

STATE OF ALABAMA

Baldwin County

TO JOHN BREWTON, Defendant.....:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.  
Grady P. Gilbert and Grady P. Gilbert, Jr., d/b/a Robertsdale  
Insurance Agency, Plaintiff.....

versus John Brewton, Defendant.....

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which .....

Baldwin County Electric Membership Corporation.....

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 23  
.....day of Feb, 1967..

*Alvin J. French*  
Clerk of the Circuit Court.

*Entered  
Feb 24, 1967*

*458*

71981/2

TAYLOR WILKINS, Sheriff  
By Charles Childress  
DEPUTY SHERIFF

Grady Gilbert

VS.

John Brewster  
Defendant.....

The State of Alabama,

Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19.....

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular..... Term, 19..... of the Circuit Court of Baldwin County, to-wit: On the .....1.....day of.....December....., 19.....66, being a regular day of said term, .....

recovered judgment against .....John Brewton.....

for the sum of .....\$176.00..... Dollars, and cost of suit, and affidavit having been made by .....Phyllis S. Nesbit, attorney for Grady P. Gilbert and Grady P. Gilbert, Jr., d/b/a Robertsdale Insurance Agency that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named persons or corporations, viz:

Baldwin County Electric Membership Corporation

has or is believed to have in .....its..... possession, or under .....its..... control money or effects belonging to said defendant..... or that .....its..... is, or is believed to be indebted to said defendant ..... or to be liable to them, or to one of them on a contract for 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.

You Are Therefore Hereby Commanded to Summon .....

Baldwin County Electric Membership Corporation

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, ~~on the ..... Monday in, ..... A. D. 19.....~~ *within 30 days.* ~~67~~ then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the making.....its..... answer, or at any time intervening the time of serving the garnishment, and making the answer.....it..... was ..... indebted to said defendant and whether .....it..... will not be indebted in future to said defendant

..... by a contract then existing, and whether by a contract then existing .....it..... is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether .....it..... has not in .....its..... possession or under .....its..... control money or effects belonging to the defendant.....John Brewton.....

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

Witness, ALICE J. DUCK, Clerk of said Court, this.....23..... day of.....Feb.....A. D., 1967.

Issued .....23.....day of.....Feb.....A. D., 1967.

ATTEST:

*20-24/1967*

Served 23 day of Feb. 1967

at 21 day of Feb. 1967

and a copy of the within Yag.  
Baldwin County Electric  
Membership Corp.

by service on And Clayton  
Bordman

TAYLOR WILKINS, Sheriff  
Paul H. Hester

R. L. Allen

Sheriff claims 50 miles

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff  
BY Carlisle Children  
DEPUTY SHERIFF

CIRCUIT COURT, BALDWIN COUNTY

No. 7198 1/2

Grady Gilbert

VS. } GARNISHMENT ON JUDGMENT

John Brewster  
Baldwin County Electric  
Membership Corp.  
Garnishee

Issued \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Returnable \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Attorney

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State aforesaid, Phyllis S. Nesbit, Attorney for

who being duly sworn, on oath says, that a regular Term

of the Circuit Court of Baldwin County, to-wit: on the 1 day of December

19 66, Grady P. Gilbert and Grady P. Gilbert, Jr. d/b/a Robertsdale

Insurance Agency recovered a judgment against John Brewton

for the sum of

ONE HUNDRED SEVENTY-SIX (\$176.00) Dollars

besides costs of suit; that said judgment remains ~~partially~~ ~~unsatisfied and in full force and effect~~ that

in the amount of \$156.00

that Baldwin County Electric Membership Corporation

supposed to be indebted to or have effects of the said John Brewton

in its possession, or under its control, and that he believes process of

Garnishment against said

is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 23

day of Feb A. D. 1967

Alice J. Duck  
Clerk.

Phyllis S. Nesbit

477

NO.

719812

## CIRCUIT COURT

VS.

## AFFIDAVIT Garnishment on Judgment

Filed this **FILED** day of

19

**FEB 23 1967**

Clerk.

MOORE PRINTING CO. BAY MINETTE, ALA.

J. B. SHIVER, ) IN THE JUSTICE COURT OF  
Plaintiff, ) J. A. REDDING, BEAT 8  
vs. ) DAPHNE, ALABAMA.  
SULA E. SMITH, )  
Defendant. )

TO J. B. SHIVER, PLAINTIFF IN THE ABOVE CAUSE:

You are hereby notified that SULA E. SMITH, the Defendant in the above styled cause, has prayed for an appeal from the Judgment rendered therein by me, and the said SULA E. SMITH, having complied with the requirements of the law in such cause, the same has been granted to the next term of the Circuit Court to be held for Baldwin County.

Given under my hand this the 16<sup>th</sup> day of July 1966  
1966.

J. A. Redding  
JUSTICE OF THE PEACE

FILED

JUL 18 1966

CLERK  
REGISTER

J. B. SHIVER, )  
Plaintiff, )  
vs. )  
SULA E. SMITH, )  
Defendant. )  
IN THE JUSTICE COURT OF  
J. A. REDDING, JUSTICE OF  
BEAT 8, DAPHNE, ALABAMA

WRIT OF CERTIORARI TO J. A. REDDING, JUSTICE OF THE PEACE OF BEAT 8,  
DAPHNE, ALABAMA:

We being willing for certain causes to be certified of a  
certain cause pending before you wherein J. B. SHIVER is Plaintiff  
and SULA E. SMITH is Defendant, do therefore command you to send  
up to the present term of the Circuit Court of Baldwin County, Ala-  
bama, henceforth, all of the original papers in said cause, to-  
gether with a statement signed by you of the said cause and the  
judgment therein rendered by you, that we may further cause to be  
done thereupon what of right, according to the Constitution and  
Laws of this State, ought to be done.

WITNESS my hand this the \_\_\_\_\_ day of \_\_\_\_\_,  
1966.

\_\_\_\_\_  
CLERK OF THE CIRCUIT COURT

Received in office the \_\_\_\_\_  
day of \_\_\_\_\_, 1966.

\_\_\_\_\_  
SHERIFF, Baldwin County, Alabama

Executed by serving a copy of the within on J. A. REDDING, JUSTICE  
OF THE PEACE, BEAT 8, Baldwin County, Alabama.

This the \_\_\_\_\_ day of \_\_\_\_\_, 1966.

\_\_\_\_\_  
SHERIFF

\_\_\_\_\_  
D.S.



J. B. SHIVER,

Plaintiff,

VS.

SULA E. SMITH,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7199

MOTION TO QUASH

Now comes the plaintiff in the above styled cause and moves the court to quash the writ of certiorari heretofore entered by this court on to-wit, September 19, 1966, and as grounds for said motion assign the following, separately and severally:

1. It affirmatively appears from the record in this cause that plaintiff did not have any notice of filing of the petition praying for a writ of certiorari.

2. It affirmatively appears from the record in this cause that the defendant had an adequate remedy by appeal from the judgment entered July 1, 1966, in the Justice Court of J. A. Redding.

3. It affirmatively appears from the record in this cause that the petitioner is not entitled to the relief prayed for by her in her petition filed in this court on August 29, 1966.

4. It affirmatively appears from the record in this cause that the petitioner filed a petition asking for a writ of certiorari after the time for an appeal from the judgment of the Justice Court of J. A. Redding had expired.

C. LeNOIR THOMPSON and JAMES R. OWEN

By

[Signature]  
Attorneys for Plaintiff

*Filed 4-10-67*  
*Reice J. Clark*  
*Clerk*

J. B. SHIVER,	)	
Plaintiff	)	IN THE JUSTICE COURT OF
VS	)	J. A. REDDING
SULA E. SMITH,	)	BEAT EIGHT
Defendant	)	

A N S W E R

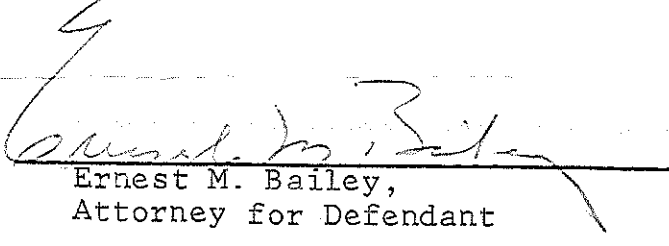
Comes now the defendant, Sula E. Smith, and for answer to the Writ of Possession heretofore filed in this cause says as follows:

1. That the said Writ does not comply with the terms of Title 31, Section 6, Code of Alabama, as Amended.

2. That the Writ does not comply with Title 31, Section 6, Code of Alabama, as Amended, in that the necessary ten (10) days notice to quit, or the termination of such tenancy, has not been furnished the defendant and advising the defendant of a default in any terms of the lease of the demised premises.

3. That the defendant is in possession of the premises under a lease agreement, dated November 3, 1964 by the terms of which the premises was leased to the defendant until April 1, 1970; that there has been no default in the terms of said lease.

The premises considered the defendant request Your Honor dismiss the Writ of Possession heretofore issued in this cause. Should the defendant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled.

  
 Ernest M. Bailey,  
 Attorney for Defendant

IN THE JUSTICE COURT OF  
J. A. REDDING  
BEAT EIGHT

J. B. SHIVER,  
Plaintiff

VS

SULA E. SMITH,  
Defendant

J. B. SHIVER, )  
Plaintiff, )  
vs. )  
SULA E. SMITH, )  
Defendant. )

IN THE JUSTICE COURT OF  
J. A. REDDING, BEAT 8  
DAPHNE, ALABAMA.

TO J. B. SHIVER, PLAINTIFF IN THE ABOVE CAUSE:

You are hereby notified that SULA E. SMITH, the Defendant in the above styled cause, has prayed and an appeal from the Judgment rendered therein by me, and the said SULA E. SMITH, having complied with the requirements of the law in such cause, the same has been granted to the next term of the Circuit Court to be held for Baldwin County.

Given under my hand this the 6<sup>th</sup> day of July 1966  
1966.

J. A. Redding  
JUSTICE OF THE PEACE

J. B. SHIVER

Plaintiff

VS

SULA E. SMITH

Defendant

X

I

I

I

I

IN THE JUSTICE COURT OF

J. A. REDDING, BEAT 8

BALDWIN COUNTY, ALABAMA

TO ANY LAWFUL OFFICER OF BALDWIN COUNTY, ALABAMA;

You are hereby commanded to restore J. B. Shiver to possession of the lands and tenements which he recovered of Sula E. Smith in an action in the nature of an unlawful detainer before me on July 1, 1966, said property being described as follows:

A cafe located on Highway 31 about one mile East of Spanish Fort intersection and the land on which same is located being the property of J. B. Shiver and adjacent to Shiver's Standard Service Station.

You are further directed of the goods, chattels, lands and tenements of the said Sula E. Smith and of her bondsmen, you cause to be made the costs of court accruing in said case.

Said order of restitution being issued in accordance with the order of the Circuit Court of Baldwin County dated April 27, 1967, dismissing the Writ of Certiorari in said cause to this Court.

J. A. Redding  
Justice of the Peace

J. B. SHIVER, )  
Plaintiff, )  
vs. )  
SULA E. SMITH, )  
Defendant. )  
IN THE JUSTICE COURT OF  
J. A. REDDING, JUSTICE OF  
BEAT 8, DAPHNE, ALABAMA

WRIT OF CERTIORARI TO J. A. REDDING, JUSTICE OF THE PEACE OF BEAT 8,  
DAPHNE, ALABAMA:

We being willing for certain causes to be certified of a  
certain cause pending before you wherein J. B. SHIVER is Plaintiff  
and SULA E. SMITH is Defendant, do therefore command you to send  
up to the present term of the Circuit Court of Baldwin County, Ala-  
bama, henceforth, all of the original papers in said cause, to-  
gether with a statement signed by you of the said cause and the  
judgment therein rendered by you, that we may further cause to be  
done thereupon what of right, according to the Constitution and  
Laws of this State, ought to be done.

WITNESS my hand this the 19 day of Sept,  
1966.

  
CLERK OF THE CIRCUIT COURT

Received in office the \_\_\_\_\_  
day of \_\_\_\_\_, 1966.

SHERIFF, Baldwin County, Alabama

Executed by serving a copy of the within on J. A. REDDING, JUSTICE  
OF THE PEACE, BEAT 8, Baldwin County, Alabama.

This the \_\_\_\_\_ day of \_\_\_\_\_, 1966.

SHERIFF

D.S.

J. B. SHIVER,	)	IN THE JUSTICE COURT OF
Plaintiff,	)	J. A. REDDING, JUSTICE
vs.	)	OF BEAT 8, DAPHNE, ALABAMA
SULA E. SMITH,	)	
Defendant.	)	

Your Petitioner, SULA E. SMITH, respectfully shows that in June, 1966, a Judgment was rendered against your Petitioner in a certain cause wherein J. B. SHIVER was Plaintiff and your Petitioner was Defendant, for possession of a cafe located in a building owned by J. B. SHIVER of Spanish Fort, Alabama before J. A. REDDING, a Justice of the Peace in and for said county and state, said suit being in the nature of unlawful detainer action.

Your Petitioner avers that said Judgment was rendered upon a hearing without proof that said Writ complied with the terms of Title 31, Section 6, Code of Alabama as Amended, and that your Petitioner was not given the necessary ten (10) days notice to quit, and further, that your Petitioner was at the time in possession of the said building under a written lease, that the said J. B. SHIVER did not allege or prove a default in any terms of the lease of the demised premises.

Further, your Petitioner avers that subsequent to the date of the Judgment, and within the five (5) days allowed by law, she, through her attorney, attempted to appeal the said Judgment to the Circuit Court of Baldwin County, Alabama, and that the Justice of the Peace, J. A. REDDING, failed and refused to allow your Petitioner to execute an appeal bond as security for costs as required by law, and that your Petitioner's appeal failed for that reason.

Your Petitioner further avers that said Judgment so rendered is absolutely null and void.

WHEREFORE, the premises considered, your Petitioner prays that said J. B. SHIVER be made a Party Defendant hereto and to this

end, subpoena and all other needful process issue to him. That the said J. A. REDDING, Justice of the Peace as aforesaid, be required to send up to the Circuit Court of Baldwin County, Alabama, all the records, papers and proceedings in said cause, and that he be required, commanded and directed to abstain from all further proceedings therein until the further order of said Circuit Court. And your Petitioner prays that upon a hearing of this Petition, that said Judgment be vacated, set aside and held for naught, and be declared as absolutely null and void.

Petitioner prays for such other, further and different relief as the facts and equities of the case be required.

  
SULA E. SMITH

STATE OF ALABAMA


BALDWIN COUNTY

Personally appeared before me, the undersigned authority, SULA E. SMITH, who being by me first duly and legally sworn, doth depose and say on oath as follows: That the matters and facts alleged in the foregoing Petition for Certiorari are true and correct.

  
SULA E. SMITH

Sworn to and subscribed before

me this 27 day of  
August, 1966.

  
NOTARY PUBLIC

FILED  
AUG 27 1966  
ALICE L. MUMFORD  
CLERK  
REGISTERED



July 21, 1966

Judge J.A. Redding  
Spanish Fort Estates  
Spanish Fort, Alabama

Dear Sir:

Re: J.B. Shiver  
vs: Sula B. Smith

A Motion for an appeal has been filed in the above styled case, however the Summons and Complaint and cost bill has not been mailed to us to date. Please mail this to us at your earliest convenience in order for this to be placed on the docket.

Yours very truly,

Circuit Clerk

AJD/eb

[illegible]

CERTIORARI BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That we, SULA E. SMITH, and LEE OLA PATE  
and LOYD C. SMITH, are held and firmly bound unto  
J. B. SHIVER in the sum of THREE HUNDRED (\$300.00) DOLLARS for the  
payment of which, well and truly to be made, we bind ourselves and  
each of us, our heirs, executors and administrators, jointly and  
severally.

Sealed with our seals and dated the 4th day of  
October, 1966.

The condition of the above obligation is such that whereas,  
the said J. B. SHIVER has obtained a Judgment before J. A. REDDING,  
Justice of Beat 8, Daphne, Alabama, against the said SULA E. SMITH  
for possession of leased property in Spanish Fort, Alabama, and  
costs, concerning which Judgment the said SULA E. SMITH has obtained  
a Writ of Certiorari returnable to the Circuit Court of said  
County for the removal of a certain Judgment rendered against her  
and in favor of J. B. SHIVER by J. A. REDDING, a Justice of the  
Peace in and for said county:

NOW, THEREFORE, if the said SULA E. SMITH shall pay such  
Judgment as may be rendered against her by the said Court to which  
cause is removed, then this obligation to be void; otherwise to re-  
main in full force and effect.

Defendant respectfully

demands a trial by Jury.

Sula E. Smith

Lee Ola Pate

Lloyd C. Smith

APPROVED this the 6 day of Oct

1966.

Reinhold Hensch  
CIRCUIT CLERK

J. B. SHIVER,	)	IN THE JUSTICE COURT OF
Plaintiff,	)	J. A. REDDING, JUSTICE
vs.	)	OF BEAT 8, DAPHNE, ALABAMA
SULA E. SMITH,	)	
Defendant.	)	

Your Petitioner, SULA E. SMITH, respectfully shows that in June, 1966, a Judgment was rendered against your Petitioner in a certain cause wherein J. B. SHIVER was Plaintiff and your Petitioner was Defendant, for possession of a cafe located in a building owned by J. B. SHIVER of Spanish Fort, Alabama before J. A. REDDING, a Justice of the Peace in and for said county and state, said suit being in the nature of unlawful detainer action.

Your Petitioner avers that said Judgment was rendered upon a hearing without proof that said Writ complied with the terms of Title 31, Section 6, Code of Alabama as Amended, and that your Petitioner was not given the necessary ten (10) days notice to quit, and further, that your Petitioner was at the time in possession of the said building under a written lease, that the said J. B. SHIVER did not allege or prove a default in any terms of the lease of the demised premises.

Further, your Petitioner avers that subsequent to the date of the Judgment, and within the five (5) days allowed by law, she, through her attorney, attempted to appeal the said Judgment to the Circuit Court of Baldwin County, Alabama, and that the Justice of the Peace, J. A. REDDING, failed and refused to allow your Petitioner to execute an appeal bond as security for costs as required by law, and that your Petitioner's appeal failed for that reason.

Your Petitioner further avers that said Judgment so rendered is absolutely null and void.

WHEREFORE, the premises considered, your Petitioner prays that said J. B. SHIVER be made a Party Defendant hereto and to this

end, subpoena and all other needful process issue to him. That the said J. A. REDDING, Justice of the Peace as aforesaid, be required to send up to the Circuit Court of Baldwin County, Alabama, all the records, papers and proceedings in said cause, and that he be required, commanded and directed to abstain from all further proceedings therein until the further order of said Circuit Court. And your Petitioner prays that upon a hearing of this Petition, that said Judgment be vacated, set aside and held for naught, and be declared as absolutely null and void.

Petitioner prays for such other, further and different relief as the facts and equities of the case be required.

*Sula E. Smith*  
SULA E. SMITH

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned authority, SULA E. SMITH, who being by me first duly and legally sworn, doth depose and say on oath as follows: That the matters and facts alleged in the foregoing Petition for Certiorari are true and correct.

*Sula E. Smith*  
SULA E. SMITH

Sworn to and subscribed before  
me this 27 day of

August, 1966.

*Lucia High*  
NOTARY PUBLIC

FILED  
AUG 29 1966  
ALICE J. BROWN, CLERK  
BALDWIN COUNTY

[illegible]

J. B. SHIVER,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
SULA E. SMITH,	)	AT LAW NO. 7199
	)	
Defendant.	)	

MOTION TO QUASH

Now comes the plaintiff in the above styled cause and moves the court to quash the writ of certiorari heretofore entered by this court on to-wit, September 19, 1966, and as grounds for said motion assign the following, separately and severally:

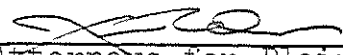
1. It affirmatively appears from the record in this cause that plaintiff did not have any notice of filing of the petition praying for a writ of certiorari.

2. It affirmatively appears from the record in this cause that the defendant had an adequate remedy by appeal from the judgment entered July 1, 1966, in the Justice Court of J. A. Redding.

3. It affirmatively appears from the record in this cause that the petitioner is not entitled to the relief prayed for by her in her petition filed in this court on August 29, 1966.

4. It affirmatively appears from the record in this cause that the petitioner filed a petition asking for a writ of certiorari after the time for an appeal from the judgment of the Justice Court of J. A. Redding had expired.

C. LeNOIR THOMPSON and JAMES R. OWEN

By   
Attorneys for Plaintiff

FILED  
APR 12 1967  
CLERK  
REGISTER

J. B. SHIVER, )  
Plaintiff, )  
vs. )  
SULA E. SMITH, )  
Defendant. )  
INTHE JUSTICE COURT OF  
J. A. REDDING, JUSTICE OF  
BEAT 8, DAPHNE, ALABAMA

WRIT OF CERTIORARI TO J. A. REDDING, JUSTICE OF THE PEACE OF BEAT 8,  
DAPHNE, ALABAMA:

We being willing for certain causes to be certified of a  
certain cause pending before you wherein J. B. SHIVER is Plaintiff  
and SULA E. SMITH is Defendant, do therefore command you to send  
up to the present term of the Circuit Court of Baldwin County, Ala-  
bama, henceforth, all of the original papers in said cause, to-  
gether with a statement signed by you of the said cause and the  
judgment therein rendered by you, that we may further cause to be  
done thereupon what of right, according to the Constitution and  
Laws of this State, ought to be done.

WITNESS my hand this the 19 day of Sept  
1966.

Aiscad. Shuck  
CLERK OF THE CIRCUIT COURT

Received in office the 6  
day of October, 1966.

SHERIFF, Baldwin County, Alabama

Executed by serving a copy of the within on J. A. REDDING, JUSTICE  
OF THE PEACE, BEAT 8, Baldwin County, Alabama.

This the 11 day of Oct, 1966.

County claims 46  
Ten Cents per mile Total 4.60  
TAYLOR WILKINS, Sheriff  
Roy Randall  
DEPUTY SHERIFF

Taylor Wilkins  
SHERIFF  
Roy Randall  
D.S.

Lake Forest  
478

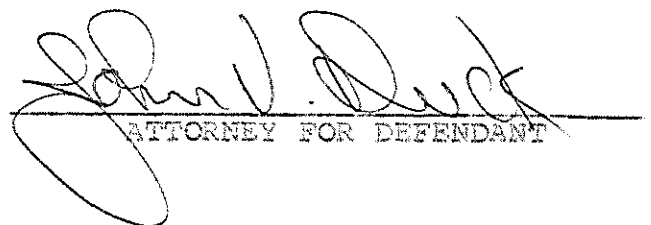


J. B. SHIVER,	)	IN THE JUSTICE COURT OF
Plaintiff,	)	J. A. REDDING, BEAT 8
vs.	)	DAPHNE, ALABAMA.
SULA E. SMITH,	)	
Defendant.	)	

MOTION FOR APPEAL

Comes now the Defendant, SULA E. SMITH, by and through her Attorney, JOHN V. DUCK, and moves the Court for an appeal of the Judgment rendered therein, and for grounds thereof says:

That the said Judgment was contrary to the law and evidence.

  
ATTORNEY FOR DEFENDANT

Defendant demands a trial by Jury.

J. B. SHIVER, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) BALDWIN COUNTY, ALABAMA  
vs. )  
SULA E. SMITH, )  
Defendant. )

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to notify J. B. SHIVER that on  
the 19 day of Sept, 1966, a Writ of  
Certiorari in the above stated case was issued to J. A. REDDING,  
Justice of the Peace, Pricinct No. 8, Baldwin County, Alabama.

You will return this Writ according to law.

WITNESS my hand this the 19 day of Sept  
1966.

B. J. Luck  
CLERK OF THE CIRCUIT COURT

Received in office the 6  
day of October, 1966.

SHERIFF

Executed by serving a copy of the within Writ on the 11 day  
of Oct, 1966.

Taylor Wilkins  
SHERIFF

Roy Randall D. G.  
Spanish Fort

Sheriff claims 44 miles at  
Ten Cents per mile Total 4.40  
TAYLOR WILKINS, Sheriff  
BY Roy Randall  
DEPUTY SHERIFF

J. B. SHIVER,	)	IN THE JUSTICE COURT OF
Plaintiff,	)	J. A. REDDING, JUSTICE OF
vs.	)	BEAT 8, DAPHNE, ALABAMA
SULA E. SMITH,	)	<i>W. 7199</i>
Defendant.	)	

ORDER FOR WRIT OF CERTIORARI

Upon Petitioner, SULA E. SMITH, giving bond in the sum of Three Hundred (\$300) dollars, conditioned and payable as required by law, the Clerk will issue the Writ of Certiorari prayed for.

DATED this the 19<sup>th</sup> day of September, 1966.

*Jessie A. Madala*  
JUDGE OF CIRCUIT COURT, BALDWIN  
COUNTY, ALABAMA.

*FILED*  
SEP 19 1966  
KIM L. DICK, CLERK

Certificate of Judgment

MOORE PRINTING CO., BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County

In the Justice Court of

Precinct

8

J. A. Redding  
Daphne

Ala.

7-1

1966

J. B. Shivers

Plaintiff

Vs.

Gula E. Smith

Defendant

I, J. A. Redding, Justice of the Peace, in Precinct No. 8

Baldwin County, Alabama, do hereby certify that on the 1st day of July, 1966

a judgment was rendered by said Court in the above stated cause, wherein

J. B. Shivers

was Plaintiff and

Gula E. Smith

was Defendant, in

favor of the said Plaintiff and against said Defendant for the sum of

of Property

Dollars,

and also for the sum of

Dollars,

the cost in said suit, and that

Taylor Watkins Jr

are the Attorneys of record for the Plaintiff

in said cause.

Witness my hand this the 1st day of July, 1966

J. A. Redding

J. P.

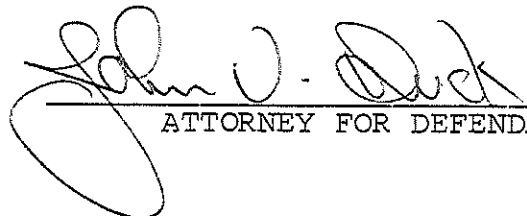
Precinct 8, Baldwin County, Ala.

J. B. SHIVER,	)	IN THE JUSTICE COURT OF
Plaintiff,	)	J. A. REDDING, BEAT 8
vs.	)	DAPHNE, ALABAMA.
SULA E. SMITH,	)	
Defendant.	)	

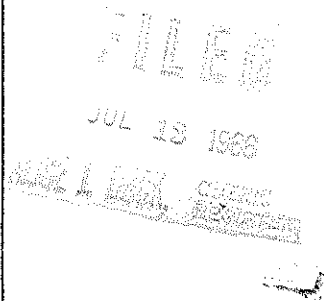
MOTION FOR APPEAL

Comes now the Defendant, SULA E. SMITH, by and through her Attorney, JOHN V. DUCK, and moves the Court for an appeal of the Judgment rendered therein, and for grounds thereof says:

That the said Judgment was contrary to the law and evidence.

  
ATTORNEY FOR DEFENDANT

Defendant demands a trial by Jury.



CERTIORARI BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That we, SULA E. SMITH, and LEE OLA PATE  
and LOYD C. SMITH, are held and firmly bound unto  
J. B. SHIVER in the sum of THREE HUNDRED (\$300.00) DOLLARS for the  
payment of which, well and truly to be made, we bind ourselves and  
each of us, our heirs, executors and administrators, jointly and  
severally.

Sealed with our seals and dated the 4th day of  
October, 1966.

The condition of the above obligation is such that whereas,  
the said J. B. SHIVER has obtained a Judgment before J. A. REDDING,  
Justice of Beat 8, Daphne, Alabama, against the said SULA E. SMITH  
for possession of leased property in Spanish Fort, Alabama, and  
costs, concerning which Judgment the said SULA E. SMITH has obtained  
a Writ of Certiorari returnable to the Circuit Court of said  
County for the removal of a certain Judgment rendered against her  
and in favor of J. B. SHIVER by J. A. REDDING, a Justice of the  
Peace in and for said county:

NOW, THEREFORE, if the said SULA E. SMITH shall pay such  
Judgment as may be rendered against her by the said Court to which  
cause is removed, then this obligation to be void; otherwise to re-  
main in full force and effect.

Defendant respectfully  
demands a trial by Jury.

Sula E. Smith

Lee Ola Pate

Lloyd C. Smith

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_,  
1966.

\_\_\_\_\_  
CIRCUIT CLERK

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STATE OF ALABAMA

BALDWIN COUNTY

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Defendant respectfully  
demands a trial by Jury.

Sula E. Smith

Lee Ola Pate

Lloyd C. Smith

APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_,  
1966.

\_\_\_\_\_  
CIRCUIT CLERK

WRIT OR PROCESS TO SHERIFF 5438

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County

J. B. Shivers  
Plaintiff.  
Vs.  
Zula E. Smith  
Defendant.

IN THE JUSTICE COURT OF

J. A. Redding  
Justice of Peace  
Beat 8 Spanish Fort, Alabama.

To HONORABLE J. A. Wilkins SHERIFF.

J. A. Wilkins having made affidavit as required by law that all the rights of the Defendant above named in and to the property hereinafter described have determined or been forfeited, and that the said Zula E. Smith refuses to deliver up possession after having been duly notified.

YOU ARE HEREBY DIRECTED AND COMMANDED to deliver to J. B. Shivers

as the owner thereof, or his representative, full and quiet possession of the lands or tenements mentioned in the said affidavit, removing the tenant with his property found thereon away from the premises; the property being described as follows, to wit:

A cafe located in the building of Mr. J. B. Shivers, on his property at Spanish Fort Alabama.

Executed

6-25-66

J. A. Redding  
Justice of the Peace, Beat 8, Baldwin County, Ala.



Served on

Julia E. Smith

6-25-66

Spanish Fort

Layla Wilkins  
Sheriff

Roy Randall  
D.S.

The State of Alabama,

Baldwin County

Before me,

in and for Beat,

J. A. Balding, Justice of Peace  
8. Baldwin Co. Alabama, personally appeared

W. G. Baldwin Co.

Alabama, personally appeared

\_\_\_\_\_ who having been by me first duly and legally sworn  
deposes and says: My name is Taylor Withering Jr. I am the <sup>Agent of the Co.</sup> owner of the lands

deposes and says: My name is

Taylor Williams Jr I am the <sup>Agent of the Owner</sup> ~~Owner~~ of the lands

hereinafter described, with the improvements thereon. All my rights to said property and ~~my~~ rights to the possession thereof have determined and been forfeited.

rights to said property and ~~his~~<sup>her</sup> rights to the possession thereof have determined and been forfeited.

I have given the said Julia E. Smith notice to vacate the said property, but she has failed or refused to deliver possession demanded.

Fula E Smith  
deliver possession demanded.

notice to vacate the said property, but

§ he has failed or refused to deliver possession demanded.

The said lands being described as follows, to-wit:

a cape located on Highway 31 about one mile east of Spanish Fort located on the property of J. B. Shivers.

one mile east of Spanish Flat located  
on the property of J. B. Shivers.

on the property of J B Skinner.

Sworn to and subscribed before me this the

24<sup>th</sup> day of June, 1966

Beat. 8 Baldwin County, Alabama

Beat, 8 Baldwin County, Alabama

Owner or Agent