First Finance Bdg
Pending

868

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| STATE OF ALABAMA<br><br>Complainant,<br><br>Vs.<br><br>ONE 1939 MODEL CHRYSLER,<br>MOTOR NUMBER C-23-4833,<br><br>Respondent. | ) | IN THE CIRCUIT COURT OF<br>BALDWIN COUNTY, ALABAMA<br><br>IN EQUITY |

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes General Motors Acceptance Corporation, a corporation, and with leave of Court intervenes in the above entitled cause and shows unto this Honorable Court the following:

1. That on, to-wit, the 21st day of August, 1941, the above described Chrysler automobile was sold by Earle North Buick Company to one George Goodenow by conditional sale contract whereby title to said automobile was reserved by said Earle North Buick Company until payment in full of the purchase price of same, and that shortly thereafter all the right, title and interest of said Earle North Buick Company in and to said contract of conditional sale and said property was sold, assigned and transferred to Petitioner; that said contract has not been paid in full and that default has been made by the purchaser in the performance of the terms of same, which said contract Petitioner is ready to produce; that under the terms of said conditional sale contract said property was sold to said George Goodenow at and for the sum of Seven Hundred Fourteen and 20/100 ($714.20) Dollars, of which One Hundred Eighty-five ($185.00) Dollars was paid on or before delivery and the balance of Five Hundred Twenty-nine and 20/100 ($529.20) Dollars was payable in eighteen (18) installments of Twenty-nine and 40/100 ($29.40) Dollars each, payable one on the 21st day of September, 1941, and one on the 21st day of each month thereafter for eighteen (18) months, thirteen (13) of which installments have been paid leaving a balance of One Hundred Forty-seven ($147.00) Dollars plus the hereinafter stated charges due thereon; that

default has been made in said contract and that under the terms of same said purchaser agreed to pay in addition to the face amount of same fifteen per cent (15%) of the amount due thereunder as attorney's fees should said contract be placed with an attorney for collection, and purchaser agreed in event of default to pay all expenses of retaking, repairing and selling said property including a reasonable attorney's fee; and that under the terms of said contract of conditional sale your petitioner is now the owner of said property and the said George Goodenow has no further right, title or interest in or to the same.

2. Your petitioner further avers that said contract specifically provided that said automobile would not be used illegally and said George Goodenow represented himself as being an attorney employed by Combs and Dixie, Houston, Texas, and that said automobile was sold to him for his personal use and for use in connection with his said work.

3. Your petitioner further shows that it had no reason to believe that said automobile would be used in violation of the laws of the State of Alabama, and was without knowledge or notice that it would be or would likely be used for such purpose.

4. Your petitioner further shows that it is the absolute owner of said automobile and that there was a total want of knowledge on its part that said automobile was to be employed for an illegal use, particularly for violation of the liquor laws of the State of Alabama.

WHEREFORE, THE PREMISES CONSIDERED, petitioner, General Motors Acceptance Corporation, files this its intervention in this cause, makes this petition its answer and cross-bill to the bill of complaint filed herein, and prays that Your Honor will enter an order in said cause releasing said automo-

bile from said condemnation proceedings and that said automobile be ordered restored to petitioner, and further prays for such other, further, different and general relief to which it may in equity and good conscience be entitled.

Arthur J. Kearley

ATTORNEY FOR PETITIONER, GENERAL MOTORS ACCEPTANCE CORPORATION, a Corporation.

STATE OF ALABAMA )
)
COUNTY OF MOBILE )

Personally appeared before me, the undersigned authority, A. T. McCarter, who is known to me, and who being by me first duly sworn, deposes and says that he is the representative of General Motors Acceptance Corporation, the petitioner named in the foregoing petition, and that the facts stated in the foregoing petition are full, true and correct to the best of his knowledge, information and belief.

A. T. McCarter

Sworn to and subscribed before me this 27th day of November, 1942.

Ethel Mandeville

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

My Commission expires Oct. 21, 1945.

STATE OF ALABAMA
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS that we, J. C. McKenzie as Principal and the undersigned as sureties, are bound unto the State of Alabama in the sum of $ 800.00, for the payment of which we jointly and severally bind ourselves, our heirs, executors, administrators or assigns.

Sealed with our seals and dated this the 13 day of October, 1943.

The condition of the above obligation is such that Whereas, one 1939 Chrysler Sedan, Motor No. C-234833, has been seized and condemnation proceedings instituted in the Circuit Court of Baldwin County, Alabama; and Whereas the above bound J. C. McKenzie has filed claim that he has a 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 J. C. McKenzie shall have the said property above described forthcoming for the satisfaction of, and in accordance with the judgment and decrees of the said Circuit Court of Baldwin County, Alabama, then this obligation to be void, otherwise to remain in full force and effect.

J C McKenzie (SEAL)
W J Hall (SEAL)
(SEAL)

Taken and approved this the 13 day of October, 1943.

R L Duck
~~Sheriff~~ Register, Baldwin County, Alabama

29-249

STATE OF ALABAMA, COMPLAINANT,

VS.

ONE 1939 MODEL CHRYSLER, MOTOR NUMBER C 23-4833, RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

~~IN CIRCUIT COURT~~ OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

And now comes the STATE OF ALABAMA, and complainint against ONE 1939 CHRYSLER, MOTOR NUMBER C 23-4833, and respectfully represents and shows unto your Honor and this Honorable Court, as follows;

1. That the STATE OF ALABAMA, acting by and through HUBERT M. HALL, County Solicitor of Baldwin County, Alabama, is authorized to bring this suit, under Title 29, Section 247;

2. That ONE 1939 MODEL CHRYSLER, MOTOR NUMBER C 23-4833, was, on, to-wit: September 18, 1942, used for the illegal conveying of, to-wit: 53 pints of prohibited liquors, from one point to another point, within Baldwin County, and the State of Alabama.

Wherefore, the Complainant prays that such notices be given and such orders and decrees made and entered as are necessary and proper to affect a due condemnation and confiscation to the use of the State of Alabama, in accordance with the statutes made and provided, of the said 1939 Model Chrysler, Motor Number C 23-4833 .

The Complainant prays for such other, further, different and general relief as it may be in equity and good conscience entitled to receive, and as in duty bound it will ever pray.

STATE OF ALABAMA

By Hubert M Hall

County Solicitor of Baldwin County, Alabama.

August 13th, 1943.

Hon. George Goodenou
2205 Ave. O½
Galveston, Texas.

Re: STATE OF ALABAMA
vs: 1 1939 MoDEL CRYSLER AUTO.
MOTOR NO. C -23-1633

Dear Sir:

The above style cause has been set for hearing at 11O'clock A. M. Friday September,3rd, 1943, at the Court House in Bay Minette, Alabama, Baldwin County, at which time you may appear in behalf of your petition of Intervention filed Neverber the 2nd, 1942

Yours truly,

Register.

RSD:oj

2205 Avenue O½
Galveston, Texas
November 5, 1942

Re: State of Alabama
vs
One 1939 Chrysler Sedan

Mr. R. S. Duck, Register,
Circuit Court of Baldwin County,
Bay Minette, Ala.

Dear Sir:

It would be greatly appreciated if you would kindly forward me copy of the judgment or order entered in the above matter, at such time as the same is filed. A simple carbon copy will suffice. Thanking you, I am,

Respectfully yours,

George Goodenow

George Goodenow,
Attorney-at-Law.

August 13th, 1943.

Hon. Alvin McConnell
1st National Bank Bldg.
Mobile, Alabama.

Re: STATE OF ALABAMA
VS: 1 1939 Model CHRYSLER AUTO.
MOTOR NO. C-23-4833

Dear Sir:

On September the 29th, 1942, the State of Alabama through its Solicitor, Hon. H. M. Hall, filed Condemnation proceedings against the above described automobile in the Circuit Court of Baldwin County, Alabama in Equity and on the 28th day of November, 1942, The General Motors Exceptance Corporation, through the Hon. Arthur Hawthorne filed petition of Intervention in this cause. Mr. Hall instructed me to notify you that this case has been set down for hearing at 11o'clock A. M. Friday, September the 3rd, 1943, at which time you may appear if you desire.

Very truly yours,

RSD:ej

Register.

STATE OF ALABAMA, COMPLAINANT,

VS.

ONE 1939 MODEL CHRYSLER, MOTOR NUMBER C 23-4833, RESPONDENT

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Now comes George Goodenow, a resident of Harris County, State of Texas, hereinafter called Intervenor, and with leave of court first had and obtained, files this his petition and answer to the complaint heretofore filed herein by Hon. Hubert M. Hall, County Solicitor of Baldwin County, Alabama, and would respectfully show the Court, as follows:

1.

That Intervenor is the legal or equitable owner of the above described Chrysler sedan by virtue of a contract of purchase dated August 21, 1941, between Intervenor and Earle North Buick Company, which contract was later assigned to General Motors Acceptance Corporation; that Intervenor holds Certificate of Title No. 351,568, issued to him by the State of Texas, certifying him as the lawful owner of said vehicle.

2.

The complaint filed herein by the County Solicitor fails to state a claim against such vehicle upon which relief can be granted.

3.

Intervenor denies that on September 18, 1942, such vehicle was within the County of Baldwin, State of Alabama.

4.

Intervenor alleges that on September 19, 1942, he placed such vehicle in Howard's Parking Lot, Mobile, Mobile County, Alabama, under a storage contract; that on numerous occasions prior thereto he had specifically instructed the employees of such parking lot not to use such automobile or permit anyone else to use it; that directly violating such instructions or negligently caring for the car, such parking lot wrongfully and without permission from Intervenor, permitted the car to be taken from the lot and used; that Intervenor has since been deprived of the use of his car by this proceeding.

Intervenor alleges that if such vehicle was used for the conveying of liquors in Baldwin County, Alabama, he was in no way connected therewith, except as above mentioned, although an employee of the Admiral Semmes Hotel, Mobile, Alabama, requested the use of the car on the evening of September 19, 1942. Intervenor states that despite his instructions to such employee to first secure Intervenor's permission before taking the car from the parking lot, such instructions were flagrantly violated and therefore the use of the car was without the permission, express or implied, of this Intervenor.

6.

Intervenor states that he has been a practicing attorney in Houston, Harris County, Texas, for over three years, but that in September, 1942, he was temporarily employed in Mobile, Alabama, by a trade union, to represent it before various Governmental boards and commissions, to maintain peaceful relations between employees and employers, and to maintain maximum production for the War effort; that he customarily uses such vehicle in his business as an attorney and being deprived of the use thereof has caused him various delays and expense. Intervenor further states that the expense incident to hiring an attorney in Alabama to represent Intervenor and the cost of travel to Bay Minette, Alabama, would probably exceed Intervenor's equitable interest in such automobile, therefore, Intervenor prays the Court, in its good conscience, to consider Intervenor's plea herein that he not be deprived, without his fault, of the use and ownership of such car by the harsh remedy of confiscation.

Wherefore, Intervenor prays that the complaint heretofore filed herein be dismissed, and for such other, further, different and general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

George Goodenow

George Goodenow, Intervenor.

Mail address:

2205 Ave. O½
Galveston, Tex.

RECORDED

Filed Nov 28th 1944.
R. Rudwell
Recr

8 6 RECORDED

STATE OF ALABAMA, COMPLAINANT?

VS

ONE 1939 MODEL CHRYSLER,
MOTOR NO. C-23-4833,
RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Filed Nov 2 1942

INTERVENTION OF

GEORGE GOODENOW

8168

Equity RECORDED

Filed Sept 29, 1945
[illegible]
Reg

ORAL DEPOSITION Moore Ptg. Co., Bay Minette

**The State of Alabama**
**Baldwin County**

Circuit Court of Baldwin County, Alabama,
(In Equity)

State of Alabama COMPLAINANT

VS.

One 1939 Chrysler, Motor Number C 23-4833, et al RESPONDENT

I, _____

as Register and Commissioner _____

have called and caused to come before me G. C. Phillips

_____

_____

_____

witness named in the requirement for Oral Examination, on the _____ day of _____

193__, at the office of Court Hose, Bay Minette, Alabama

in _____, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said G. C. Phillips

_____ doth depose and say as follows:

My name is G. C. Phillips. I am at present residing in Foley, Baldwin County, Alabama, where I have resided since August 12, 1942.

I am now and was on the 19th day of September, 1942, a member of the State Patrol of the State of Alabama.

I was on the 19th day of September 1942, with R. C. Wilson patrolling Highway 90 in Baldwin County, Alabama, between the Florida line and Spanish Fort.

We were on said Highway at a point about one mile out of Robertsdale, in Baldwin County, Alabama, when an automobile passed us going at a high rate of speed. We chased the car for about two or three miles, going about eighty or ninety miles an hour.

We found in the car, when we finally overtook it, Milton Jones and William Carty. They had two full cases and several bottles of illegal whiskey in all about twenty seven quarts.

The said Milton Jones and William Carty were travelling in a Chrysler car, model 1939, Motor #C 23-4853, which was taken over, together with the whiskey and turned over to Sheriff of Baldwin County, Alabama.

Thw occupants of the car at first stated that the car belonged to them, then later that it belonged to a fried and finally stated that it belonged to George Goodenow, and that he had sent them for the whiskey,

Sworn to and subscribed before me this 3rd day of Sept. 1943 F. M. Hare Judge

George C. Phillips

ORAL EXAMINTAION

I, _____ as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness____ and read over to _____ and _____ signed the same in the presence of myself and _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ___ or had proof made before me of the identity of said witness____; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this_____ day of_____ 19____.

_____ (L. S.)

No._____ Page_____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

_____ COMPLAINANT

vs.

_____ RESPONDENT

ORAL DEPOSITION

Filed _____, 19__

_____, Register.

RECORDED IN

_____ Record

Vol._____ Page_____

_____, Register

**CIVIL SUBPOENA—ORIGINAL**—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

Times Prtg. Co., Bay Minette.

**CIRCUIT COURT**

**THE STATE OF ALABAMA**
**BALDWIN COUNTY**

Case No. ~~868a~~ ~~Sept.~~ Term, 194~~3~~

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon William Carty and Milton Jones.

Admiral Semmes. Hotel Mobile Ala.

if to be found in your County, at the instance of the Pltf.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 11 am. o'clock of the forenoon, on the 3rd. day of Sept., 1943

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein The State of Alabama. Plaintiff

and one Crysler Automobile. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this ~~14th~~ day of ~~August.~~ 194~~3~~

R L Duck Register.

2205 Ave. O½
Galveston, Texas
October 29, 1942.

Re: State of Alabama
vs
One 1939 Chrysler Sedan

Mr. R. S. Duck, Register,
Circuit Court of Baldwin County,
Bay Minette, Ala.

Dear Sir:

Enclosed please find a pleading which I should thank you to file with the papers in the above cause. Although I am a practicing attorney here in Texas, I know nothing about Alabama law, but thought it best to have this pleading on file which is in the nature of an intervention. It will first be necessary for you to secure the permission of the Judge to file this pleading. Please bill me for any charges.

However, if this is not the proper method of intervention in Alabama, it would be greatly appreciated if you could let me know. Thanking you very much, I am,

Very respectfully yours,

George Goodenow

George Goodenow.

2205 Ave. O½
Galveston, Tex.
October 6, 1942.

Re: Baldwin County vs. One Chrysler Sedan,
Texas license 642-297

Clerk of the Circuit Court,
Baldwin County,
Bay Minette, Ala.

Dear Sir:

Please take notice that General Motors Acceptance Corporation and myself are asserting an interest in the above cause.

It would be greatly appreciated if you would kindly enter my name on the docket as an interested party, and furnish me with a copy of the County's petition or complaint. Please mail same to the above address, and payment therefor will be made promptly.

Inasmuch as I expect to be present at the trial of this cause, please notify me when this case is set and when a trial may be expected. Thanking you, I am,

Respectfully yours,

George Goodenow

George Goodenow,
Attorney-at-Law.

Received in office this _____ day of

_____ 194 _____

SHERIFF

I have executed this writ

Received 8/14/43
Returned 8/23/43
Not found
Fees $ 1.00
Mileage
Total $ 1.00

H. NORCOMBE, Sheriff
By [illegible]

SHERIFF

C D Mobile

ORIGINAL

No. 868. Page _____

# THE STATE OF ALABAMA
## Baldwin County

# CIRCUIT COURT

STATE OF ALABAMA.

Plaintiff

VS.

ONE CRYSLER AUTOMOBILE.

Defendant

# CIVIL SUBPOENA

Issued this 14th day of

August, 1943

R S Duck
Clerk

J68

Filed Oct 8 1944

**CIVIL SUBPOENA—COPY**—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred

Times Pg. Co., Bay Minette.

**THE STATE OF ALABAMA**
**BALDWIN COUNTY**

Case No. 868 — 3X — Sept Term, 1943 — **CIRCUIT COURT**

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon William Carty (Admiral Semmes Hotel)

if to be found in your County, at the instance of the Plff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 11:00 o'clock of the forenoon, on the 3rd day of Sept, 1943 and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein The State of Ala Plaintiff and One Chrysler Automobile Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 14th day of Aug 1943

R. S. Huck Clerk

Not at Admiral Semmes

---

**CIVIL SUBPOENA—COPY**—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred

Times Pg. Co., Bay Minette.

**THE STATE OF ALABAMA**
**BALDWIN COUNTY**

Case No. 868 — Sept Term, 1943 — **CIRCUIT COURT**

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Milton Jones — 3X

if to be found in your County, at the instance of the Plff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 11:00 o'clock of the forenoon, on the 3rd day of Sept, 1943 and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein The State of Ala Plaintiff and One Chrysler Automobile Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 14th day of August 1943

R. S. Huck Clerk

King Hotel New Orleans La.

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

AUG 19 1943

BUY WAR SAVINGS BONDS AND STAMPS

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Return to R. J. Davis

(NAME OF SENDER)

(Street Number or Post Office Box)

New Minche, Ala

REGISTERED ARTICLE

No. 339

Post Office

INSURED PARCEL

State

No.

16—12.01

Form 3811
Rev. 1-1-48

# RETURN RECEIPT

*Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.*

1 .....
*(Signature or name of addressee)*

2 .....
*(Signature of addressee's agent—Agent should write addressee's name on line 1 above)*

*Date of delivery* ..... 194...

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