

E. M. KING, JR.,
individually, and doing
business as Atmore
Equipment Company,

Plaintiff,
VS.

CARLOUS SUBEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 5547

DEMURRER

Now comes the defendant, by his attorney, and demurs to
the complaint and to each and every count thereof and as grounds
of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.

J. B. Blackburn
Attorney for Defendant

Defendant demands a trial of
said cause by jury.

J. B. Blackburn
Attorney for Defendant

FILED

MAY 14 1963

ALICE L. DUCK, CLERK
DEPUTY

DEMURRER

E. M. KING, JR., individually,
and doing business as Atmore
Equipment Company,

Plaintiff,

VS.

CARLOUS SUBEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5547

FILED
MAY 14 1963
ALICE J. BRYANT
CLERK

E. M. KING, JR.,
individually, and doing
business as Atmore
Equipment Company,

Plaintiff,

VS.

CARLOUS SUBEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5547

ANSWER

I

The defendant, for answer to the complaint and to each and every count thereof, separately and severally, suggests that this is a suit by a mortgagee against a mortgagor, or by a vendor who has made a conditional sales contract reserving title until the entire purchase money shall be paid, against this defendant; wherefore, this defendant requires that the jury ascertain the amount of the mortgage debt or the unpaid balance of the purchase price of the article sold.

II

The defendant, for answer to Count One of the complaint, saith that he is not guilty of the matters alleged therein.

III

The defendant, for answer to Count Two of the complaint, saith that the said note upon which this action is founded is usurious and void for the interest thereon.

FILED

AUG 23 1963

ALICE L. DUCK, CLERK
REGISTER

J. B. T. Blackman
Attorney for Defendant

ANSWER

E. M. KING, JR., individually, and
doing business as Atmore Equipment
Company,

VS.

CARLOUS SUBEL,

Plaintiff,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5547

FILED

AUG 22 1962

ALICE I. BROWN
CLERK
REGISTER

E. M. KING, JR., Individually,
and doing business as ATMORE
EQUIPMENT COMPANY,

Plaintiff,

vs.

CARLOUS SUBEL,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

REPLEVY BOND

KNOW ALL MEN BY THESE PRESENTS, that we, E. M. King, Jr., individually, and doing business as Atmore Equipment Company, as principal, and the undersigned as surety- are held and firmly bound unto Carlous Subel in the sum of \$4,000.00 for the payment of which, well and truly to be made, we bind ourselves, and each of us, and our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 4th day of May, 1963.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that Whereas E. M. King, Jr., individually, and doing business as Atmore Equipment Company, did, on the 23rd day of April, 1963, sue out of the Circuit Court of Baldwin County, Alabama, a writ of detinue directed to any Sheriff of the State of Alabama, which commanded him to take into his possession the following described property sued for in said action of detinue, to-wit:

1-No. 91 Harvester Thrasher, Serial No. 3213, Motor No. 1111; and 1-1954 1 1/2 ton Chevrolet Truck, Motor No. 0018456F543,

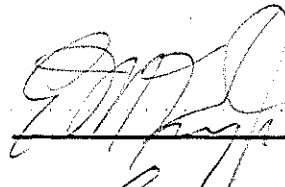
which said writ was placed in the hands of Taylor Wilkins, Sheriff of Baldwin County, Alabama, on the 23rd day of April, 1963, and executed by him on the 26th day of April, 1963, by taking into his possession the following described property:

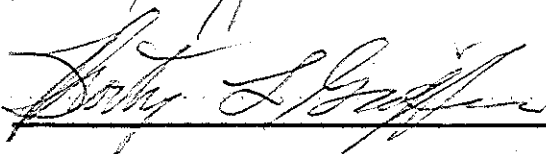
1-No. 91 Harvester Thrasher, Serial No. 3213, Motor No. 1111.

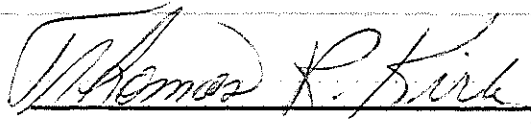
That the Chevrolet truck sued for was not found.

WHEREAS, the above named Carlous Subel, the Defendant in said suit, has failed, for a period of five (5) days from the execution of said writ, to enter into good and sufficient bond for the purpose of retaining said property and the Plaintiff has, within the time allowed by law, duly executed this bond in the amount fixed by the Sheriff of Baldwin County, Alabama, as required by law.

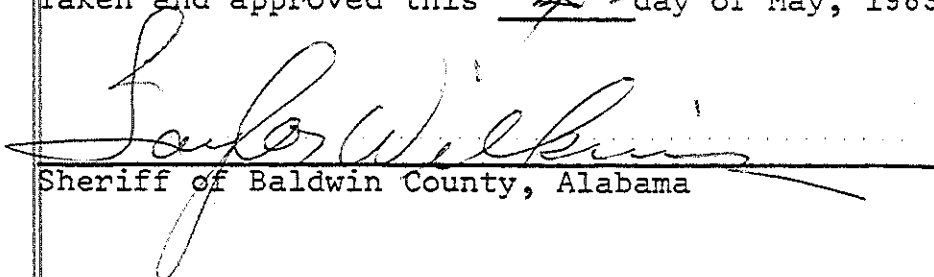
NOW, THEREFORE, if the Plaintiff, upon his failing in said suit, shall deliver the property to the Defendant within thirty (30) days after judgment and pay all damages for the detention of the property and the costs of suit, then this obligation be void, otherwise to remain in full force and effect.








Taken and approved this 4th day of May, 1963.


Sheriff of Baldwin County, Alabama

This is a good and Sufficient bond. I will approved it if presented to me in Escambia County, Alabama.


Sheriff of Escambia County, Alabama

STATE OF ALABAMA

DETINUE BOND

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, E. M. King, Jr., individually and doing business as Atmore Equipment Company, as principal, and the undersigned as sureties, are held and firmly bound unto Carlous Subel, his heirs, executors and administrators, in the sum of Fifty Dollars (\$50.00) 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 23^d day of April, 1963.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that Whereas the above bounden E. M. King, Jr., individually, and doing business as Atmore Equipment Company, has, on the 23^d day of April, 1963, sued out from the office of the Clerk of the Circuit Court of Baldwin County, in the State of Alabama, a Writ of Detinue, returnable at the next term of the Circuit Court of Baldwin County, Alabama, against the said Carlous Subel for the recovery of the following described property, to-wit:

1-No. 91 Harvester Thrasher, Serial No. 3213, Motor No. 1111; and 1-1954 1 1/2 ton Chevrolet Truck, Motor No. 0018456F543.

Now, if the said E. M. King, Jr., individually and doing business as Atmore Equipment Company, shall fail in said suit and shall pay to the said Carlous Subel, the Defendant in said Writ, all 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 effect.

Taken and approved on this the

23 day of April, 1963.

Allice J. Luck
Clerk

630

FILED

APR 25 1963

MAKEL DUCK, CLERK REGISTER

STATE OF ALABAMA

AFFIDAVIT

ESCAMBIA COUNTY

Before me, Thomas R. Kile, a Notary Public, in and for said County in said State, personally appeared E. M. King, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is the sole owner of Atmore Equipment Company and is duly authorized to make this affidavit; that the property sued for in the Complaint of E. M. King, Jr., individually and doing business as Atmore Equipment Company as Plaintiff against Carlous Subel as Defendant belongs to such Plaintiff.

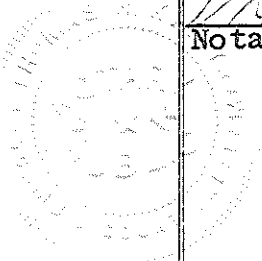
Thomas R. Kile

Sworn to and subscribed before me

on this the 20th day of April,
1963.

Thomas R. Kile

Notary Public, Escambia County, Alabama



NO. 5547

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA


IN THE CIRCUIT COURT - AT LAW

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Carlous Subel 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 E. M. King, Jr., individually and doing business as Atmore Equipment Company.

Witness my hand this the 23 day of April, 1963.


Clerk

E. M. KING, JR., Individually,
and doing business as ATMORE
EQUIPMENT COMPANY,

Plaintiff,

vs.

CARLOUS SUBEL,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

720.5547

COUNT ONE

The Plaintiff claims of the Defendant the following personal property, to-wit:

1-No. 91 Harvester Thrasher, Serial No. 3213, Motor No. 1111; and 1-1954 1 1/2 ton Chevrolet Truck, Motor No. 0018456F543,

with the value of the hire or use thereof since June 27, 1962.

COUNT TWO

The Plaintiff claims of the Defendant the sum of \$3,612.00 due from him by Promissory Waive Note made by him on January 20, 1962, and payable on or before June 27, 1962, which sum of money with the interest thereon is due and unpaid.

The Plaintiff alleges that in, by and as a part of said note the Defendant agreed that if the debt evidenced by said note was

not paid at maturity, that he would pay a reasonable attorneys fee for the collection of such debt and the Plaintiff further claims of the Defendant the further and additional sum of \$750.00 as such reasonable attorneys' fee.

The Plaintiff also alleges that in, by and as a part of the note the Defendant waived all right of exemption under the laws of Alabama as to personal property and of this waiver the Plaintiff now claims the benefit.

Sharon Stone

Attorneys for Plaintiff

FILED

APR 23 1963

ALICE J. DUCK, CLERK
REGISTER

Received 23 day of April 1963

and on _____ day of _____ 19____

I served a copy of the within Witness

on Carlous Dubel

By service on _____

TAYLOR WILKINS, Sheriff

By _____ D. S.

no. 5547

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 the 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.

E. M. KING, JR., Individually
and doing business as ATMORE
EQUIPMENT COMPANY,

Plaintiff,

vs

CARLOUS SUBEL,

Rummedale Area

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Alice J. Duck
Sheriff claims 60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY *clerk* SHERIFF

DETINUE SUMMONS AND COMPLAINT

629

FILED

APR 23 1963

ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALABAMA

*Wanted Apr 26 1963
By listing in newspaper
1- No 91, Harolds Shaver
and storing with Raymond
Sobel.*

And Not Bonding

1, 1954, 1222 Chevrolet

Truck # 0018456 F. 543

*Sold made 5/6/63 By E. M. King Shanty J. Briffin
Thomas R. Kelly Property released to King
Gaylord L. King*