

GIBBONS & STOKES

ATTORNEYS AT LAW

201 AMERICAN NATIONAL BANK BUILDING

BIENVILLE OFFICE

MOBILE, ALABAMA

TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III

September 1, 1965

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

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

RE: Commercial Credit Corporation VS
William E. Weaver, 6600

Dear Mrs. Duck:

More than thirty days have elapsed since the defendant in the above case was served. I understand that there has been no answer or other pleading filed. I enclose a non-military affidavit pertaining to the defendant. In addition, I enclosed a motion for a default judgment for the property sued for and this detainee suit. In addition, I enclose the original of the contract in question. You will note the assignment to my client at the bottom of the contract.

Judge Mashburn has indicated to me previously that in cases of this type, it is not necessary to bring a witness to testify. Accordingly, please present the matter to Judge Mashburn for a judgment by default, and advising His Honor that the plaintiff does not request a money judgment for the alternate value of the vehicle and in addition, the plaintiff waives right to damages for detention.

In the event that the judgment by default is rendered, please forward your cost bill and I will make prompt remittance. Your kind co-operation is sincerely appreciated.

Sincerely yours,


B. F. Stokes, III

/hs

Enclosures.

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RE: Commercial Credit Corporation VS
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Dear Mrs. Duck:

More than thirty days have elapsed since the defendant in the above case was served. I understand that there has been no answer or other pleading filed. I enclosed a non-military affidavit pertaining to the defendant. In addition, I enclosed a motion for a default judgment for the property sued for and this detinue suit. In addition, I enclose the original of the contract in question. You will note the assignment to my client at the bottom of the contract.

Judge Mashburn has indicated to me previously that in cases of this type, it is not necessary to bring a witness to testify. Accordingly, please present the matter to Judge Mashburn for a judgment by default, and advising His Honor that the plaintiff does not request a money judgment for the alternate value of the vehicle and in addition, the plaintiff waives right to damages for detention.

In the event that the judgment by default is rendered, please forward your cost bill and I will make prompt remittance. Your kind co-operation is sincerely appreciated.

Sincerely yours,


B. F. Stokes, III

/hs

Enclosures.

COMMERCIAL CREDIT CORPORATION,)	IN THE CIRCUIT COURT OF
PLAINTIFF)	
)	BALDWIN COUNTY
VS)	
WILLIAM E. WEAVER,)	ALABAMA
DEFENDANT.)	Case No.6600

MOTION FOR DEFAULT JUDGMENT

Comes now B. F. Stokes, III, Attorney of Record for the Plaintiff in the above styled cause and shows unto the court that more than thirty days have elapsed since the Defendant herein was served with the Complaint & Summons.

WHEREFORE, the Plaintiff moves this Honorable Court to enter a judgment by default in favor of the Plaintiff and against the Defendant, for the property described in the Complaint.

B. F. Stokes, III
 B. F. Stokes, III, Attorney for
 Plaintiff, P. O. Box 293,
 Mobile, Alabama.

FILED
 9 1 1966
 MOBILE, ALA. CLERK
 REGISTER

STATE OF ALABAMA

County of ~~Mobile~~
Baldwin

KNOW ALL MEN BY THESE PRESENTS, That we, Commercial Credit Corporation
as Principal, and Fidelity & Deposit Co. of Maryland, as Sureties, are held and firmly bound
unto William E. Weaver

in the sum of Two Thousand Four Hundred and no/100 (\$2400.00) Dollars
for the payment of which well and truly to be made we, jointly and severally, bind ourselves and each of us, our
heirs, executors and administrators. Sealed with our seals and dated this 23rd day
of July in the year of our Lord, one thousand, nine hundred and 65

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said

Commercial Credit Corporation

did, on the 23rd day of July, (1965), sue out in the Circuit Court
of Baldwin County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him
to take into his possession the following described property, to-wit:

One (1) 1963 Ford Truck Model F850

Serial No. 585QU330374

which said writ was placed in the hands of Taylor Wilkins
Sheriff of the County of Baldwin, on the 23rd day of July, 19 65, by taking into his
possession the following described property, to-wit:

One (1) 1963 Ford Truck Model F850

Serial No. 585QU330374

and whereas the said William E. Weaver

defendant in said writ, has failed and neglected, the the space of five days from the execution of said writ, to give
bond and take possession of said property as authorized by law.

Now is the said Commercial Credit Corporation

upon his failing in said suit, shall deliver the said property to the defendant within thirty days after judgment,
and pay damages for the detention of the property and costs of suit, then this obligation to be void, otherwise
to remain in full force and effect.

Commercial Credit Corporation

By: Gerald Z. Anderson (Seal)

Fidelity & Deposit Company of Maryland (Seal)

By: William E. Weaver (Seal)
Atty-in-Fact

Taken and approved this the 5th day of

August, 19 65

Taylor Wilkins
Sheriff, Mobile County, Alabama
Baldwin

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WM. H. C. GRIFFITH, Vice-President, and M. A. KELLY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint B. R. Wilson, Jr., J. P. Wilson, Clifton C. Inge, and William G. Demouy, all of Mobile, Alabama, EACH.....

its true and lawful agent and Attorney -in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Maryland, in their own proper persons. This power of attorney revokes that issued on behalf of B. R. Wilson, Sr., et al, dated April 29, 1964.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 16th day of November, A.D. 1964.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED)

M. A. KELLY

By

WM. H. C. GRIFFITH

(SEAL)

Assistant Secretary

Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE

ss:

On this 16th day of November, A.D. 1964, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED)

GLORIA L. FAGAN

(SEAL)

Notary Public Commission Expires May 3, 1965

CERTIFICATE

I, JOHN E. KRATZ, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the attached Power of Attorney dated November 16th, 1964, in behalf of B. R. Wilson, Jr., et al of Mobile, Alabama, is a true and correct copy and that same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said WM. H. C. GRIFFITH and M. A. KELLY, who executed the attached Power of Attorney as Vice-President and Assistant Secretary respectively, were on the date of the execution of the attached Power of Attorney the duly elected Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and that the said WM. H. C. GRIFFITH was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact or to authorize any person or persons to execute on behalf of the Company any bonds, recognizances, stipulations, undertakings, deeds, releases of mortgages, contracts, agreements and policies, and to affix the seal of the Company thereto as provided in said Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 23rd day of July, 1965.

COMMERCIAL CREDIT CORPORATION,)	IN THE CIRCUIT COURT OF
a corporation)
Plaintiff) BALDWIN COUNTY,
VS) ALABAMA
WILLIAM E. WEAVER,) AT LAW
Defendant)
) CASE NO. <u>6600</u>

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

One (1) 1963 Ford Truck - Model F850
Serial No. 585QU330374

with the value of the use thereof during the detention, viz:
From, to-wit, May 1, 1965, said above described property being the property of the plaintiff.

B. F. Stokes, III
B. F. STOKES, III
Attorney for Plaintiff

Serve the Defendant at:
Loxley, Alabama

FILED

JUL 20 1965

MADE L. DICK, CLERK
REGISTER

THE STATE OF ALABAMA,

BALDWIN COUNTY

No. 6600

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon

William E. Weaver

19

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

Commercial Credit Corporation, a corp

Witness my hand this 23 day of July, 19 65

W. E. Weaver
Clerk.

COMPLAINT

COMMERCIAL CREDIT CORP. a Plaintiff Versus WILLIAM E. WEAVER Defendant

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

(Complaint attached hereto)

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

from 19

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

COMMERCIAL CREDIT CORPORATION

a corp
Plaintiff.

VS.

WILLIAM E. WEAVER

Defendant.

DETINUE SUMMONS AND COMPLAINT

Filed 7-23 19 65

Alice J. Duck, Clerk.

Plaintiff's Attorney

Defendant's Attorney

*Clifton
Proctor*

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.

Alice J. Duck, Clerk.

Defendant lives at

Received in office

19

Sheriff.

I have executed this summons

this *31 day July*, 19*65*
by leaving a copy with

William E. Weaver

And attaching the within.

described property &

steering at C. H. McNeil

Lexley. Pkg made bond 8/5/65

*By Com. Credit Fidelity & Deposit Co.
Property released to pkg.*

Sheriff claims *0* miles or

Ten Cents per mile Total \$ *4.00*

TAYLOR WILKINS, Sheriff

BY *W. D. Warner*

DEPUTY SHERIFF

Sheriff

C. McNeil Chief of Police
Deputy Sheriff

THE STATE OF ALABAMA,
Mobile County
Baldwin

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Commercial Credit Corporation,
a corporation, as Principal and Fidelity & Deposit Company of Maryland,
as Surety

are held and firmly bound unto William E. Weaver

his heirs, executors and administrators, in the
sum of Two Thousand Four Hundred and no/100 (\$2400.00) 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 23rd day of July, A. D. 19 65

The Condition of the above Obligation is such, That whereas the above bounden

Commercial Credit Corporation, a corporation has, on
the 23rd day of July 19 65, sued out from the office of the
Clerk of the Circuit Court of Baldwin in the State of Alabama, a Writ of Detinue, returnable to the present
term of said Circuit Court of Baldwin against the said William E. Weaver

for the recovery of the following property.

to-wit One (1) 1963 Ford Truck, Model F850

Serial No. 585QU330374

NOW, if the said Commercial Credit Corporation shall fail

in said suit, and shall pay to the said William E. Weaver
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.

COMMERCIAL CREDIT CORPORATION

By: Donald F. Hudson (Seal)

(Seal)
FIDELITY & DEPOSIT COMPANY OF MARYLAND

By: William E. Weaver (Seal)
Attorney-in-Fact

JUL 28 1965

Alice J. Duck, CLERK
REGISTER

Approved this
23rd day of July 1965
Alice J. Duck
clerk

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

DETINUE AFFIDAVIT

Aleen Levine, Notary Public

PERSONALLY appeared before me ~~John E. Mandeville, Clerk of the Circuit Court of Mobile County,~~

Gerald K. Hudson

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

Commercial Credit Corporation

to-wit: One (1) 1963 Ford Truck Model F850

Serial No. 5850U330374

belongs to Commercial Credit Corporation the said Plaintiff.

Sworn to and subscribed the 23rd day
of July, 1965, before me.

Aleen Levine
NOTARY PUBLIC

Gerald K. Hudson

No. 6611

CIRCUIT COURT

MOBILE COUNTY

BALDWIN

COMMERCIAL CREDIT CORPORATION

VS. } Detinue Affidavit
and Bond

WILLIAM E. WEAVER

Filed 19 day of 19

Clerk Circuit Court, ~~MOBILE~~ County
Baldwin

Attorney

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WM. H. C. GRIFFITH, Vice-President, and M. A. KELLY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

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its true and lawful agent and Attorney -in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Maryland, in their own proper persons. This power of attorney revokes that issued on behalf of B. R. Wilson, Sr., et al., dated April 29, 1964.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 16th day of November, A.D. 1964.

ATTEST: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED) M. A. KELLY By WM. H. C. GRIFFITH
(SEAL) Assistant Secretary Vice-President

STATE OF MARYLAND } ss:
CITY OF BALTIMORE }

On this 16th day of November, A.D. 1964, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED) GLORIA L. FAGAN
(SEAL) Notary Public Commission Expires May 3, 1965

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