

CONTINENTAL ACCEPTANCE CORPORATION X
a corporation

Plaintiff

VS

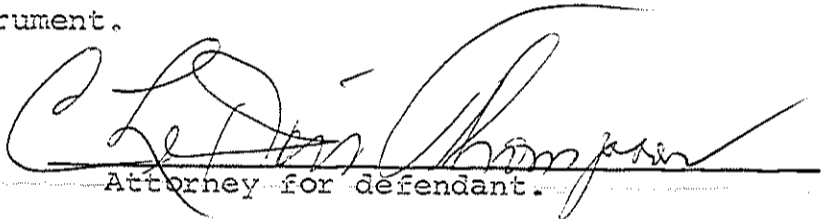
FLOYD B. PEADEN

Defendant

X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA
X AT LAW NO. 6688

Comes the defendant in the above styled cause and propounds
the following interrogatories to the plaintiff, Continental
Acceptance Corporation, a corporation:

1. State your name.
2. In what capacity are you connected with Continental
Acceptance Corporation?
3. If a promissory note or obligation of security was
signed by the defendant herein, attach a photocopy of the front
and back of the said instrument.


Attorney for defendant.

STATE OF ALABAMA

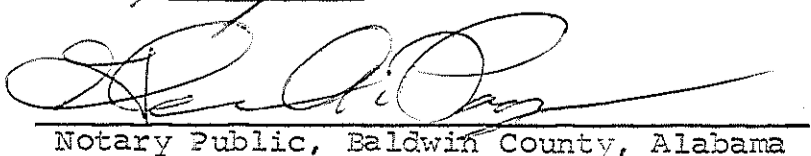
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said
State and County, personally appeared C. LeNoir Thompson, who
being by me first duly sworn, deposes on oath and says as
follows:

My name is C. LeNoir Thompson and I am the Attorney of
Record for the defendant in the above entitled cause, and as such,
I am authorized to make this affidavit. I further state that
the answer of the plaintiff to the foregoing interrogatories will,
if truthfully made, be material evidence for the defendant on
the trial of said cause.


C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir
Thompson on this the 2 day of May, 1965.


Notary Public, Baldwin County, Alabama

FILED

MAY 2 1965

NOTARY PUBLIC

5-2-66

I hereby accept service of the
interrogatories

~~Kenneth Cooper
Attorney For Plaintiff~~

70.6688

Continental Acceptance ^{Corp}

vs.

Floyd B. Peader

Interrogatories

to be served on:

CONTINENTAL ACCEPTANCE CORPORATION X
a corporation

Plaintiff

vs

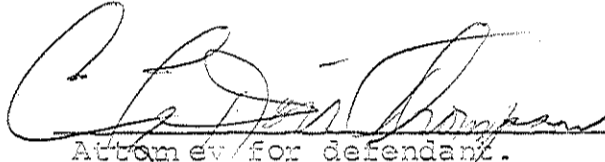
FLOYD B. PEADEN

Defendant

X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA
X AT LAW NO. 6688
X
X

Comes the defendant and for answer to the complaint filed in
said cause shows as follows:

1. He denies the allegations of said complaint as untrue.
2. The defendant for answer to the said complaint says
that he has paid the debt for the recovery of which this suit
was brought, before the action was commenced.


Attorney for defendant.

FILED
AUG 3 1966
CLERK
REGISTER

CONTINENTAL ACCEPTANCE CORPORATION X
A Corporation

Plaintiff

vs

FLOYD B. PEADEN

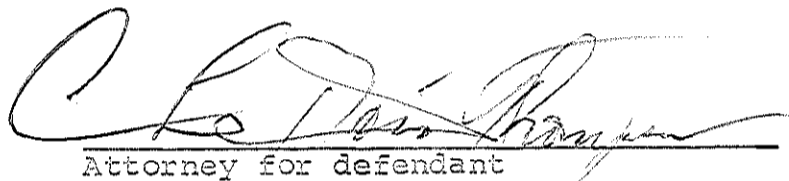
Defendant

X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA
X AT LAW NO. 6688
X
X

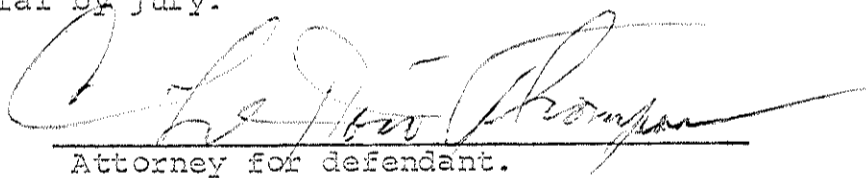
Comes the defendant in the above styled cause and moves
to strike the complaint filed in said cause and as grounds for
said motion shows unto this Honorable Court as follows:

-1-

That Exhibit "A" as alleged therein is not attached to
the copy served on the defendant.


Attorney for defendant

Defendant demands trial by jury.


Attorney for defendant.

FILED
SEP 28 1965
ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. _____
_____ TERM 1965

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO SUMMON Floyd B. Peaden 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 Floyd B. Peaden, Defendant by Continental Acceptance Corporation, A Corporation, Plaintiff.

WITNESS my hand this 13 day of September, 1965.

Alice J. Luck CLERK

CONTINENTAL ACCEPTANCE CORPORATION,)	IN THE CIRCUIT COURT OF
A Corporation, *	
)	
Plaintiff, *	BALDWIN COUNTY, ALABAMA
)	
Vs. *	
)	AT LAW
FLOYD B. PEADEN, *	
)	
Defendant. *	CASE NO. <u>6688</u>

The Plaintiff claims, as the lawful owner in due course, of the Defendant, Floyd B. Peaden, \$371.14, damages for the breach of an agreement in writing entered into by the Defendant on the 28th day of November, 1960, in substance as follows:

The Defendant agreed to purchase and the Plaintiff agreed to sell one 1960 Ford automobile, Model No. F100, Pick-Up type of body, motor number F10JOD 22701; the purchase price to be \$2,203.00, payable as follows: \$295.00 as trade-in for one 1955 Plymouth Tudor, as part payment, and the remainder of the purchase price, to-wit, \$1908.00, payable in 36 installments of \$53.00 each, beginning 10 January, 1961.

And Plaintiff avers that although he, and those through whom he claims, did deliver to the Defendant the above described automotive vehicle, and complied with all the terms of the written agreement on

his part, the Defendant failed to comply with the following provisions, viz; he failed to pay the monthly installments when due, which failure cause Plaintiff, and those through whom he claims, to have to sell said automotive vehicle, and after which there is a balance of \$371.14 due Plaintiff from Defendant, after giving Defendant due credit for all items.

There is attached hereto, as exhibit "A" and made a part hereof, as if fully incorporated herein, a certified copy of the original contract between Treadwell Ford, Inc., Mobile, Ala., as assignor of said contract to your Plaintiff, and the Defendant.

Plaintiff also claims of the Defendant a reasonable attorney's fee and all other expenses incident to collection of the amount sued for pursuant to the terms of the aforementioned contract.


Attorney For Plaintiff

Defendant's Address:

Rt. 2, Box 292 C
Bay Minette, Ala.

FILED

SEP 13 1965

ALICE L. DUCK, CLERK
REGISTER

Received 13 day of Sept. 1965
and on 14 day of Sept. 1965
I served a copy of the within O & C
on Floyd B. Peaden
By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Zeller

over 1

CASE NO. 6688

* * * * *

CONTINENTIAL ACCEPTANCE CORP-
ORATION, A Corporation,

Plaintiff,

Vs.

FLOYD B. PEADEN,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

* * * * *

AT LAW

KENNETH COOPER

FILED
SEP 13 1965
CLERK
ALABAMA

CONTINENTAL ACCEPTANCE CORPORATION X
a corporation

Plaintiff

vs

FLOYD B. PEADEN

Defendant

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 6688

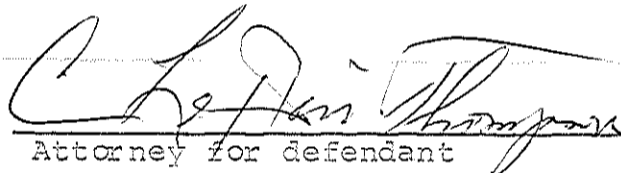
Comes the defendant and demurs to the complaint filed in
said cause and for demurrer shows unto this Honorable Court
as follows:

1. That said complaint fails to state a cause of
action.
2. That said complaint fails to allege the date of the
assignment of said contract.
3. That said complaint fails to allege the recovery of
said motor vehicle.
4. That said alleged contract sued on is to-wit, a
conditional sales contract.

FILED

JUN 23 1966

ALICE J. DICK, CLERK
REGISTERED


Attorney for defendant

JOHN K. RAYBORN,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

GEORGE WALTER SMITH,

X

AT LAW

Defendant.

X

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the Complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.
2. The Complaint fails to allege any negligent act on the part of the Defendant proximately resulting in any damages to the Plaintiff's automobile.

Respectfully submitted,

CHASON, STONE & CHASON

By: 

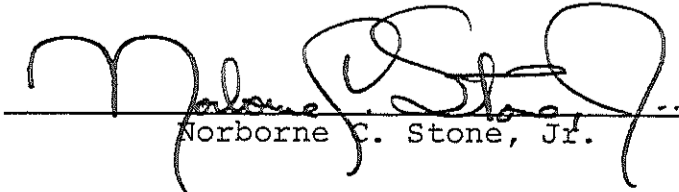
Attorneys for Defendant

* * * * *

CERTIFICATE

I, Norborne C. Stone, Jr., do hereby certify that I have this day served a copy of the foregoing demurrer on the Honorable John V. Duck, Solicitor for the Plaintiff, by mailing a copy thereof to him by United States mail, postage prepaid and properly addressed to him, at his office in Bay Minette, Alabama.

Witness my hand this 23rd day of September, 1965.


Norborne C. Stone, Jr.

FILED

SEP 28 1965

JOHN V. DUCK, CLERK
REGISTER

6689

JOHN K. RAYBORN,
Plaintiff,

VS

GEORGE WALTER SMITH,
Defendant.

DEMURRER

FILED
SEP 23 1965
ANNE J. DUCK, CLERK
REGISTER

CHASON, STONE & CHASON
ATTORNEYS AT LAW

SPEED LETTER

JOHN V. DUCK
~~DUCK & LACEY~~

Attorneys at Law

P. O. DRAWER ~~XX~~ - FAIRHOPE, ALABAMA

M E S S A G E

R E P L Y

TO Mrs. Alice J. Duck
Bay Minette, Ala.

DATE

6689

DATE September 10, 1965

Re: John K. Rayborn, vs. George Walter Smith

Dear Mrs. Duck:

Enclosed is Bill of Complaint for filing
together with copy of same and Summons for
serving.

Sincerely,

John V. Duck
(JK)

SIGNED

SIGNED

JOHN K. RAYBORN,)
Plaintiff,)
vs.)
GEORGE WALTER SMITH,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

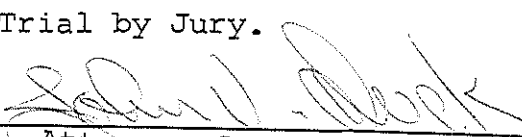
6689

COUNT ONE

Plaintiff claims of the Defendant the sum of SIX HUNDRED FORTY-EIGHT AND NO/100 (\$648.00) DOLLARS as damages for that heretofore on, to-wit: the 24th day of July, 1965, the Plaintiff was operating his automobile along and upon a public street in the City of Fairhope, Alabama, on, to-wit: Section Street at its intersection with Volanta Avenue which was then and there a public highway in Baldwin County, Alabama, and where the Plaintiff had a right to be, and while the said Plaintiff was operating his motor vehicle along said Section Street at its intersection with Volanta Avenue in Fairhope, Alabama, an automobile which was being driven by the Defendant ran upon, over or against the automobile of the Plaintiff causing great damages to the Plaintiff's automobile in that: the rear quarter panel, the trim molding, the tail lamp, the rear bumper, the center pan, the deck lid, the rear tires, the left quarter panel, the front floor pan, front frame, steering wheel and other parts of Plaintiff's automobile were broken, bent, smashed or otherwise damaged, all to the damage of the Plaintiff as aforesaid. Plaintiff alleges that his said damages to his said automobile were proximately caused by the negligence of the Defendant in that the Defendant negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.


ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands a
Trial by Jury.


Attorney for Plaintiff

FILED
SEP 18 1965
ALICE L. DUCK, CLERK
REGISTER

170

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon GEORGE WALTER SMITH

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.....

GEORGE WALTER SMITH

....., Defendant.....

by JOHN K. RAYBORN

....., Plaintiff.....

Witness my hand this.....13.....day of.....Sept.....1965

Walter J. Newkirk....., Clerk

EX-9-17-65

No. 6689

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOHN K. RAYBORN,

Plaintiffs

vs.

GEORGE WALTER SMITH,

Defendants

SUMMONS AND COMPLAINT

FILED

Filed 19.....

SEP 18 1985

ALICE L. DUCK,

CLERK
REGISTER

Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

671 So. Section Street
Fairhope, Alabama

RECEIVED
Received In Office

SEP 18 1985 19.....

TAYLOR WILKINS Sheriff

I have executed this summons

this Sept 17 19 85

by leaving a copy with

George Walter Smith

CERTIFIED 78
TAYLOR WILKINS, Sheriff
BY Roy Landale
Deputy Sheriff

Taylor Wilkins Sheriff

Roy Landale Deputy Sheriff

F. Hope