vista, Serial No. 362D-10277

with the value of the hire or use thereof during the detention,  
viz; from, to-wit, January 10, 1964.

S. F. Walker, Jr.  
ATTORNEY FOR PLAINTIFF

Serve the defendant at 414 Forrester Avenue, Fairhope, Alabama.  
The Post Office Box of the defendant is P. O. Box 838, Fairhope,  
Alabama.

FILED  
MAR 4 1964  
ALICE J. DICK

The State of Alabama,  
Baldwin County

No. \_\_\_\_\_

CIRCUIT COURT

\_\_\_\_\_ 19\_\_\_\_

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon \_\_\_\_\_

*Thomas J. Helburn*

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 \_\_\_\_\_

*General Finance Corp. of New Orleans*

Witness my hand this 4 day of March 1944

*W. J. French*

\_\_\_\_\_, Clerk

COMPLAINT

\_\_\_\_\_  
Plaintiff

Versus

\_\_\_\_\_  
Defendant

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

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

from \_\_\_\_\_ 19\_\_\_\_, to \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

General Finance Corp

Plaintiff...

VS.

Thomas J. Hilburn  
414 Foster Ave

Defendant..

Detinue Summons and Complaint

Filed 3-4, 1964

W. J. Smith, 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.

W. J. Smith, Clerk

Defendant lives at

Received in office

3/4, 1964

\_\_\_\_\_, Sheriff

I have executed this summons

this 3rd of April, 1964  
by leaving a copy with

Mrs. Thomas J. Hilburn  
and taking into my  
possession 1- 1962  
Pontiac 4-door - Serial  
# 362D-10277

Sheriff claims 70 miles at  
Ten Cents per mile Total \$ 7.00  
TAYLOR WILKINS, Sheriff  
BY Dee Best  
DEPUTY SHERIFF

Taylor Wilkins, Sheriff

Dee Best, Deputy Sheriff

Property stored at  
Threadgill's Body Shop in  
Fairhope

THE STATE OF ALABAMA,  
Baldwin ~~Mobile~~ County

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, GENERAL FINANCE CORPORATION OF  
NEW OREANS, LA., as Principal, and NATIONAL SURETY CORPORATION OF NEW YORK, as  
Surety

are held and firmly bound unto Thomas J. Hilburn  
his heirs, executors and administrators, in the  
sum of Three Thousand Four Hundred and 00/100 - - (\$3,400.00) ----- Dollars, for  
the payment of which, we bind ourselves, our and each of our heirs, executors, and administrators, jointly  
and severally, firmly by these presents.

Sealed with our seals and dated this 3rd day of March, A. D. 19 64

The Condition of the above Obligation is such, That whereas the above bounden  
General Finance Corporation of New Orleans

has, on  
the        day of        19       , sued out from the office of the  
Baldwin  
Clerk of the Circuit Court of Mobile, in the State of Alabama, a Writ of Detinue, returnable to the present  
Baldwin County  
term of said Circuit Court of Mobile against the said Thomas J. Hilburn

for the recovery of the following property.  
to-wit: One 1962 Pontiac Catalina, 4 Door, Vista, Serial No. 362D-10277

NOW, if the said General Finance Corporation of New Orleans shall fail  
in said suit, and shall pay to the said Thomas J. Hilburn  
the defendant in said writ all such costs and damages as he may sustain by the wrongful suing out of said  
Writ of Detinue, then this obligation to be void, otherwise to remain in full force and benefit.

GENERAL FINANCE CORPORATION OF NEW ORLEANS  
By Ralph V. Phelps (Seal)

NATIONAL SURETY CORPORATION (Seal)

By E. S. Jenkins (Seal)  
Attorney in Fact

FILED  
MAR 4 1964  
ALICE J. DUCK, CLERK  
REGISTER

THE STATE OF ALABAMA,  
Mobile County

DETINUE AFFIDAVIT

a Notary Public

PERSONALLY appeared before me, ~~John F. Anderson, Clerk of the Circuit Court~~ of Mobile County,

Ralph Phelps

who, being duly sworn, deposes and says, that the property sued for in the complaint of

General Finance Corporation of New Orleans

to-wit One 1962 Pontiac Catalina, 4 Door, Vista, Serial No. 362D-10277

belongs to General Finance Corporation of New Orleans the said Plaintiff.

Sworn to and subscribed the 3rd day  
of March, 19 64, before me.

Ed Jenkins  
Notary Public, Mobile County, Ala.

*Ralph Phelps*

CIRCUIT COURT

~~MOBILE~~ COUNTY  
Baldwin

GENERAL FINANCE CORPORATION OF  
NEW ORLEANS

VS. } Detinue, Affidavit  
and Bond

THOMAS J. HILBURN

Filed \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Clerk Circuit Court, ~~Mobile~~ County  
Baldwin

B.F. Stokes, III  
Attorney  
for General Finance Corp. of  
New Orleans



# NATIONAL SURETY CORPORATION

A Member of The FUND Insurance Companies

## GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that NATIONAL SURETY CORPORATION, a Corporation duly organized and existing under the laws of the State of New York, and having its principal office in the City of New York, New York, and its home office in the City and County of San Francisco, California, (hereinafter called the Corporation), has made, constituted and appointed, and does by these presents make, constitute and appoint

D. E. LUDLOW, P. F. BEVILLE AND E. S. JENKINS  
JOINTLY OR SEVERALLY

of MOBILE and State of ALABAMA  
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed ONE MILLION (\$1,000,000.00) DOLLARS.

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises.

IN WITNESS WHEREOF, NATIONAL SURETY CORPORATION has caused these presents to be signed by its Vice President, attested by its Assistant Secretary, and its corporate seal to be hereto affixed this 2nd day of November A.D., 19 62.

NATIONAL SURETY CORPORATION

[Seal]

By C. A. KEPPLER  
Vice President

ATTEST: H. L. JOHNSON  
Assistant Secretary

STATE OF NEW YORK  
COUNTY OF NEW YORK

ss.:

On this 2nd day of November A.D., 19 62, before me personally came C. A. KEPPLER, to me known, who, being by me duly sworn, did depose and say, that he is Vice President of NATIONAL SURETY CORPORATION, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order. And said C. A. KEPPLER further said that he is acquainted with H. L. JOHNSON and knows him to be an Assistant Secretary of said Corporation; and that he executed the above instrument.

GEORGE SCHULMAN

Notary Public

STATE OF NEW YORK  
COUNTY OF NEW YORK

ss.:

I, H. L. JOHNSON, Assistant Secretary of NATIONAL SURETY CORPORATION, do hereby certify that the following is a full, true and correct copy of Article VIII of the By-laws of the NATIONAL SURETY CORPORATION adopted on the 25th day of October, 1955, and now in full force and effect, to wit:

### ARTICLE VIII

Appointment and Authority of Resident Assistant Secretaries, and Attorneys-in-Fact and Agents to Accept Legal Process and Make Appearances.

"SECTION 30. APPOINTMENT. The President, any Vice President or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice President, may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation.

"SECTION 31. AUTHORITY. The authority of such Resident Assistant Secretaries, Attorneys-in-Fact, and Agents shall be as prescribed in the instrument evidencing their appointment, and any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of NATIONAL SURETY CORPORATION, this 2nd day of November, 19 62.

H. L. JOHNSON

Assistant Secretary of  
NATIONAL SURETY CORPORATION

[Corporate Seal]

STATE OF GEORGIA  
COUNTY OF FULTON

ss.:

I, R. R. SWANSON, Resident Assistant Secretary of NATIONAL SURETY CORPORATION, a corporation of the State of New York, do hereby certify that the above and foregoing is a full, true and correct copy of the original power of attorney issued by said Corporation and that I have compared same with the original and that it is a correct transcript therefrom and of the whole of the original. Said power of attorney is in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of ATLANTA, this 3rd day of March, 19 64.

R. R. Swanson  
Resident Assistant Secretary

GENERAL FINANCE CORP.  
OF NEW ORLEANS  
Plaintiff

-VS-

THOMAS J. HILBURN  
Defendant

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA,  
)  
) AT LAW.  
)  
) CASE No. 5961.  
)

ANSWER

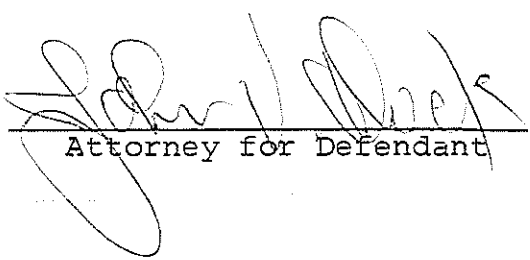
Comes now the Defendant in the above styled cause,  
and for answer to the Bill of Complaint filed herein says:

I

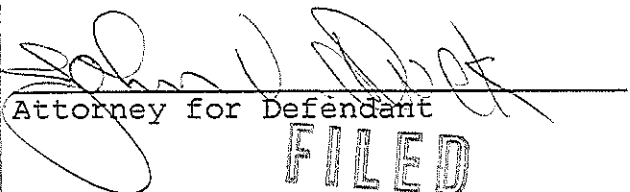
Non dentinet.

II

For further answer the Defendant says that he is not  
guilty of the matters alleged therein.

  
Attorney for Defendant

Defendant respectfully demands a  
trial by Jury.

  
Attorney for Defendant

FILED

APR 20 1964

ALICE J. DUCK, CLERK  
REGISTER

# The State of Alabama, }

## Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, Thomas J. Hilburn

and Mrs Carlos Leutner & Mrs Louise G. Dyer  
are held and firmly bound unto General Finance Corporation  
in the sum of Two Thousand Eight Hundred <sup>END</sup> 100 Dollars, for the payment of  
which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and ad-  
ministrators.

Sealed with our seals and dated this 6th day of April 1964

The condition of the above obligation is such that whereas the said \_\_\_\_\_

General Finance Corporation did, on the 4th day  
of April 1964 sue out of the Circuit Court of Baldwin  
a writ of detinue directed to any Sheriff of said State and commanding him to take into his possession the  
following property, to-wit: One 1962 Pontiac Catalina, 4  
Doon Vista, Serial No 3620-10277

which said writ was placed in the hands of Taylor Wilkins,  
Sheriff of Baldwin County, Alabama, on the 4th day of April, 1964,  
and executed by him on the 4th day of April, 1964, by taking into his  
possession the following property, to-wit:

Same

And whereas the above bound Thomas J. Hilburn,

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 Thomas J. Hilburn 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.

Thomas J. Hilburn (SEAL)  
Etta Mae Hilburn

Mrs. Carlos Leutner (SEAL)

Mrs. Louise G. Dyer (SEAL)

Taken and approved this 6th day of April 1964

Taylor Wilkins  
Sheriff, Baldwin County, Ala.