

STATE OF ALABAMA

Baldwin County

IN THE CIRCUIT COURT OF

Baldwin County

Before me, Wilson Hayes, a Notary Public in and for said County, personally appeared James J. Manning who being by me duly sworn deposes and says that the property sued for in the complaint of James J. Manning filed in said Court, to-wit:

One 1961 Buick Special, 4 dr. Sedan

Serial No. OH1505854

belongs to James J. Manning, the plaintiff.

Sworn to and subscribed before me this 10th day of January, 1968

Wilson Hayes, Notary Public State at Large

James J. Manning

STATE OF ALABAMA

Baldwin County

IN THE CIRCUIT COURT OF

Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, James J. Manning, Principal, and

James Crenshaw, Sureties, are held and firmly bound unto James Crenshaw, his heirs, executors and administrators in the sum of FIFTY (\$50.00) Dollars, for the payment of which we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated the 3rd day of January, 19 68

The condition of the above obligation is such that whereas, the above bound James Crenshaw has on the 3rd day of

January, 19 68 sued out a writ of detinue in the Circuit Court of Baldwin County, returnable to the said Circuit Court against the said James Crenshaw

for the recovery of the following described property, to-wit:

One 1961 Buick Special, 4 dr. Sedan

Serial No. OH1505854

Now, if the said James J. Manning shall fail in said suit and shall pay to the said James Crenshaw, the defendant in said suit, all such costs and damages as he may sustain by the wrongful complaint, then this obligation to be void, otherwise, to remain in full force and effect.

Taken and approved this 10th day of January, 19 68
James J. Manning (SEAL)
Wilson Hayes (SEAL)
James Crenshaw (SEAL)
 Clerk, Circuit Court

No. 7952

THE STATE OF ALABAMA

COUNTY

CIRCUIT COURT

Plaintiff

vs.

Defendant

Detinue — Affidavit and Bond

Filed this **FILED** day of 19

JAN 10 1968

ALICE J. DUCK CLERK
REGISTER

The State of Alabama,
Baldwin County

CIRCUIT COURT
No. 7952

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To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon James Crenshaw

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

James J. Manning

Witness my hand this 10th day of January 1968

Alice J. Duck, Clerk

COMPLAINT

JAMES J. MANNING

JAMES CRENSHAW

Plaintiff

Versus

Defendant

The plaintiff claims of the defendant the following personal property, to-wit:

One 1961 Buick Special, 4 dr. Sedan

Serial No. OH1505854

with the value of the hire or use thereof during the detention, to-wit:

from November 3 1967, to December 3 1967

and of the alternate value of \$400.00

FILED

JAN 10 1968

Alice J. Duck

CLERK
REGISTER

W. H. Day Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

James F. Manning

Plaintiff--

VS.

James Crenshaw

Defendant--

Detinue Summons and Complaint

Filed 1-10, 1968Reinefrueck ClerkW. A. Hughes
Plaintiff's Attorney

Defendant's Attorney

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 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.

Reinefrueck ClerkDefendant lives at Crossroadturn left at Holiness Church

Received in office

JAN 10 1968

, 19

TAYLOR WILKINS

SHERIFF

, Sheriff

I have executed this summons

this

Jan 12, 1968

by leaving a copy with

James Crenshaw
attached one
1961 Buick Special
4Dr Sedan

Ser # 0 H 1505854
sent: 1/16/68 by ~~W.A. Hughes~~
Gas. Crenshaw, Clinton
Daniel, Jerry W. Crenshaw
Property released to Dist

Taylor Wilkins Sheriff
W. A. Salbut Deputy Sheriff

Crossroad Printed by Moore Printing Co.

Sheriff claims 14 miles at
 Ten Cents per mile Total \$ 1.40
 TAYLOR WILKINS, Sheriff
 BY W. A. Salbut
 DEPUTY SHERIFF

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THE STATE OF ALABAMA, }

Civil

COURT.

Baldwin

COUNTY. }

Term, 19

KNOW ALL MEN BY THESE PRESENTS:

That we, James Crenshaw
are held and firmly bound unto James J. Manning

in the sum of Eight hundred Dollars,
for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators,
jointly and severally, firmly by these presents.

Sealed with our seals and dated, this _____ day of _____ 19

The Condition of the above Obligation is Such, That whereas the said

James J. Manning did on the 10th day
of January 1968, sue out of the Circuit

Court of said County a writ in detinue, directed to any Sheriff of the State of Alabama, and commanding
him to take into his possession the following property, sued for in action of detinue, to wit:

One 1961 Buick Special, 4 dr. Sedan Serial No. OW1505854

which said writ was placed in the hands of Taylor Wilkins
Sheriff of the County of Baldwin, on the 10th day
of January 1968, and executed by him on the 12th day of
January 1968, by taking into his possession
same as above

and whereas the above bound James Crenshaw

has within five days from the execution of said writ entered into this bond as required by law, and here-
by obtain possession of said property.

Now, if the said James Crenshaw shall well and truly, within
thirty days after the determination of said suit, if the said James J. Crenshaw
be cast in said suit, deliver the property replevied, and also pay all the costs and such damages for de-
tention as may accrue from said detention, then this obligation to be void, otherwise to remain in full
force and effect.

And we, and each of us, hereby waive all rights of claim of exemption we or either of us have
now, or may hereafter have, under the Constitution and Laws of Alabama, and _____ hereby
severally certify that _____ have property free from all encumbrance to the full amount of the
above bond.

Witness our hands and seals, this 16th day of January 1968
Taken and approved, _____ 1968

James Crenshaw (L.S.)
Robert Crenshaw (L.S.)
James J. Crenshaw (L.S.)
Sheriff. (L.S.)

No. _____

The State of Alabama,

COUNTY.

COURT.

SHERIFF'S OFFICE

vs. Plaintiff.

20
Defendant.

DETINUE REPLEVIN BOND, DEFENDANT.

Filed _____ 19____

Sheriff.

Sheriff's Execution Docket, page _____

JAMES J. MANNING
Plaintiff
vs
JAMES CRENSHAW
Defendant

X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 7952

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

Now comes James Crenshaw, the defendant in the above
named case and respectfully shows to your Honor by this,
his written and verified motion filed this day:

(1) That he claims and asserts an equitable defense
to said action at law, the decision of which should dis-
pose of the cause and which cannot be disposed of on the
law side.

(2) That the equitable right or defense which he
claims is as follows:

That your said defendant was approached by James J.
Manning plaintiff in this said action and that they entered
into an oral agreement in words and figures as follows:

That the said plaintiff agreed to transfer to your
said defendant title in a 1961 Buick Special, 4 Dr.,
Serial No. CH1505854 for the following consideration
which your said defendant agreed to pay, to-wit, the
said Buick having been repaired and being held in the
shop of Bob White Chevrolet, Inc., in Bay Minette for a
parts and repair bill in the amount of \$127.50, your
said defendant agreed to pay said sum and to deliver over
to the said plaintiff one Ford Falcon automobile, said sum
and said automobile being in full and final consideration
for the said 1961 Buick.

That your said defendant paid over to Bob White
Chevrolet, Inc. the sum of \$127.50 and tendered to the
said plaintiff herein the said Ford Falcon. The said

plaintiff refused to accept the Ford Falcon tendered and refused to reimburse your said defendant in the sum of \$127.50 paid out.

Your said defendant has in addition to the repairs therein noted, found it necessary to purchase certain additional parts from Bay Minette Auto Parts in the sum of \$13.77 and has incurred labor in the amount of \$55.00 all of which sums were invested in the said 1961 Buick Special before the said plaintiff herein rejected the Ford Falcon aforesaid and demanded back the 1961 Buick Special.

(3) Wherefore, your said defendant and petitioner respectfully prays that upon the hearing of this motion Your Honor will adjudge and decree that this action be transferred from the law side of the court to the equity side of the court and that same shall thereupon be docketed and proceeded on the equity side of the court in manner and form as provided by law and according to the rules of equity.

James P. Pugh

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. L. Den Thompson, a Notary Public in and for said County, in said State, personally appeared James P. Pugh who has knowledge of the facts set forth in the foregoing claim, who, being by me first duly sworn, says on oath that the facts hereinabove set forth are true and correct, according to the best of his information, knowledge and belief.

James P. Pugh

Sworn to and subscribed before me this 16 day of January, 1968.

C. L. Den Thompson
Notary Public, Baldwin County, Alabama

FILED

JAN 17 1968

ALICE J. DUCK CLERK
REGISTER