

3939

W R I T

STATE OF ALABAMA )

BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA - - - -GREETINGS:

WHEREAS, Richard C. Lacey has made affidavit as required by law that Perfection Mattress and Spring Company, a corporation, at the Fall Term, A. D. 1958, of the Circuit Court of Baldwin County, recovered a judgment against J. H. Hollis, individually and d/b/a Hollis Appliance Furniture Company, for the sum of One Thousand Seventeen and 40/100 (\$1,017.40) Dollars, and the further sum of Nineteen and 15/100 (\$19.15) Dollars, cost of suit; and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment; and that the Farmers and Merchants Bank of Foley, Alabama, has, or is believed to have, in its possession or under its control, money or effects belonging to the Defendant, or that it is or is believed to be indebted to the Defendant, which may be discharged by the delivery of personal property, or which is payable in money.

These are therefore to command you, that you summon the said Farmers and Merchants Bank of Foley, Alabama, to be and appear at the 2 Term of Circuit Court of Baldwin County, Alabama, to be held for said County, within thirty (30) days after the service of this writ of garnishment then and there to answer on oath, whether at the time of the service of this writ, or at the time of making its answer, it has in its possession, or under its control, any money or effects belonging to the defendant; and whether it is indebted to said Defendant, or is liable to him on any contract for the payment of money or the delivery of personal property or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

WITNESS, George J. Lacey, Clerk of said Court at office this 2 day of Sept, 1959, A. D.

George J. Lacey  
Clerk

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2  
6  
2

MOBILE POWER BRAKE &  
EQUIPMENT CO., INC., an  
Alabama Corporation,

Plaintiff,

Vs.

DAVE TUBERVILLE, d/b/a  
DAVE TUBERVILLE GARAGE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 3939

PLEAS

Comes now the Defendant in the above styled cause, and for answer to the Complaint offers the following separate and several pleas:

1.

The Defendant for answer to the Complaint says that he is not guilty of the matters alleged therein.

2.

The Defendant avers that the allegations of the Complaint are untrue.

3.

General issue.

4.

That all items charged against the Defendant in the account, which is an open account, upon which the Plaintiff based his cause of action and his claim, were delivered on or prior to the 22nd day of May, 1956, and that the said action was not commenced until the 17th day of August, 1959, and that the Defendant at all times since the said 22nd day of May, 1956, has been within the State of Alabama and has been under no disability that would suspend the Statute of Limitations.

FILED

SEP 16, 1959

Alice J. Duck, CLERK  
REGISTER

*Kenneth Cooper*  
Kenneth Cooper  
Attorney for Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

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CASE NO. 3939

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MOBILE POWER BRAKE &  
EQUIPMENT CO., INC., and  
Alabama Corporation,  
Plaintiff,

Vs.

DAVE TUBERVILLE, d/b/a  
DAVE TUBERVILLE GARAGE,  
Defendant.

\*\*\*\*\*

ANSWER

FILED

SEP 16 1950

ALICE J. DUCK, CLERK  
REGISTER

COUNTY OF Mobile

8G-188 (13745)

STATE OF Alabama

Be it remembered, that on this 27th day of July  
A. D., 1959, personally appeared before me, the undersigned authority,  
Franklin P. McDonald known to  
who being duly sworn, upon his oath stated that he is President  
of Mobile Power Brake & Equipment Co., Inc. to me

{ a corporation organized and doing business under the laws of the State of Alabama  
{ and has been duly authorized by said corporation to make this affidavit  
{ a partnership composed of

a sole trader doing business as Mobile Power Brake & Equipment Co., Inc.  
and that as such he makes this affidavit; that he is familiar with the books and business of  
said Mobile Power Brake & Equipment Co., Inc.; that the attached account against  
Dave Tuberville Garage of Loxley, Alabama  
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-  
posing the said account were sold and delivered to said Dave Tuberville

at { its }  
{ their } special instance and request, that credit has been duly given for all payments and  
{ his }  
just and lawful offsets to which said account is entitled as thereon stated, and that the balance  
thereof, amounting to the sum of Two Hundred Ninety-seven and 12/100 -----Dollars  
(\$ 297.12) with interest from May 1956 is justly due and  
remains unpaid.

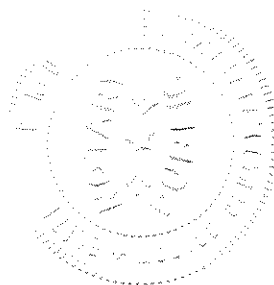
Franklin P. McDonald

X

I hereby certify under my official seal that I am authorized, as a Notary Public to  
administer oaths under the laws of the State of Alabama  
and that the foregoing was subscribed and sworn to before me on the day and year  
first above stated.

Elizabeth Randolph Kate  
Notary Public

County of Mobile State of Ala.  
My commission expires 10/1/7 A. D. 1960



## MOBILE POWER BRAKE &amp; EQUIPMENT

156 BEAUREGARD STREET

PHONE HE 2-2743

MOBILE, ALA.

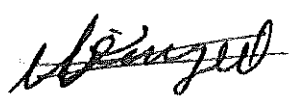
TRUCK EQUIPMENT DISTRIBUTORS - POWER BRAKE SPECIALISTS

SALES &amp; SERVICE

Dave Tuberville Garage

Loxley, Alabama

DATE	REFERENCE	CHARGES	CREDITS	BALANCE
			BALANCE FORWARD	.43
1956				
May 17	7977	56.18		56.61
May 17	7983	9.00		65.61
May 22	8055	31.51		97.12
		200.00		297.12

INVOICE  
**MOBILE POWER BRAKE & EQUIPMENT**  
TRUCK EQUIPMENT SPECIALIST



HE 2-2743

156 BEAUREGARD & ST. JOSEPH  
MOBILE, ALABAMA

Date 5-17-56

SOLD  
TO

Dave Tuberville Garage  
Loxley, Alabama

INV. NO. 7977

CUSTOMER'S P. O. NO.

CUSTOMER'S REQ. NO.

QUANTITY	CATALOG NO.	DESCRIPTION	PRICE	AMOUNT
1	224175	Relay Emergency	\$ 74.32	\$ 55.75
1	205824	Elbow	.58	.43
				<hr/>
				\$ 56.18

*SP Approved*

TRUCK EQUIPMENT AND ACCESSORIES • SALES AND SERVICE

Brake Lining

5th Wheels

Rims and Parts

Brake Drums

Landing Gears

INVOICE  
**MOBILE POWER BRAKE & EQUIPMENT**  
TRUCK EQUIPMENT SPECIALIST



156 BEAUREGARD & ST. JOSEPH  
MOBILE, ALABAMA

HR 2-2743

Date 5-22-56

SOLD  
TO

Dave Tuberville Garage  
Loxley, Alabama

INV. NO. 8055

CUSTOMER'S P. O. NO.

CUSTOMER'S REQ. NO.

QUANTITY	CATALOG NO.	DESCRIPTION	PRICE	AMOUNT
1	224175	Relay Emergency		
1	22432	Exchange from Midland Spring	1.75	\$ 30.20 1.31
				\$ 31.51

*[Handwritten Signature]*

TRUCK EQUIPMENT AND ACCESSORIES • SALES AND SERVICE

Brake Lining

5th Wheels

Rims and Parts

Brake Drums

Landing Gears



INVOICE  
**MOBILE POWER BRAKE & EQUIPMENT**  
TRUCK EQUIPMENT SPECIALIST



156 BEAUREGARD & ST. JOSEPH  
MOBILE, ALABAMA

HE 2-2743

Date 1956

SOLD  
TO

Dave Tuberville Garage  
Loxley, Alabama

INV. NO.

CUSTOMER'S P. O. NO.

CUSTOMER'S REQ. NO.

QUANTITY	CATALOG NO.	DESCRIPTION	PRICE	AMOUNT
1	270	GMC Engine		\$ 200.00

*[Handwritten Signature]*

TRUCK EQUIPMENT AND ACCESSORIES • SALES AND SERVICE

Brake Lining

5th Wheels

Rims and Parts

Brake Drums

Landing Gears



HE 2-2743

156 BEAUREGARD & ST. JOSEPH  
MOBILE, ALABAMA

**SOLD  
TO**

Dave Tuberville Garage  
Loxley, Alabama

INV. NO. 7983

CUSTOMER'S P. O. NO.

CUSTOMER'S REQ. NO.

QUANTITY	CATALOG NO.	DESCRIPTION	PRICE	AMOUNT
1	215011	Govonor	\$	9.00

Spencer

## Brake Lining

## 5th Wheels

## Rims and Parts

## Brake Drums

## Landing Gears

WILLIAM

no. 3939

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

MOBILE POWER BRAKE & EQUIPMENT  
CO., INC., an Alabama Corporation  
PLAINTIFF

VS.

DAVE TUBERVILLE, d/b/a/ DAVE  
TUBERVILLE GARAGE,  
DEFENDANT

Received 12 day of Aug 1951  
and on 19 day of Aug 1951  
served a copy of the within on  
David Tuberville  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By Edleigh Steadman S.

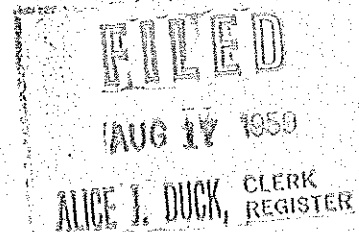
Foley, Ala

Sheriff claims 40 miles at

Ten Cents per mile Total 4.00

TAYLOR WILKINS, Sheriff

BY CB  
DEPUTY SHERIFF



LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA