

THE STATE OF ALABAMA,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Eubie Byrd

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
Rex Nobles

is justly indebted to the Plaintiff Eubie Byrd, d/b/a Byrd's Garage, of Perdido,
Alabama

in the sum of \$2,698.00 Dollars, and

Eubie Byrd having made affidavit and given bond
as required by law, in such cases, you are hereby commanded to attach so much of the estate of
Rex Nobles, to-wit, one A170 International Truck with Tamwheels,
Serial No. 282A-13771D, and one HD-6 Caterpillar Tractor,
Serial No. 7D95026, Type PSB4A100EH5299C1.

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to futher proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on 5th Monday of July 1967
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 12th day of July A. D., 1967.

Alice J. Duck Clerk.

~~At 5:00 AM~~ *Morning*

No. 7611

ATTACHMENT

Eubie Byrd, d/b/a
Byrd's Garage,

Vs. { ATTACHMENT

Rex Nobles.

Issued 12th July, 1967.

Moore Printing Co.

Received 12 day of July 1967
at 12 day of July 1967
served copy of the within Attach.
by Rex Nobles.

TAYLOR WILKINS, Sheriff
By W. O. Garner D. S.
Rabon

*Executed by attaching the
within property & storing
Caterpillar at Eubie Byrds
and truck at Jim Anote*

Sherriff claims 22 miles at
Ten Cents per mile Total \$ 2.20
TAYLOR WILKINS, Sheriff
BY W. O.
DEPUTY SHERIFF

*Dept made Bond
7/21/67 By Leary & Owens
Equipment Co. By Alton B.
Clairmont, Bishop N. Baran
Property released to same*

14713

605

THE STATE OF ALABAMA {
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, Eubie Byrd and

....., of the County of Baldwin, State of Alabama

are held and firmly bound unto Rex Nobles

in the sum of Two Thousand Six Hundred Ninety-Eight (\$2,698.00) Dollars, to
be paid to the said Rex Nobles
heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind our-
selves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly
by these presents.

Sealed with our seals and dated the 12th day of July, 1967

The Condition of this Obligation is such:

That whereas, the above bounden Eubie Byrd
..... ha.S., on the day of the date
hereof, prayed an Attachment at the suit of Eubie Byrd, d/b/a Byrd's Garage, of
Perdido, Alabama against the estate of above named
Rex Nobles

for the sum of \$2,698.00 Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said Eubie Byrd
should prosecute said Attachment to effect, and pay the said Defendant all such damages as
may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be
void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now,
or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

Eubie Byrd (Seal)
..... (Seal)
..... (Seal)
..... (Seal)

Approved, this 12th day of July, 1967

[Signature], Clerk
606

THE STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, Kenneth Cooper, Notary Public, State At Large, State of Alabama

~~in and for said County~~, personally appeared Eubie Byrd

who, being duly sworn, on oath saith that Rex Nobles

..... is justly indebted to
Eubie Byrd, d/b/a Byrd's Garage, Perdido, Alabama

in the sum of \$2,698.00 Dollars,

which said amount is justly due after allowing all just offsets and discounts, and that the said

Rex Nobles owes said sum for labor, materials and one A170 International Truck with Tamwheels, Serial No. 282A-13771D, and that the said Rex Nobles is about to remove his property out of the State of Alabama, and that Plaintiff, Eubie Byrd, will probably lose his debt and will have to sue for it in another State.

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Eubie Byrd

Subscribed and sworn to before me this 12th day of July, 1967

Kenneth Cooper

No. <u>7611</u>	Page
STATE OF ALABAMA Baldwin County	
CIRCUIT COURT At Bay Minette, Ala.	
Eubie Byrd, d/b/a Byrd's Garage,	
TO	
Rex Nobles	
ATTACHMENT BOND AND AFFIDAVIT	
Filed this the <u>12th</u>	day
of <u>July</u>	19 <u>67</u>
	Clerk
	Attorney

EUBIE BYRD, d/b/a
BYRD'S GARAGE

Plaintiff

vs

REX NOBLES

Defendant


X
X
X
X
X
X

IN THE CIRCUIT COURT OF

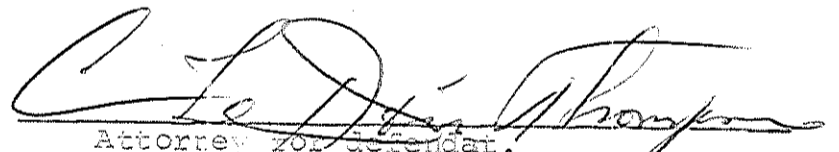
BALDWIN COUNTY, ALABAMA

NO. 7611

Comes the defendant in the above styled cause and moves this Honorable Court to quash said attachment and as grounds for said motion shows unto this Honorable Court that the bond in said attachment is signed by only one person, to-wit, the plaintiff and that proper affidavit has not been made.


Attorney for Defendant.

I hereby certify that I have this 18th day of July, 1967, mailed a copy of the foregoing to Honorable Kenneth Cooper, Attorney at Law, Bay Minette, Alabama, attorney for plaintiff, U. S. Mail, postage prepaid.


Attorney for Defendant.

FILED

JUL 18 1967

ALICE J. DUCK CLERK
REGISTER

RE: Eubie Byrd, d/b/a Byrd's Garage
Vs.

Rex Nobles,
IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

STATE OF ALABAMA

COUNTY OF Montgomery

Before me Bishop N. Barron, a Notary

Public, personally appeared Alton B. Cumbus, Secretary-Treasurer, Leary & Owens Equipment Company, Inc.

who by me being first duly sworn deposes and says that Leary & Owens Equipment Co., Inc., is not a party to the attachment writ issued in the case of Eubie Byrd, d/b/a Byrd's Garage v. Rex Nobles under which writ the following described property has been levied on by Taylor Wilkins, Sheriff, to-wit:

1 - HD-6B Allis Chalmers Crawler Tractor, Serial No. 18387, Engine No. 6-22450; 1 - C-2 Garwood Power Control Unit; Stumping Fork and Loading Boom

The said Leary & Owens Equipment Co., Inc., further says that it claims the said above described property, and that its right, title and interest in the said property is paramount to the right, title and interest of the defendant to the same. Claimant bases its claim to said property on a conditional sales contract covering said property, and duly executed by the defendant on the 15th day of September, 1965, which said mortgage was duly recorded in the office of the Judge of Probate of Baldwin County on the 2nd day of November, 1965, in Mortgage Book 490, page 210-11. Claimant further avers that said conditional sales contract is due and unpaid.

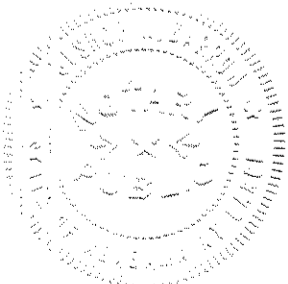
Alton B. Cumbus
Alton B. Claimant: Cumbus
Secretary-Treasurer
Leary & Owens Equipment Company, Inc.

Sworn to and subscribed before

me on this the 19 day of July,

1967

Bishop N. Barron
Notary Public, State of Alabama at Large



FORTHCOMING BOND

KNOW ALL MEN BY THESE PRESENTS, That we, Leary & Owens Equipment Co., Inc., and Bishop N. Barron as sureties whose names are hereto affixed, are held and firmly bound unto Eubie Byrd, d/b/a Byrd's Garage in the sum of \$ 5,500.00 for which payment well and truly to be made and done, we bind ourselves and each and every one of our heirs, executors and administrators, severally, jointly and firmly by these presents. Sealed with our seals, and dated this 19 day of July, 1967.

The condition of the above obligation is such that, whereas, an attachment issued from the Circuit Court of Baldwin County, bearing date of issuance the 12th day of July, 1967, in favor of Eubie Byrd, d/b/a Byrd's Garage in aid of suit thereafter filed against Rex Nobles for the sum of Two Thousand Six Hundred Ninety-eight (\$2698.00) Dollars damages has been levied by Taylor Wilkins, Sheriff of Baldwin County, upon the following as the property of the said Rex Nobles:

1 - HD-6B Allis Chalmers Crawler Tractor, Serial No. 18387, Engine No. 6-22450; 1 - C-2 Garwood Power Control Unit; Stumping Fork and Loading Boom

which said property has been claimed and affidavit made thereto and sufficient affidavit offered by Leary & Owens Equipment Co., Inc. according to law in such cases made and provided, who claims that it has a just claim to the property above described and levied on.

Now if the said Leary & Owens Equipment Co., Inc. shall have the property above described forthcoming for the satisfaction of said attachment if it is found liable therefor and also to pay and satisfy such costs and damages as may be recovered for putting the claims in fordelay, then this obligation to be void, otherwise to remain in full force and effect.

LEARY & OWENS EQUIPMENT CO., INC.

BY: Alta B. Conner (L.S.)

Bishop N. Barron (L.S.)

Approved, this 21st day of July, 1967.

609

Taylor Wilkins
Sheriff

THE STATE OF ALABAMA,
MONTGOMERY COUNTY.

I hereby certify that the within bond is good and sufficient
and if the same were presented to me in Montgomery County would be approved.

Witness my hand, this the 19th day of August, 1967.

M.S. Butler

Sheriff Montgomery County.

This is To Certify That This is A
Good And Sufficient Bond. If Pre-
sented To Me I Would Approve Same.

THIS THE 19 DAY OF July 1967

M.S. Butler
Sheriff
Montgomery Co ALA

EUBIE BYRD, d/b/a
BYRD'S GARAGE

Plaintiff

vs

REX NOBLES

Defendant

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

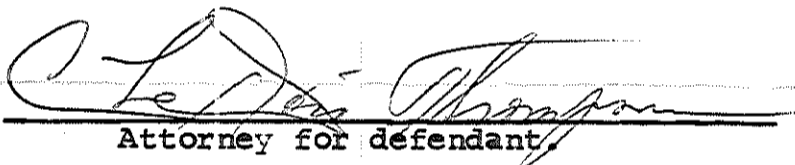
BALDWIN COUNTY, ALABAMA

NO. 7611

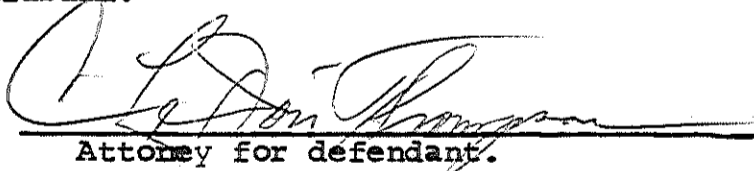
Comes the defendant in the above styled cause and moves this Honorable Court to dismiss the attachment filed in said cause and as grounds for said motion assigns the following:

1. That said plaintiff failed to comply with the terms of Title 7, Section 882 in that said plaintiff has failed to file a complaint as required therein.

2. That said plaintiff has failed to provide a surety as required by Title 7, Section 849.


Attorney for defendant.

I hereby certify that I have this 15 day of August, 1967, mailed a copy of the foregoing motion to dismiss to Honorable Kenneth Cooper, attorney for plaintiff, postage prepaid to his address in Bay Minette, Alabama.


Attorney for defendant.

FILED

AUG 15 1967

ALICE J. DUCK CLERK
REGISTER

EUBIE BYRD, d/b/a
BYRD'S GARAGE

Plaintiff

vs

REX NOBLES

Defendant

X

X

X

X

X

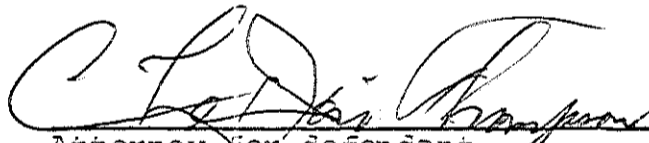
IN THE CIRCUIT COURT OF
HALDWIN COUNTY, ALABAMA
NO. 7611

Comes the defendant in the above styled cause and
for answer to said complaint separately and severally, shows
as follows:

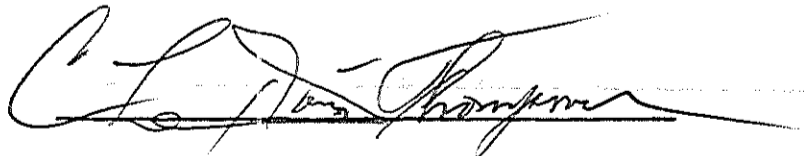
1. He denies the allegations of said complaint.
2. That Leary & Owens Equipment Co., Inc., is the
owner of the following described tractor:

1 - HD-6B Allis Chalmers Crawler Tractor,
Serial No. 18387, Engine No. 6-22450 together
with equipment affixed thereto.

in that the said corporation agreed to sell said tractor to
your said defendant under a conditional sales contract and
your said defendant was in arrears on his said payments under
the said conditional sales contract aforesaid at the time
of the attachment.


Attorney for defendant.

I hereby certify that I have this 4 day of
October, 1967, mailed a copy of the foregoing answer to
Honorable Kenneth Cooper, attorney for plaintiff, postage
prepaid to his address in Bay Minette, Alabama.



FILED

OCT 4 - 1967

ALICE J. DUCK CLERK
REGISTER

BISHOP N. BARRON

Attorney at Law

BELL BUILDING
P. O. BOX 221
MONTGOMERY, ALABAMA
TELEPHONE 265-3581

July 19, 1967

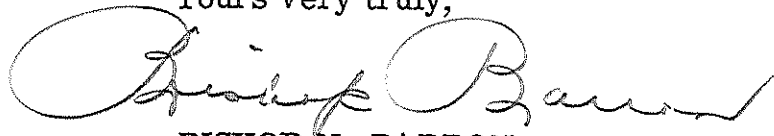
Hon. C. Lenoir Thompson
Attorney at Law
Bay Minette, Alabama 36507

Dear Mr. Thompson:

I am enclosing herewith the FORTHCOMING BOND and Affidavit of Leary & Owens Equipment Company, Inc.

Please advise if you have any questions concerning this matter.

Yours very truly,


BISHOP N. BARRON

BNB:jhf

cc Leary & Owens Equipment Company, Inc.

7-21-67

Little
7
1168

The State of Alabama, Baldwin County

CIRCUIT COURT

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded that of the goods and chattels, lands and tenements of _____
Eunice Byrd, Plaintiff _____ you cause to be made the sum of
 \$ *162.30* Dollars,
 costs of suit, for that, whereas, on the *28* day of *Jan*, 19*69* the said

Eunice Byrd Plaintiff _____, recovered by judgment in the
 Circuit Court of Baldwin County, of *Res. nobles* Defendant _____, on
 sum of _____ Dollars, upon
 which judgment an execution has been issued, and returned by the Sheriff "No property found." And have you that
 money ready to render to Eunice B. Blackmon, Circuit Clerk of said Court, and make return of this writ and the execu-
 tion thereof according to law.

Witness my hand, this *19* day of *Feb*, 19*75*
Eunice B. Blackmon, Clerk.

Code 1940, Tit. 7, Sec. 518

CLERK'S FEES	@	Amount		@	Amount
1. Suits for \$100.00 or less.....	\$	6.00	23. Serving summons and complaint.....	\$	1.50
2. Suits for over \$100.00 but less than \$1,000.00.....		10.00	24. Levying attachment and return.....		6.25
3. Suits for \$1,000.00 and over.....		20.00	25. Seizing personal property—Detinue.....		6.00
4. Suits Detinue, ejectment, etc.....		10.00	26. Approving bond, each.....		2.00
5. Suits not otherwise provided for.....		10.00	27. Serving Garnishee—Writ.....		1.50
6. Appeal from Justice of Peace, etc.....		6.00	28. Serving Sci. Fa. or notice.....		1.50
7. Garnishment on Judgment, etc.....		6.00	29. Serving subpoenas, each.....		.75
8. Workmen's Compensation—Petition Settlement.....		10.00	30. Impanelling Jury.....		.75
9. Appeals from State Dept. of Pub. Safety, etc.....		10.00	31. Serving Contempt Attachment.....		1.50
10. Motion to sell real estate—J. P. levy.....		6.00	32. Collecting Execution for cost only.....		1.50
11. Mandamus, writ of prohibition, etc.....		15.00	33. Commissions on Execution.....		
12. Recording Executions—State Agencies.....		3.00	34. Executing Writ of Possession, each.....		5.00
13. Copy of Record—per 100 words.....		.15	35. Making Deed to Real Estate sold, each.....		2.50
14. Certifying Abstract in transcript.....		5.00	36. Mileage, each.....		.10
15. Record for Supreme—Appeals Ct. per 100 words.....		.15	37.		
16. Additional copies Record—Appeals for 100 words.....		.05	38.		
17. Taking Appeal Bond.....		.75	Total Sheriff's Fees.....		
18. Reporter's Transcript on Appeal.....		10.00	SUMMARY OF FEES, COSTS, AND JUDGMENT—		
19. Appeals Courts Concurrent Jurisdiction.....		15.00	1. Clerk's Fees.....		
20. Application—Habeas Corpus.....		6.00	2. Ex-Clerk's Fees.....		20.50
21.			3. Sheriff's Fees.....		1.50
22.			4. Ex-Sheriff's Fees.....		75.80
Total Clerk's Fees.....			5. Trial Tax.....		4.50
			6. Court Reporter's Fee, per day \$.....		
			7. Witness Fees.....		
			8. Commissioner's Fees.....		
			9. Garnishee's Fees.....		
			10. Publisher's Fees.....		
			11. Fair Trial Tax.....		2.00
			12.		
			13. Clerk's Fees in Inferior Court.....		
			14. Sheriff's Fees in Inferior Court.....		
			15. Witness Fees in Inferior Court.....		
			16.		
			17. Justice of Peace Fees.....		
			18. Constable's Fees.....		
			19.		
			20. Cost in Appealed Cases Docketed (Total).....		
			Total Fees and Cost.....		\$ 162.30
			21.		
			22. Judgment.....		
			23. 10% Damages.....		
			24. Interest.....		
			Total Judgment.....		
			Total Fees, Cost and Judgment.....		

The State of Alabama,

BALDWIN COUNTY

CIRCUIT COURT

Eubie Byrd
Terrell

vs. Plaintiff

Ray Nobles

Defendant.

FI. FA. FOR COSTS

Filed this..... day of

....., 19.....

EUNICE B. BLACKMON, Clerk

Fee Book....., page.....

Execution Docket,....., Page.....

Kenneth Cooper
Plaintiff's Attorney.

Defendant's Attorney.

RECEIVED

Received in office..... 19.....

FEB 19 1975

Sheriff.

THOMAS H. BENTON
Sheriff's Execution Docket, Page.....

By virtue of the within Execution I have, at

.....o'clock..... M., this.....

day of....., 19....., levied

on the following:

9-21-82

Returned for a

new date.

Thomas H. Benton Sheriff

Susan O. Holcomb Deputy Sheriff.

L-to pltf % Atty. 2/27/75

PLAINTIFF'S WITNESSES

AMOUNT

DEFENDANT'S WITNESSES

Total.....

SUMMONS AND COMPLAINT

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. _____
_____ TERM, 1967

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Rex Nobles, of Bay Minette, Alabama, to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against Rex Nobles, Defendant, by Eubie Byrd, d/b/a Byrd's Garage, Plaintiff.

WITNESS my hand this 25th day of July, 1967.

Alice J. Alcock CLERK.

EUBIE BYRD, d/b/a	Ø	IN THE CIRCUIT COURT OF
BYRD'S GARAGE,	Ø	BALDWIN COUNTY, ALABAMA
Plaintiff,	Ø	AT LAW
Vs.	Ø	CASE NO. 7611
REX NOBLES,	Ø	
Defendant.	Ø	

COUNT ONE

The Plaintiff claims of the Defendant Two Thousand Six Hundred Ninety-Eight (\$2,698.00) Dollars due from him for work and labor done for the Defendant by the Plaintiff on the dates of 1 January, 1966, to the date of 12 May, 1967, at his request, which sum of money, with interest thereon, is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant Six Hundred Sixty-Eight and 63/100 (\$668.63) Dollars, for merchandise, goods and chattels sold by the Plaintiff to the Defendant on the 4th day of December, 1966, which sum of money, with interest thereon, is still unpaid.

COUNT THREE

The Plaintiff claims of the Defendant Two Thousand Six Hundred Ninety-Eight (\$2,698.00) Dollars, due from him for work and labor done for the Defendant by the Plaintiff on the dates of 1 January, 1966, to the date of 12 May, 1967, at his request, and for merchan-

dise, goods and chattels sold by the Plaintiff to the Defendant on the 4th day of December, 1966, which sum of money, with interest thereon, is still unpaid.

Kenneth Cooper
ATTORNEY FOR PLAINTIFF

DEFENDANT'S ADDRESS:
Bay Minette, Alabama

FILED

JUL 25 1967

ALICE J. DUCK CLERK
REGISTER

24,8-15-67

Received 26 day of July 1967
at on 15 day of Aug 1967
served a copy of the within SFC
Rex Nobles
service on _____

TAYLOR WILKINS, Sheriff
W. A. Tolbert
2 miles South
of BY

Sheriff claims 4 miles at
Ten Cents per mile Total \$ 40
TAYLOR WILKINS, Sheriff
BY W. A. Tolbert
DEPUTY SHERIFF

CASE NO. 7611

EUBIE BYRD, d/b/a
BYRD'S GARAGE,

PLAINTIFF,

VS.

REX NOBLES,

DEFENDANT.

IN THE CIRCUIT COURT OF
CLERK REGIST
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

JUL 25 1967

ALICE J. DUCK

ATTORNEY FOR PLAINTIFF:

KENNETH COOPER

DEFENDANT'S ADDRESS:

Bay Minette, Alabama