

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Richard Eady 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 W. J. Porter.

WITNESS my hand this 1 day of June, 1964.

Alice J. Duck
Clerk

* * * * *

W. J. PORTER,
Plaintiff,
VS.
RICHARD EADY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

6077

COMPLAINT

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

One 1956 Ford Truck, motor number F50V66A10161,
tag number 5H 3-1599.

with the value of the use thereof from, to-wit, May 27, 1964.

X R. O.
Attorney for Plaintiff

FILED

JUN 1 1964

ALICE J. DUCK, CLERK
REGISTER

7206077

W. J. Porter

VS

Richard Eady

FILED

JUN 1 1964

ALICE L. DUCK, CLERK
REGISTERED

W. J. PORTER,
Plaintiff,
VS.
RICHARD EADY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA, GREETING:

The plaintiff having given bond and made affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the defendant give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will, within thirty days thereafter, deliver the property to the plaintiff, and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this 1st day of June, 1964.

Alice J. Duck
Clerk

FILED
JUN 1 1964
ALICE J. DUCK, CLERK
REGISTER

W. 6077

W. J. Porter

Richard Eady

Received 1 day of June 1966
and on 1 day of June 1966
served a copy of the within Return
n Richard Eady

by service on _____
TAYLOR WILKINS, Sheriff
By W. A. Gilbert D.:

0 miles
Attached one 1956 Ford
Truck Motor No F50V
66A10161 Tag-5H3-159,

Stored at County Jail
City made bond
6/9/66. Signed
by W. J. Porter,
J. B. Newton, Thomas
W. Munnick Jr
Blair A. Page.
Property released
to City.

NO. 6077

W. J. Porter

Richard Eady

Received 1 day of June 1964
and on 1 day of June 1964
served a copy of the within Return
n Richard Eady

by service on

TAYLOR WILKINS, Sheriff

By W. A. Gilbert D. S.

0 - miles

Attached one 1956 Ford
Truck Motor No F50V
66A10161 Tag-5H.3-1599

Stored at County Jail
Buy made Bond
6/9/64. Deposed
by W. J. Porter,
G. B. Newton, Thomas
W. Warwick Jr
Blair A. Page.
Property released
to Buy.

W. 6077

W. J. Parter

Richard Eady

Received 1 day of June 1964
and on 2 day of June 1964
served a copy of the within Detention
on Richard Eady
by service on _____

TAYLOR WILKINS, Sheriff

By W. A. Talbert D. S.

0 - miles

Attached once 1956 Ford
Truck Motor No F50V
66A10161 Tag-5H.3-1599

Stored at County Jail
Buy made Bond
6/9/64. Signed
by W. J. Parter,
G. B. Newton, Thomas
W. Warwick Jr
Blair A. Page
Property released
to City

W. J. PORTER,

Plaintiff,

VS.

RICHARD EADY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

BOND

KNOW ALL MEN BY THESE PRESENTS: That we, W. J. Porter, as Principal, and Thomas W. Travel Jr and Erwin Roberts, as Sureties, are held and firmly bound unto Richard Eady in the sum of \$ 100.00, to be paid to the said Richard Eady, his heirs, executors, administrators or 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, severally and firmly, by these presents.

Sealed with our seals and dated this 1st day of June, 1964.

The condition of the above obligation is such, that whereas the above bound W. J. Porter, on the day of the date hereof has obtained at the suit of W. J. Porter vs. Richard Eady, a summons and complaint for the recovery of personal property in specie against the said defendant and asks an endorsement by the Clerk of this court "That the Sheriff is required to take the property mentioned in said complaint into his possession", as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of Baldwin County, Alabama, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said plaintiff shall fail in this suit, and shall pay the defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

W. J. Porter

W. J. Porter

As Principal

Thomas W. Travel Jr

Erwin Roberts
As Sureties

Approved this 1st day of June, 1964.

Erwin Roberts
Clerk

W. J. PORTER,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	
VS.)	BALDWIN COUNTY, ALABAMA
)	
RICHARD EADY,)	AT LAW
)	
Defendant.)	

PLAINTIFF'S FORTHCOMING BOND

KNOW ALL MEN BY THESE PRESENTS: That, we W. J. Porter, as Principal, and the undersigned, as Sureties, are held and firmly bound unto Richard Eady in the sum of Two Thousand Dollars (\$2,000.00) for the payment of which well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, successors and assigns, jointly, severally and firmly by these presents.

Sealed with our seals and dated this, the _____ day of June, 1964.

The condition of the above obligation is such, that whereas, the said W. J. Porter did on the 1st day of June, 1964, sue out of the Circuit Court of Baldwin County, Alabama, a writ in detinue, directed to any Sheriff of the State of Alabama and commanding him to take in his possession the following described personal property sued for in said action of detinue, to-wit:

One 1956 Ford Truck, motor number F50V66A10161,
tag number 5H3-1599,

which said writ was placed in the hands of the Sheriff of Baldwin County, Alabama, on the 1st day of June, 1964, and executed by him on the 2nd day of June, 1964, by taking into his possession the following property, to-wit:

One 1956 Ford Truck, motor number F50V66A10161,
tag number 5H3-1599.

And, whereas, the said Richard Eady, defendant in said suit, has failed and neglected, for the space of five days from the taking into possession of said property by said Sheriff, aforesaid, to give bond and take possession of said property as authorized by law.

Now, therefore, if the said W. J. Porter, plaintiff in said suit, shall deliver the above described property to the said

Richard Eady, defendant in said suit, within thirty days after judgment, in case plaintiff shall fail to recover the same in his said suit, and pay all damages for the detention of property and costs of suit, then, in that event, this obligation to be void, otherwise to remain in full force and effect.

W. J. Porter

W. J. Porter

As Principal.

F. B. Norton

Thomas W. Brewster

As Sureties.

John A. [Signature]

Approved this 9th day of
June, 1964.

James Wilkins

Sheriff of Baldwin County, Alabama

WALTER PORTER,

Plaintiff,

VS.

RICHARD EADY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

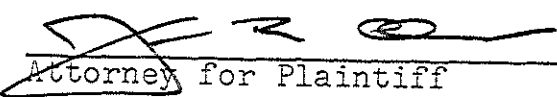
AT LAW

NO. 6077

DEMURRER

Now comes the plaintiff, by his attorney, and demurs to the motion to set aside the judgment by default heretofore filed in said cause and as grounds for said demurrer assign the following, separately and severally:

1. The motion fails to state a basis for relief.
2. The judgment in a criminal case does not relieve the defendant from liability in a civil action.
3. The defendant was properly notified of this action and had the opportunity to answer seasonably and failed to do so.
4. The alleged grounds for defendant's motion are not fact, but opinion of the defendant.
5. The said motion does not show sufficient matter of excuse on the part of the defendant.
6. The said motion does not allege any surprise, accident, mistake or fraud without fault on the part of the defendant.


Attorney for Plaintiff

FILED

JUL 21 1964

MADE A DUCK, CLERK
REGISTER

Walter Porter

Plaintiff

Vs

Richard Eady

Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 6077

Now comes the Defendant and moves this Honorable Court to set aside the judgment by default, rendered against the Defendant in this cause on to wit 7/3/64, and for grounds says:

1.

That he had traded a car to Edward Porter, son of the Plaintiff, as down payment on the truck involved in this suit, and when the said Edward Porter returned said car to him, and when he was cleared in a Criminal case brought against him in this matter for stealing said truck, he understood that said matter was settled, or that his responsibility herein was completed.

2.

That he had traded for said truck and instead of damaging the Plaintiff in the amount of \$90.00 and costs, he, himself was damaged both in money and reputation, by the Plaintiff having him arrested for stealing said truck and having the humiliation, bother and expense of defending the same, as well as this suit.

Richard Eady

~~Richard Eady~~ Defendant

Subscribed and sworn to before me on this 17 day of July, 1964.

[Signature]
Notary Public, Baldwin County, Alabama

My Commission Expires Jan. 24, 1968.

Robert F. McKinley
Attorney for the Defendant

6077
Walter Porter

Plaintiff

Vs

Richard Eady

Defendant

FILED

JUL 17 1964

ALICE L. BICK, CLERK
REGISTER

Motion to set aside default
Judgment

Motion to set aside default
judgment

ALICE J. DICK
CLERK

JUL 12 1984

FILED

Defendant

Richard Bady

VS

Plaintiff

Walter Porter

