

6396

By virtue of the within execution, I have this 9th day of February 1965 levied on One 1962 Ford Truck Tractor, Model F800, Serial #F80FU-211391, One 1962 Ford, Truck Tractor, Model F800, Serial #F80FU-211392. Notice of levy was served on Wilson Hayes, Attorney for Stuckey Lbr. Co. On the 16th day of February 1965 the National Acceptance Company of America, A Corp. filed an affidavit claiming the property described above and filing a bond in the amount of \$7,000.00, signed by Fidelity & Casualty Company of New York as surety for the above described property. Said property was released to Wilson Hayes, Attorney for National Acceptance Company of America, A Corp. Copies of Affidavit and bond are attached herewith. The original being returned to the Circuit Court of Baldwin County for a trial of right of property.

Dated this 16th day of February, 1965

*James W. Williams*  
Sheriff, Baldwin County, Ala.

LEWIS C. GARDY, JR.

Attorney for PLAINTIFF

CIVIL DIVISION

Case No. 7222

Circuit Court--Mobile County

MADELAINE HORSTMAYER, LEE SLAUGHTER,  
HOWELL G. SLAUGHTER, CHARLES H.  
SLAUGHTER and ERICHT B. SLAUGHTER

VS. M. E. A. LEE, JR.  
D. B. LEE, JR.

G. N. STUCKEY LUMBER COMPANY, INC.,  
a corporation

Issued 24th day of November 19 64

Judgment, \$8,347.54  
Credit 1,363.13  
BALANCE DUE- 6984.41  
Costs Comm \$246.53  
\$9200.94

TO THE SHERIFF:

The judgment upon which this execution is issued has a clause waiving all right of exemptions as to personal property of the defendant herein.

YOU WILL THEREFORE NOT allow any exemptions for the satisfaction of this execution as to personal property of the defendant.

Clerk, Circuit Court, Mobile County, Ala.

The judgment upon which this execution is issued is as follows:

TO THE SHERIFF:

RECEIVED

NOV 25 1964

SHERIFF'S OFFICE

*James W. Williams*

# The State of Alabama--Mobile County

## To any Sheriff of the State of Alabama--Greetings:

YOU ARE HEREBY COMMANDED, That of the Goods and Chattels, Lands and Tenements of W.N. STUCKEY LUMBER COMPANY, INC.,

a corporation

you cause to be made the sum of

EIGHT THOUSAND THREE HUNDRED FOURTY SEVEN AND 54/100 - - - (\$8,347.54) - - - - - (Credit on Judgment of \$1,363.13) - - Dollars  
(Balance Due of \$6,984.41)

which MADELAINE HORSTMYER, LEE SLAUGHTER, HOWELL W. SLAUGHTER, CHARLES H. SLAUGHTER and WRIGHT B. SLAUGHTER

recovered of W.N. STUCKEY LUMBER COMPANY, INC., a corporation

on the 25th day of March, 19 63, by the judgment of our Circuit Court, held for the County of Mobile; besides

Dollars, cost of suit; and have the same to render to said

MADELAINE HORSTMEYR, LEE SLAUGHTER, HOWELL W. SLAUGHTER, CHARLES H. SLAUGHTER and WRIGHT B. SLAUGHTER

and make return of this Writ and the execution thereof according to law.

WITNESS, JOHN E. MANDEVILLE, Clerk of said Court, this 24th day of November in the year of our Lord one thousand nine hundred and Sixty Four.

Attest:

*John E. Mandeville*

John E. Mandeville, Clerk.

as . . . But w

BOND BY CLAIMANT  
TRIAL OF RIGHT OF PROPERTY

STATE OF ALABAMA

BALDWIN COUNTY

We, Wilson Hayes, as Attorney for National Acceptance Company of America, a Corporation, and Fidelity and Casualty Company of New York as sureties, are bound unto Madelaine Horstmyer, Lee Slaughter, Howell W. Slaughter, Charles H. Slaughter and Wright B. Slaughter, in the sum of SEVEN-THOUSAND, (\$7,000.00) DOLLARS, for the payment for which we jointly and severally bind ourselves, our heirs, executors, administrators and assigns. Sealed with out seals and dated this, the 16th day of February, 1965.

The condition of the above obligation is such that an execution issued by the Circuit Court of Mobile County, Alabama, for said County on the 24th day of November, 1965, in favor of Madelaine Horstmyer, et al, against W. N. Stuckey Lumber Company, Inc., for the sum of SEVEN-THOUSAND, SIX-HUNDRED THIRTY-NINE and FIFTY/100 (\$7,639.50) DOLLARS, has been levied by Taylor Wilkins, Sheriff of Baldwin County, Alabama, upon the following described property of National Acceptance Company of America, a Corporation, to-wit:

1 1962 Ford Truck Tractor, Model F800 Serial  
No. F80FU - 211391.

1 1962 Ford Truck Tractor, Model F800 Serial  
No. F80FU - 211392,

And whereas the said Wilson Hayes has made affidavit, as Attorney for National Acceptance Company of America, a Corporation, that it has just title to said property, and upon executing this bond, with sufficient security as required by law, has obtained possession of said property.

Now, therefore if the said National Acceptance Company of America, a Corporation, shall have the said property above described forthcoming for the satisfaction of the Plaintiff's, the said Madelaine Horstmyer et al, judgement, if it be found liable therefor, and for the payment of such costs and damages

as may be recovered for putting in the said claim for delay,  
then this obligation to be void, otherwise to remain in full  
force and effect.

Taken and approved this the

16th day of February,  
1965.

W. L. Hager

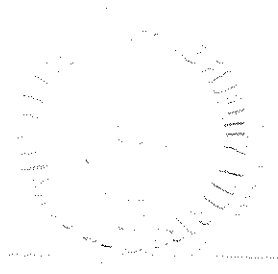
Fidelity & Casualty Company of New York

Joseph Wilkin  
Sheriff, Baldwin Co, Ala.

By: E. P. Bell  
Attorney-in-fact

Claimant demands trial  
by jury.

W. L. Hager



C. C. 1200  
Sum 1  
Dec 1168

AFFIDAVIT BY CLAIMANT  
TRIAL OF RIGHT OF PROPERTY

STATE OF ALABAMA

BALDWIN COUNTY

Before me Taylor Wilkins, the undersigned authority, personally appeared Wilson Hayes, who being duly sworn, deposes and says that the following described property, to-wit:

1 1962 Ford Truck Tractor, Model F800 Serial  
No. F80FU - 211391.

1 1962 Ford Truck Tractor, Model F800 Serial  
No. F80FU - 211392,

upon which an execution issued by the Circuit Court of Mobile County, Alabama on the 24<sup>th</sup> day of November, 1965<sup>4</sup> in favor of Madelian Horstmyer et al vs W. N. Stuckey Lumber Company, Inc., for the sum of SEVEN-THOUSAND, SIX-HUNDRED, THIRTY-NINE and FIFTY/100 (\$7,639.50) DOLLARS, has been levied upon by Taylor Wilkins, Sheriff of Baldwin County, Alabama, to satisfy the same, is not the property of the said W. N. Stuckey Lumber Company, Inc., but is the property of National Acceptance Company of America, a Corporation, by virtue of and under the provisions of a valid Chattel Mortgage dated March 12, 1962 and Recorded at Mortgage Book 387, page 360-381, Baldwin County, Alabama Probate Records, and that the said National Acceptance Company of America, a Corporation has a just title to the property levied upon.

Sworn to and subscribed before me on this the 11<sup>th</sup> day of January, 1965.

Wilson Hayes  
WILSON HAYES

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned Taylor Wilkins of Baldwin County, Alabama authorized under the laws of the State of Alabama to take and administer oath, this day personally appeared Wilson Hayes, who is known to me and who being by me first duly sworn to speak the truth, the whole truth and nothing but the truth, deposes and says he has read the foregoing affidavit and knows the facts therein stated, and that the facts therein stated are true to the best of his information and belief.

Sworn to and subscribed before me this the 11<sup>th</sup> day of January, 1965.

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No. 6396

Title 7-1168  
11697  
11753

Madelin Horstmyer  
(Kilborn, early 1940s) et al

US

Wm. Stuckey & Co.

(inches)

national acceptance  
company American  
claimant

2-17-65