

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 8160

THE STATE OF ALABAMA

BALDWIN County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein JAMES A. GOLEMAN,

was plaintiff, and Charles M. Hankins, et al

~~were~~ Defendants, as fully and completely as the same appears of record in said Court.

And I further certify that the said Defendants did on the 16th day of September, 1968 pray for and obtain an appeal from the judgment of said Court to the Supreme Court of Alabama to reverse said judgment of said Court upon entering into bond with C. E. Hankins and Charles M. Hankins, as Principals & F. C. Griffin & James Campbell as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 16th day of September, 1968

Alice J. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

JAMES A. GOLEMON,

Plaintiff,

vs.

CHARLES M. HANKINS

et. al.,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

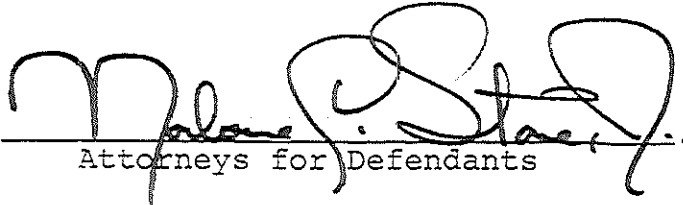
PLEA:

Come now the Defendants in the above styled cause, by their attorneys, and for answer to the Complaint heretofore filed against them say as follows:

1. Not guilty.

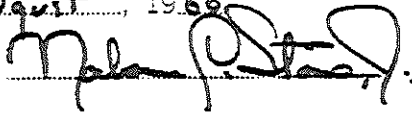
CHASON, STONE & CHASON

By:


Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 7 day of August, 1968.



FILED

AUG 8 1968

ALICE J. DUCK
CLERK
REGISTER

8161

JAMES A. GOLEMON,

Plaintiff,

vs.

CHARLES M. HANKINS

et. al.,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

PLEA:

* * * * *

CHASON, STONE & CHASON

ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA

THE STATE OF ALABAMA
Baldwin County - Circuit Court

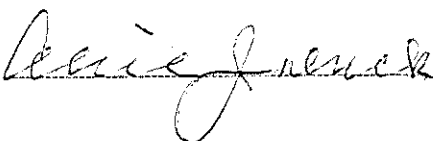
TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the _____
August 15, 1968 ~~xxxxxxx~~ _____, 196~~8~~, in a cer-
tain cause in said Court wherein JAMES A. GOLEMAN,
Plaintiff, and CHARLES M. HANKINS, et al,
Defendant, a judgement was rendered against said
Defendants
to reverse which judgment, the said Defendants
applied for and obtained from this office an APPEAL, returnable to the next
Term of our Supreme Court of the State of Alabama, to be held at Montgomery, on
the _____ day of _____, 196____next, and the necessary bond
having been given by the said C. E. Hankins, Charles M. Hankins, as Principals
with F. C. Griffin and James Campbell, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said James A. Goleman
or Kenneth Cooper
, attorney, to appear at the next Term of our
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 16th
day of September, A. D., 1968

Attest:

 Clerk.

8160

CIRCUIT COURT
Baldwin County, Alabama

Deleman

Vs. } Citation in Appeal

Hankins

Received copy hereof
on the 20th Sept 1968

Kenneth Cooper
Attorney for Complainant

Issued _____ day of _____, 196____

STATE OF ALABAMA

SUPERSEDEAS BOND

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That We, Charles M. Hankins and C. E. Hankins as principals and the undersigned as sureties are held and firmly bound unto James A. Golemon in the sum of Sixteen Thousand Four Hundred Dollars (\$16,400.00), for the payment of which, well and truly to be made, we do each hereby bind ourselves and our heirs, executors and administrators, jointly, severally and firmly by these presents, and as part of this undertaking we hereby waive all our rights under the Constitution and Laws of the State of Alabama, to have any of our property, real or personal, exempt from levy and sale in satisfaction thereof.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that whereas the undersigned Charles M. Hankins and C. E. Hankins have each appealed to the Supreme Court of Alabama from the judgment of the Circuit Court of Baldwin County, Alabama, rendered on August 15, 1968, in that certain cause where they were the Defendants and James A. Goleman was the Plaintiff;

NOW, THEREFORE, if the said Charles M. Hankins and C. E. Hankins shall prosecute their said appeal to effect and satisfy such judgment as the Supreme Court may render in this case, then the said obligation shall be null and void, otherwise to remain in full force and effect.

C. E. Hankins

FILED

SEP 16 1968

ALICE J. DUCK CLERK
REGISTER

Charles M. Hankins
As Principals

J. E. Golemon

James A. Golemon
As Sureties

Taken and approved this 16
day of ~~August~~ September, 1968.

Alice J. Duck
Circuit Clerk

935

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA

STATE OF ALABAMA

Baldwin County

IN THE CIRCUIT COURT OF

Baldwin County

Before me, _____, a Notary Public in and for said County,
 personally appeared James A. Golemon who being by me
 duly sworn deposes and says that the property sued for in the complaint of _____

_____ filed in said Court, to-wit:

One 1965 Ford Truck, Model T-800 S erial Number T809U661582

One 1965 Ford Truck, Model T-800 Serial Number T809U663550

One 1966 Ford Truck, Model T-800 Serial Number T85KV78649

belongs to James A. Golemon, the plaintiff.

Sworn to and subscribed before me this 30th
day of May, 19 58

[Signature]
 Notary Public

James A. Golemon

STATE OF ALABAMA

Baldwin County

IN THE CIRCUIT COURT OF

Baldwin County

KNOW ALL MEN BY THESE PRESENTS. That we, James A. Golemon

Principal, and

Robert J. Walser

Sureties, are held and

firmly bound unto Charles M. Hankins and C. E. Hankins his heirs, executors and admin-

istrators in the sum of Fifty and no/1000----- Dollars,

for the payment of which we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated the 30th day of May, 19 68

The condition of the above obligation is such that whereas, the above bound _____

James A. Golemon

has on the 30th day of

May, 19 68 sued out a writ of detinue in the Circuit Court of Baldwin

County, returnable to the said Circuit Court against the said _____

Charles M. Hankins and C. E. Hankins

for the recovery of the following

described property, to-wit:

One 1965 Ford Truck, Model T800 Serial Number T809U661582

One 1965 Ford Truck, Model T-800 Serial Number T809U663550

One 1966 Ford Truck, Model T-800 Serial Number T85KV78649

Now, if the said James A. Golemon shall fail in said suit

and shall pay to the said Charles M. Hankins and C. E. Hankins, 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 30th day of May, 19 68

[Signature]

Clerk, Circuit Court

James A. Golemon (SEAL)

Robert J. Walser (SEAL)

[Signature] (SEAL)

No. _____

THE STATE OF ALABAMA

_____ COUNTY

CIRCUIT COURT

Plaintiff

vs.

Defendant

Detinue — Affidavit and Bond

Filed this _____ day of _____ 19____

Clerk

JAMES A. GOLEMON,

Plaintiff,

vs.

CHARLES M. HANKINS,
et al.,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

no. 8160

NOTICE OF APPEAL

Come now the Defendants in the above styled cause,
separately and severally, and give notice of appeal from the
judgment of the Circuit Court of Baldwin County, Alabama, rendered
on August 15, 1968, to the Supreme Court of Alabama.

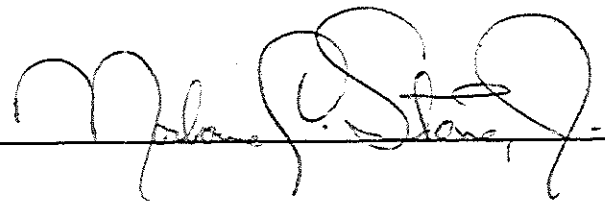
CHASON, STONE & CHASON

By: 

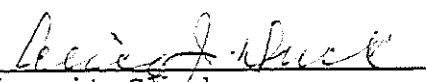
Attorneys for Defendants

SECURITY FOR COSTS

We, the undersigned, do hereby acknowledge ourselves as
security for costs of the above appeal.



Taken and approved this 16 day
September
of ~~August~~, 1968.


Circuit Clerk

FILED

SEP 16 1968

ALICE J. DUCK CLERK
REGISTER

JAMES A. GOLEMON,	Ø	IN THE CIRCUIT COURT OF
Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA
Vs.	Ø	AT LAW
CHARLES M. HANKINS	Ø	CASE NO. <u>8160</u>
and C. E. HANKINS,	Ø	
Defendants.		

PETITION FOR CONTEMPT

TO HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now your Plaintiff in above-styled cause, and makes known unto this Honorable Court as follows, to-wit:

1. That on the 15th day of August, 1968, Your Honor did enter a judgment in this cause, in which it was adjudged and decreed that the Respondents convey unto your Plaintiff, within ten (10) days from said date, the following described three (3) trucks, to-wit:

- (1) One 1965 Ford, Model T-800, Serial No. T809U661582;
- (2) One 1965 Ford, Model T-800, Serial No. T809U663550; and
- (3) One 1966 Ford, Model T-800, Serial No. T85KV78649;

OR in the alternative, deliver, to your Plaintiff, the sum of Eight Thousand Two Hundred (\$8,200.00) Dollars, said deliveries to be made within ten (10) days from above-said date of 15 August, 1968.

Your Plaintiff makes known unto Your Honor that the ten (10) days have passed, and that the Defendants have failed to comply with the said judgment of this Honorable Court, and your Plaintiff makes known unto Your Honor that the wear and tear upon the aforesaid trucks will cause the said trucks to become totally worthless and of no further value if they are permitted to continue to operate.

THE PREMISES CONSIDERED, your Plaintiff prays that this Honorable Court will issue an ORDER, directed to the Defendants, in this cause, requiring them to immediately show

cause, if any they have, for their failure to comply with the
aforementioned ORDER of this Court; and if the Defendants do
not show a valid cause, then each be put in the Baldwin
County, Alabama, Jail until they purge themselves of said
contempt by compliance with the aforesaid ORDER of this Court.

James A. Golemon
PLAINTIFF

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Kenneth Cooper, Notary Public, State At Large,
State of Alabama, personally appeared James A. Golemon, who
is known to me, and who, upon being duly and legally sworn,
deposes and says that he has read the foregoing PETITION FOR
CONTEMPT, and that it is true and correct as therein alleged.

DATED this 3 day of September, 1968.

FILED

SEP 4 1968

Kenneth Cooper
NOTARY PUBLIC,
STATE AT LARGE, STATE OF ALABAMA

ALICE J. DUCK CLERK
REGISTER

My Commission Expires:
4 February, 1971

ORDER

The foregoing PETITION FOR CONTEMPT has been duly pre-
sented to this Court, read, and understood, the Court is of
the opinion that Plaintiff is entitled to the relief prayed
for. It is therefore

ORDERED, ADJUDGED AND DECREED by the Court that the Sheriff
of Baldwin County, Alabama, do forthwith, instantler, take into
his custody both Defendants, Charles M. Hankins and C. E.
Hankins, and bring them before this Court, instantler, for them
to show cause, if any they have, why they should not be ad-
judged in contempt of this Court. And it is further

ORDERED, ADJUDGED AND DECREED by this Court that the
Sheriff of Baldwin County, Alabama, shall take possession of
the three (3) trucks described in the petition attached here-

to, if the said trucks shall be found in the State of Alabama,
and hold each in his custody until he shall be issued further
orders for the disposition of each of the said trucks from
this Court. And let a copy of the PETITION FOR CONTEMPT and
this ORDER be served upon each Defendant.

DATED this 4~~th~~ day of September, 1968.

Jeffrey A. Madoleburn
CIRCUIT JUDGE

FILED

SEP 4 1968

ALICE J. DUCK

CLERK
REGISTER

Served a copy of the within Notice of Order C. E. Hankins vs.
Charles M. Hankins
and bringing them
in court
TAYLOR WICKINS, Sheriff
By Taylor Wickins D. S.

The within truck
We not found
Taylor Wickins
Sheriff
0 miles

CIVIL NO.

NO. 8160

James A. Golemon

vs.

Charles M. Hankins

C. E. Hankins

968-5163

JAMES A. GOLEMON,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.		BALDWIN COUNTY, ALABAMA	
	X		
CHARLES M. HANKINS	X	AT LAW	NO: 8160
and C. E. HANKINS,			
	X		
Defendants.	X		

MOTION TO SET ASIDE JUDGMENT BY DEFAULT

Come now the Defendants in the above styled cause, by their attorneys, and move this Honorable Court to set aside the judgment by default heretofore rendered in this cause in favor of the Plaintiff and against the Defendants and as grounds therefor says, separately and severally, as follows:

1. That the Defendants were not served with a copy of the Summons and Complaint filed in this cause.
2. That the return of the Sheriff of Lowndes County on the back of the Summons and Complaint filed in this cause is not correct in that the Defendants have not been served with a copy of the Summons and Complaint.
3. That the return of the Sheriff of Lowndes County on the back of the Summons and Complaint filed in this cause is not correct in that the Defendant, Charles E. Hankins, has not been served with a copy of the Summons and Complaint.
4. That the return of the Sheriff of Lowndes County on the back of the Summons and Complaint filed in this cause is not correct in that the Defendant, C. E. Hankins, has not been served with a copy of the Summons and Complaint.
5. That each of these Defendants has a good and meritorious defense to the Complaint and should have an opportunity to be heard in that they employed counsel and their counsel informed counsel for the Plaintiff that he had been employed.

6. That the Defendants will be irreparably damaged in the event that the judgment is allowed to stand and that the Plaintiff had notice of the fact that the Defendants claimed the title to the trucks described in the Complaint and had notice of the fact that said trucks were subject to a conditional sales contract in favor of Associates Discount Corporation.

7. That there is no Summons in this cause addressed to the Defendant, Charles M. Hankins, but is addressed to "Charles E. Hankins".

8. That the Detinue Bond filed in this cause is made payable to Charles M. Hankins and C. E. Hankins and there has been no Summons issued to Charles M. Hankins, and no Summons and Complaint has been served upon the Defendant, Charles M. Hankins.

CHASON, STONE & CHASON

By:



Attorneys for Defendants.

AFFIDAVIT

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Norborne C. Stone, 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 the facts alleged in the foregoing motion are true and correct and those matters based upon information and belief, he verily believes to be true and correct.


Norborne C. Stone, Jr.

Sworn to and subscribed before me

this the 24th day of July, 1968.


Notary Public, Baldwin County, Alabama

ORDER:

The foregoing motion having been called to the attention of the Court and the Court having considered the same is of the opinion that the same should be set down for hearing; it is, therefore,

ORDERED and DECREED that said motion be set down for hearing on the 2nd day of August, 1968 at 1:30 P.M. ~~9:00 A.M.~~ and that John V. Duck, the attorney for the Plaintiff be given notice of the filing of the motion and of the date set for the hearing of the same by the Clerk of this Court mailing him a copy of this order and said motion.

Done this 24th day of July, 1968.

Julius A. Mallabone
Circuit Judge

FILED

JUL 24 1968

ALICE J. DUCK CLERK
REGISTER

The State of Alabama, }
Baldwin County

CIRCUIT COURT
No. 8160

19

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon Charles E. Hankins and
C. E. Hankins

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 A. Golemon

Witness my hand this 30th day of May 1968

Alice J. Beck, Clerk

COMPLAINT

James A. Golemon

Charles E. Hankins, and C. E. Hankins

Plaintiff

Versus

Defendant

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

One 1965 Ford Truck, Model T-800 Serial Number T809U661582

One 1965 Ford Truck, Model T-800 Serial Number T809U663550

One 1966 Ford Truck, Model T-800 Serial Number T85KV78649

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

from October 25 1967, to May 30 1968

FILED

MAY 30 1968

John V. Beck

Plaintiff's Attorney.

ALICE J. BECK

CLERK
REGISTER

No. 8160

Page _____

State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiff _____

VS.

Defendant _____

Detinue Summons and Complaint

Filed _____, 19____

MAY 30 1968

Clerk _____

ALICE J. DUCK

CLERK
REGISTER

JOHN V. DUCK

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.

Alice J. Duck, Clerk

The Sheriff Claims 36
Miles at 10¢ per mile for a
total of \$ 3.60
J.B. Guler
SHERIFF, Sheriff
Lowndes County, Ala.

Defendant lives at _____

Received in office

May 31, 1968

J.B. Guler, Sheriff

I have executed this summons

this 6-13, 1968

by leaving a copy with

Charles E. Harbin

C E Harbin

and taking into my

possession 3

Ford Truck motor and

which on May 31 1968

Neither party made
Bond. Property released
to Riffe

J.B. Guler, Sheriff

Deputy Sheriff _____

Printed by Moore Printing Co.

926 A

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

October Term 19 68-69

1st Div. No. 548

Charles M. Hankins, et al.

Appellant

v.

James A. Goleman

Appellee

On appeal from Baldwin Circuit Court

To the Clerk ~~Register~~ of the foregoing stated Court, Greeting:

Whereas, the record and proceedings of the Court below, in the above cause, were brought before the Supreme Court by appeal taken pursuant to law,

Now, it is hereby certified that upon consideration thereof the Supreme Court of Alabama, on the 13th day of March, 1969, dismissed said appeal on motion of appellants

and ordered that appellant s, Charles M. Hankins and C. E. Hankins


and Norborne C. Stone, Jr.

surety

~~sureties~~ for the costs of appeal, pay the costs of appeal in this Court and in the Court below, for which costs let execution issue.

~~And it appearing that said parties have waived their rights of exemption under the laws of~~
~~Alabama, it was ordered that execution issue accordingly.~~

Witness, J. O. Sentell, Clerk of the Supreme Court of Alabama, at the Judicial Department Building, this the 13th day of March 19 69.


Clerk of the Supreme Court of Alabama