

D. J. GATES d/b/a GATES) IN THE CIRCUIT COURT OF BALDWIN
USED CARS)
Plaintiff) COUNTY, ALABAMA
VS) AT LAW
ELLIS LAMAR ALLEN)
Defendant) Case No. 8583

Plaintiff claims of the defendant the following described personal property, viz:

One 1962 model Chevrolet Impala automobile, identification number or serial number 21847S264593

with the value of the use thereof during the detention, viz: From, to-wit, January 25, 1969, said above described property being the property of the plaintiff.

B. F. Stokes, III

Attorney for Plaintiff
B. F. Stokes, III
P. O. Box 293
Mobile, Alabama

Serve the defendant at Whispering Pines Road, Daphne, Alabama c/o Mr. and Mrs. W. J. Rogers. *MAY NOW BE LIVING IN A TRAILER*

AT TRAILER HAVEN - DAPHNE
Please advise the sheriff that this vehicle is solid white with a 1968 Texas tag P TS183

FILED

FEB 26 1969

CLERK
REGISTER

The State of Alabama, }
Baldwin County

No. 8583

CIRCUIT COURT

19

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon ELLIS LAMAR ALLEN

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

D. J. GATES, D/b/a GATES USED CARS

Witness my hand this 26th day of February 19 69

Deirdre J. Smith, Clerk

COMPLAINT

ATTACHED:

Plaintiff

Versus

Defendant

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

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

from _____ 19____, to _____ 19____

Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

D. J. GATES, d/b/a GATES USED CARS

Plaintiff

VS.

ELLIS LAMAR ALLEN

Defendant

Detinue Summons and Complaint

Filed February 26, 1969

Alice J. Duck, Clerk

B. F. Stokes, III

P. O. Box 293
Mobile, Alabama

Plaintiff'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

attached (1) one
1962 Chev. Impala 2dr.
TEXAS TAG P.T.S. 183
stored at county jail
Boy Minetti's car.
Pkg made bond 3/5/69
By J. J. Stallworth for
Datus Used Cars, Inc.
& deposit Co. Property
released to Pkg.

Defendant lives at

RECEIVED

FEB 26 1969

TAYLOR WILKINS, Sheriff

I have executed this summons

this Feb. 26, 1969

by leaving a copy with

Ellis Lamar Allen

Sheriff claims 54 miles

Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Taylor Wilkins, Sheriff

Roy Randall, Deputy Sheriff

Printed by Moore Printing Co.

Daphne

607

STATE OF ALABAMA

County of ~~Mobile~~
Baldwin

KNOW ALL MEN BY THESE PRESENTS, That we, D. J. Gates d/b/a Gates Used Cars
as Principal, and Fidelity and Deposit Company of Maryland, as Sureties, are held and firmly bound
unto Ellis Lamar Allen

in the sum of One Thousand and no/100 (\$1,000.00) Dollars
for the payment of which well and truly to be made we, jointly and severally, bind ourselves and each of us, our
heirs, executors and administrators. Sealed with our seals and dated this 26 day
of February in the year of our Lord, one thousand, nine hundred and sixty nine

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said
D. J. Gates d/b/a Gates Used Cars
did, on the 26 day of February, (1) 969, sue out in the Circuit Court
of ~~Mobile~~ Baldwin County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him
to take into his possession the following described property, to-wit:

One 1962 model Chevrolet Impala automobile, identification number or
serial number 21847S264593

which said writ was placed in the hands of Taylor Wilkins,
Baldwin
Sheriff of the County of ~~Mobile~~, on the _____ day of _____, 19____, by taking into his
possession the following described property, to-wit:

One 1962 model Chevrolet Impala automobile, identification number or
serial number 21847S264593

and whereas the said Ellis Lamar Allen
defendant in said writ, has failed and neglected, the the space of five days from the execution of said writ, to give
bond and take possession of said property as authorized by law.

Now is the said D. J. Gates d/b/a Gates Used Cars

upon his failing in said suit, shall deliver the said property to the defendant within thirty days after judgment,
and pay damages for the detention of the property and costs of suit, then this obligation to be void otherwise
to remain in full force and effect.

D. J. Gates d/b/a Gates
Used Cars (Seal)

Fidelity and Deposit Company of Maryland (Seal)
By: [Signature] (Seal)

Taken and approved this the 5th day of March, 19 69

[Signature]
Sheriff, Mobile County, Alabama

073
610

No. _____

CIRCUIT _____ **COURT**
Baldwin
MOBILE COUNTY

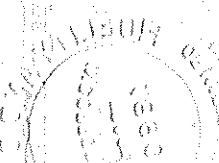
D. J. GATES d/b/a GATES USED CARS

Plaintiff

VS. { **Detinue Forthcoming**
Bond by Plaintiff

ELLIS LAMAR ALLEN

Defendant



GIBBONS & STOKES

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA

TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III

JOHN S. GONAS, JR.
WILLIAM L. HOWELL

April 2, 1969

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mrs. Alice J. Duck, Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: D. J. Gates dba Gates Used Cars vs Ellis Lamar Allen
Case 8583

Dear Mrs. Duck:

The above is a detinue action, on bond and my client, the plaintiff has recovered the vehicle.

More than thirty days have elapsed since the defendant was served with the complaint. Therefore I enclose a motion for judgment by default and a non military affidavit. Please present this to Judge Mashburn as soon as possible and request a judgment by default for the balance sued for in the complaint be entered in favor of the plaintiff and against the defendant. The plaintiff waives alternate value or loss of use under the judgment.

Kindly forward your bill of costs and I will make prompt remittance of the same. I appreciate your kind attention in this matter.

Sincerely yours,


B. F. Stokes, III

BFS/al

D. J. GATES d/b/a GATES
USED CARS

Plaintiff

VS

ELLIS LAMAR ALLEN

Defendant


) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) AT LAW
)
)

CASE NO. 8583

MOTION FOR JUDGMENT BY DEFAULT

Comes now the Plaintiff in the above styled cause and shows unto the court that the defendant herein was served more than 30 days ago and has failed to plead, answer or demur to the complaint.

WHEREFORE, Plaintiff moves the court to enter judgment by default.


B. F. STOKES, III
Attorney for Plaintiff

FILED

APR 3 1969

ALICE J. DUCK

CLERK
REGISTER

724.8583

THE STATE OF ALABAMA,
~~MOBILE~~ COUNTY.
Baldwin

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, D. J. Gates d/b/a Gates Used Cars,
as Principal and Fidelity and Deposit Company of Maryland as Surety

are held and firmly bound unto Ellis Lamar Allen

heirs, executors and administrators, in the

sum of Five Hundred and no/100 (\$500.00) Dollars, for
the payment of which, we bind ourselves, our and each of our heirs, executors, and administrators, jointly
and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of _____, A. D. 19____

The Condition of the above Obligation is such, That whereas the above bounden_____

D. J. Gates d/b/a Gates Used Cars has, on

the 26 day of February 1969, sued out from the office of the
Clerk of the Circuit Court of ~~Mobile~~ Baldwin, in the State of Alabama, a Writ of Detinue, returnable to the present
term of said Circuit Court of ~~Mobile~~ Baldwin against the said Ellis Lamar Allen

for the recovery of the following property.

to-wit One 1962 model Chevrolet Impala automobile, identification number

or serial number 21847S264593

NOW, if the said D. J. Gates d/b/a Gates Used Cars shall fail

in said suit, and shall pay to the said Ellis Lamar Allen

the defendant in said writ all such costs and damages as he may sustain by the wrongful suing out of said
Writ of Detinue, then this obligation to be void, otherwise to remain in full force and benefit.

D. J. Gates d/b/a Gates Used Cars

By J. F. [Signature] (Seal)

Fidelity and Deposit Company of Maryland (Seal)

By [Signature] (Seal)

approved
2-26-69
Alice J. Duck
Clerk

THE STATE OF ALABAMA,

~~Mobile~~ County
Baldwin

DETINUE AFFIDAVIT

Notary Public, State of Alabama at Large

PERSONALLY appeared before me, ~~John F. Stallworth, Clerk of the Circuit Court, of Mobile County~~

J. F. Stallworth

who, being duly sworn deposes and says, that the property sued for in the complaint of

D. J. Gates d/b/a Gates Used Cars vs Ellis Lamar Allen

to-wit: One 1962 Model Chevrolet Impala automobile, identification number

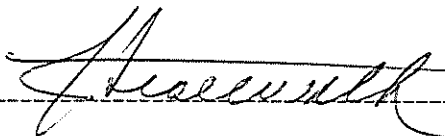
or serial number 21847S264593

belongs to D. J. Gates d/b/a Gates Used Cars the said Plaintiff.

Sworn to and subscribed the 26 day

of February, 1969, before me.

Notary Public



No. _____

CIRCUIT COURT

~~MOBILE~~ COUNTY
BALDWIN

D. J. GATES d/b/a GATES USED CARS

Plaintiff

VS. } Detinue Affidavit
and Bond

ELLIS LAMAR ALLEN

Defendant

Filed _____ day of _____ 19____

Clerk Circuit Court, ~~Mobile~~ County
Baldwin

Attorney



Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WM. H. C. GRIFFITH, Vice-President, and JOHN C. GARDNER, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint B.R. Wilson, Jr., Clifton C. Inge, and W.G. DeMouy, all of Mobile, Alabama, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of B.R. Wilson, Jr., et al, dated November 16, 1964.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 12th day of July, A.D. 1966.

ATTEST: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(SIGNED)

JOHN C. GARDNER

By

WM. H. C. GRIFFITH

(SEAL)

Assistant Secretary

Vice-President

STATE OF MARYLAND }
CITY OF BALTIMORE } ss:

On this 12th day of July, A.D. 1966, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED)

FRANK G. MEURER

(SEAL)

Notary Public Commission Expires July 1, 1967

CERTIFICATE

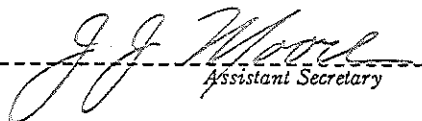
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 19th day of October, 1966.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this

26th day of February, 1969


Assistant Secretary