

GIBBONS & STOKES

ATTORNEYS AT LAW

308-309 VAN ANTWERP BUILDING

MOBILE, ALABAMA

TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III

June 16, 1964

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

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

Re: Jim Walter Corporation vs. Sherman &
Opal Giddens

NO. 6091

Dear Mrs. Duck:

I enclose herein an original and two copies of a complaint in ejectment in the above case. I would appreciate it if you would file the same in the Circuit Court of Baldwin County and issue it for service, and I would also appreciate it if you would confirm the filing date and also the date when service is perfected.

The defendants address is Route #1, Box 365, Perdido, Alabama.

Thank you very much for your attention to this matter.

Sincerely yours,

E. Graham Gibbons
E. Graham Gibbons, Attorney
for Jim Walter Corporation

EGG:m
Encl

JIM WALTER CORPORATION,) IN THE CIRCUIT COURT OF
a corporation,

Plaintiff)

BALDWIN COUNTY,

ALABAMA

VS:)

AT LAW

SHERMAN GIDDENS and OPAL)

GIDDENS, Jointly and

Individually,)

Defendants)

CASE NO. 6091

COUNT ONE

The plaintiff sues to recover possession of the
following tract of land in Baldwin County, Alabama:

"Begin at the Northwest corner of the East
half of the Southwest quarter of the Northeast
quarter and run West 311 feet to a point of
beginning, thence run South 208 feet to a
corner, thence West 208 feet to a corner,
thence North 208 feet to a corner on the North
line of said parcel, thence East along said
North line 208 feet to the point of beginning,
being one acre more or less and situated in
the West half of the Southeast quarter of the
Northeast quarter of Section 9, Township 1
North, Range 4 East, Baldwin County, Alabama."

of which the plaintiff was in possession, and upon which,
pending such possession, and before the commencement of
this suit, the defendant entered and unlawfully withhold,
together with \$1,000.00 for the detention thereof.

COUNT TWO

The plaintiff sues to recover possession of the
following tract of land in Baldwin County, Alabama:

"Begin at the Northwest corner of the East
half of the Southwest quarter of the Northeast
quarter and run West 311 feet to a point of
beginning, thence run South 208 feet to a corner,
thence West 208 feet to a corner, thence North
208 feet to a corner on the North line of said
parcel, thence East along said North line 208
feet to the point of beginning, being one acre
more or less and situated in the West half of
the Southeast quarter of the Northeast quarter
of Section 9, Township 1 North, Range 4 East,
Baldwin County, Alabama."

to which said tract of land the plaintiff has the legal

title, and upon which tract of land, before the commencement of this suit, the defendant entered and unlawfully withhold, together with \$1,000.00 for detention thereof.

GIBBONS & STOKES

BY: E. Graham Gibbons
E. GRAHAM GIBBONS
Attorney for Plaintiff

Serve the defendants at Route #1, Box 36, Perdido, Alabama.

FILED
JUN 17 1964
ALICE J. DICK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6091

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sherman Giddens and Opal Giddens

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed
in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

Sherman Giddens and Opal Giddens, Jointly & Individually Defendant.....

by Jim Walter Corporation, a Corporation,.....

..... Plaintiff.....

Witness my hand this 17th day of June 19 64

Ed-6-24-64 Archie J. Luck Clerk

No. 6091.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JIM WALTER CORPORATION, A Corp.

Plaintiffs

vs.

SHERMAN GIDDENS & OPAL GIDDENS,

Jointly & Individually

Reside

Defendants

SUMMONS AND COMPLAINT

Filed June 17, 1964

~~Alice J. Duck~~ Alice J. Duck Clerk

Gibbons & Stokes

P.O. Box 293 Plaintiff's Attorney
Mobile, Alabama

Defendant's Attorney

Defendant lives at

Received In Office

June 17 1964

Sheriff

I have executed this summons

this June 24 1964

by leaving a copy with

Sherman Giddens
Opal Giddens

Sheriff claims 80 miles at

Ten Cents per mile Total \$ 8.00

TAYLOR WILKINS, Sheriff

BY *W. A. Zeller*
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. A. Zeller Deputy Sheriff

Heather

JIM WALTER CORPORATION,
a Corporation,

Plaintiff,

VS.

SHERMAN GIDDENS and OPAL
GIDDENS, jointly and
individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6091

Now come the defendants in the above styled cause and
for plea to the complaint heretofore filed in said cause and to
each count thereof, separately and severally, says, separately and
severally:

1. Not guilty.
2. The allegations of the complaint are untrue.


Attorney for Defendants

Defendants demand a trial by jury of said cause.


Attorney for Defendants.

FILED
JUL 7 1964
ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

TO TAYLOR WILKINS, Sheriff of Baldwin County, Alabama:

I, Horace R. Sawyer, plaintiff in that certain attachment sworn out by myself against Miguel Elizondo Gavina on the 16th day of June, 1964, in the Circuit Court of Baldwin County, Alabama, hereby authorize you to release the automobile attached by you in this proceedings, being one 1960 Chevrolet Sedan, 1964 license plate, Florida, 1W99260, to the said Miguel Elizondo Gavina. I hereby acknowledge myself liable and surety for the Court costs in this matter.

This the 22nd day of June, 1964.



Horace R. Sawyer

I, Arthur C. Epperson, a Notary Public in and for the State of Alabama at large, hereby certify that Horace R. Sawyer whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 22nd day of June, 1964.



Notary Public.

State of Alabama

Baldwin County.

I Miguel Elizondo Gavina hereby acknowledge deliver and receipt of one 1960 Chevrolet Sedan 1964 license plate Florida 1W99260 from Taylor Wilkins, Sheriff of Baldwin County, Alabama.

This the 23rd day of June, 1964.



Miguel Elizondo Gavina

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public, in and for the State of Alabama, at large, personally appeared Horace R. Sawyer, who being duly sworn, deposes and saith:

That Miguel Elizondo Gavina is justly indebted to the said Horace R. Sawyer in the sum of \$550.00, which said amount is justly due, and that the said Miguel Elizondo Gavina resides out of the State of Alabama and that said Miguel Elizondo Gavina is about to remove his property (1960 Chevrolet Sedan 1964 License plate, Florida, 1W99260) out of the State of Alabama and the plaintiff will probably lose his debt and have to sue for it in another state, and that this attachment is not sued out for the purpose of vexing or harassing the said defendant.

Horace R. Sawyer

Sworn to and subscribed before me this the 16th day of June, 1964.

Arthur C. Epperson

Notary Public, State of Ala.
at large

STATE OF ALABAMA)

)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA

Whereas, Horace R. Sawyer, hath complained on oath that Miguel Elizondo Gavina is justly indebted to him in the sum of \$550.00; and that said Horace R. Sawyer having caused to be made affidavit as required by law in such cases: you are hereby commanded to attach so much of the property of said Miguel Elizondo Gavina as will be of value to satisfy said debt and costs according to the complaint; and such property unless replevied so to secure that the same may be liable to further proceedings thereon, to be had at the present session of the Circuit Court of Baldwin County, to be held at the Court House thereof, when and where you must make known how you have executed this writ.

Witness my hand, this the 19 day of June, 1964.

Deirdre J. Henshaw
Circuit Clerk

STATE OF ALABAMA

BALDWIN COUNTY

The defendant Miguel Elizondo Gavina being a nonresident of Alabama, no bond is required of the said Horace R. Sawyer.

This the ____ day of June, 1964.

Clerk of the Circuit Court

Executed the foregoing writ of Attachment this the ____ day of June, 1964, at ____ M. o'clock by leaving on one 1960 Chevrolet Sedan, 1964 license plate, Florida, 1W99260 and storing same at _____

Sheriff, Baldwin County, Alabama

By: _____
Deputy Sheriff