STATE OF ALABAMA, ex rel)	IN THE CIRCUIT COURT OF
Kenneth Cooper. Solicitor)	BALDWIN COUNTY, Alabama
Baldwin County, Alabama,) Complainant,	In Equity.
Vs.)	
EDDIE JEMISON and One 1958)	
Ford Pick-Up Truck, Motor)	
No. F 10J8G19464,)	
Respondent)	

TO THE HONORABLE HUBERT M. HALL, CIRCUIT JUDGE, BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your Petitioner, Kenneth Cooper, as Solicitor of the 28th Judicial Circuit, BaldwinCounty, Alabama, and respectfully shows and informs the Court as follows:

(1) That your complainant, Kenneth Cooper, is the Circuit Solicitor for Baldwin County, Alabama, and is authorized by law to bring this bill.

(2) That Eddie Jemison is a resident of Baldwin County, Alabama, and is over the age ot twenty-one years.

(3) That on, to-wit, January 15, 1959, Oscar Coley, a Peace Officer and State Investigator of the State of Alabama, did find and seize one 1958 Ford Pick-Up truck, motor No. F10J8G19464, used to conceal or possess a narcotic drug contrary to law, and has reported such seizure and detention to Your Complainant.

(4) That the said report of the seizure and detention of said personal property shows that the said Oscar Coley seized the following described Narcotics in the said 1958 Ford Pick-Up Truck, Motor No. F10J8G19464:

22.350 grams of marijuana, cannabis Americana, or cannabis Indica.

(5) That said above described Ford Pick-Up truck when seized and removed was in the possession of the said Eddie Jemison, and your orator is informed and on such information and belief states and believes that the said Ford Pick-Up truck is the property of the said Eddie Jemison.

(6) Your complainant charges and avers that the above described Ford Pick-Up truck is contraband and subject to forfeiture within the meaning of Code 1940, Title 22, Sections 255(2) and 255(3).

The premises considered, your orator prays that the said Eddie Jemison be made a party respondent to this bill of complaint, that summonsissue requiring him to plead, answer or demur to this bill of complaint under the rules of this Honorable Court, and within the time prescribed by law, and that on the final hearing of this cause that the Court will make and enter a decree declaring that the above named vehicle is contraband, and that the same be forfeited to the State of Alabama, to be disposed of as prescribed by Code of Alabama, 1940 Title 22, Sections 255(5) and 255(6).

And if the Complainant be mistaken in the relief for which it has prayed then it prays for such other, further, different or general relief as to this Honorable Court may in equity and good conscience seem meet, just and proper, the premises considered.

Respectfully submitted,

Kenneth Cooper

Kenneth Cooper
Circuit Solicitor
28th Judicial Circuit
State of Alabama

4483

FILED
JAN 19 1959
ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 4483

_____ TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon EDDIE JEMISON and One 1958 Ford Pick-Up, Truck, Motor No. F 10J8G19464

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 EDDIE JEMISON and One 1958 Ford Pick-Up, Truck Motor No. F 10J8G19464, Defendant

by STATE OF ALABAMA, ex rel Kenneth Cooper, Solicitor Baldwin County, Alabama, _____, Plaintiff

Witness my hand this 19 day of January 19 59

45 Alice J. Luck, Clerk

No. 4483 Page

The State of Alabama
Baldwin County

CIRCUIT COURT

STATE OF ALABAMA ex rel Kenneth Cooper, Solicitor Baldwin County, Alabama.

Plaintiffs

vs.

EDDIE JEMISON and One 1958 Ford Pick-Up Truck, Motor No. F 10J8G19464

Defendants

Summons and Complaint

Filed January 19 1959 19

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Jan 20 19 59

, Sheriff

I have executed this summons

this 20 Jan 19 59

by leaving a copy with

Eddie Jemison and attaching one 1958 Ford Pickup motor # F.10J8G19464 and stored at County Jail

46

Sheriff

Deputy Sheriff

Omie

STATE OF ALABAMA, ex rel	*	IN THE CIRCUIT COURT OF
Kenneth Cooper, Solicitor	*	BALDWIN COUNTY, ALABAMA
Baldwin County, Alabama,	*	
Complainant,	*	IN EQUITY.
vs.	*	
EDDIE JEMISON and One 1958 Ford Pick-up Truck, Motor No. F10J8G19464,	*	
Respondent.	*	

TO THE HONORABLE HUBERT M. HALL, CIRCUIT JUDGE OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Now comes the Associates Discount Corporation, a corporation, doing business in the State of Alabama, in the County of Mobile, and incorporated under the laws of the State of Indiana, and respectfully presents and propounds this its claim in and to the property described as One 1958 Ford Pick-up Truck, Motor No. F10J8G19464, under Section 255 of Title 22 of the 1940 Code of Alabama, as amended, and other appropriate Sections authorizing condemnation of vehicles, which said vehicle is sought to be declared contraband in this cause, and says and shows as follows:

1. Claimant holds legal title to the above described motor vehicle under a contract of conditional sale, dated the 3rd day of May, 1958, executed by and between Eddie Jemison, as purchaser, and the St. Louis Motor Company, as seller, which conditional Sales contract was for valuable consideration, without any notice of defect, in the due course of business, before maturity, subsequently assigned to Claimant herein, the Associates Discount Corporation. Claimant claims to hold the said conditional sales contract under a bona fide assignment for valuable consideration without notice of any defects in said contract before maturity. Claimant further states unto this Honorable Court that the said conditional sales contract was recorded in the Probate Court of Baldwin County, Alabama on, to-wit, the 8th day of May, 1958, in Mortgage Book 295, page 220.

2. Claimant further avers and alleges that as of the date of seizure of the said vehicle, to-wit, the 15th day of January, 1959, and as of the date of the filing of this claim, there was and still is a

net balance due and owing Claimant under said contract of conditional sale of the sum of $1,272.10.

3. Claimant further avers and alleges that it had no knowledge that the said Eddie Jemison was using and did use said automobile for the illegal transportation of a narcotic drug.

4. Claimant further avers and alleges that it did not aid in such illegal transportation, did not have any knowledge or notice that the said automobile was being so used, nor could it by reasonable diligence have obtained knowledge or notice thereof.

5. Claimant further avers and alleges that it is not advised as to whether or not said automobile was so used.

6. Claimant further avers and alleges that it was in no way connected with, or interested in, said prohibited narcotic drug, and had no knowledge whatever that said automobile was being so used.

7. Claimant further avers and alleges that its right, title and interest in the said seized property is bona fide, and that it was created without knowledge that the property was being, or was to be used for the purpose charged.

8. Claimant further shows that it will undertake to pay all reasonable costs and expenses for which it may be properly liable, or incurred in the detention of the said property, as well as any cost, liens or other proper charges for which it may be rightfully responsible.

WHEREFORE, THE PREMISES CONSIDERED, Claimant respectfully prays that this Honorable Court will take cognizance of this, its petition and claim, and upon a hearing hereof, will find and determine that the Claimant is innocent of any wrongdoing in the premises, has demonstrated no negligence in accepting assignment of the said conditional sales contract of the automobile in question, nor in allowing the said Eddie Jemison to remain in possession thereof, and that this Honorable Court will finally be pleased to determine that Claimant should not suffer loss of its title, investment, and right to the automobile in question, and will decree that the same be returned to your Claimant at the proper time.

Claimant further prays that it be allowed to file this petition and claim, and that it be granted a hearing in said cause and be allowed an opportunity to substantiate the facts alleged herein.

IN WITNESS WHEREOF, Claimant has caused its corporate name to be signed by JAMES C. HOUSTON, the collection manager of the said corporation in Mobile, Mobile County, Alabama, for and as an act of this corporation, on the 14 day of April, 1959.

ASSOCIATES DISCOUNT CORPORATION,
a corporation

BY: James C. Houston
Its Collection Manager

Subscribed and sworn to before me by James C. Houston for and as an act of said Claimant, a corporation, with full authority, on this the 14th day of April, 1959.

Mitchell Lattof
Notary Public, Mobile County, Alabama

DIAMOND, ENGEL & LATTOF, 610-613 Van Antwerp Building, Mobile, Alabama
Attorneys for Claimant

BY: [illegible]
Member Appearing

Filed April 15, 1959
Alice J. Huck, Register

4483

STATE OF ALABAMA, ex rel KENNETH COOPER, SOLICITOR BALDWIN COUNTY, ALABAMA,	)	
	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA,
VS	)	IN EQUITY
EDDIE JEMISON and One 1958 Ford Pick-Up Truck, Motor No. F 10J8G19464	)	NO.4483
	)	
RESPONDENT	)	

Comes now the Respondent in the above styled cause and for answer th the Complainant's complaint says:

1.

The Respondent admits the allegations of Section 1.

2.

The Respondent admits the allegations of Section 2.

3.

The Respondent denies the allegations of Section 3 and demands strict proof thereof.

4.

The Respondent denies the allegations of Section 4.

5.

The Respondent says that he owns an equity in the truck described in Section 5 of the bill.

6.

The Respondent says that his truck is not contraband and does not fall within the scope of the section cited in Section 6 of the Bill of Complaint.

Filed Feb. 11, 1959
Alice J. Suck, Reg.

Wilters & Brantley
BY: J. Albert Wilters Brantley
Solicitors for the Respondent

4483

STATE OF ALABAMA, EX REL
KENNETH COOPER, SOLICITOR
BALDWIN COUNTY, ALABAMA,

COMPLAINANT

VS

EDDIE JEMISON AND One 1958
Ford Pick-up Truck, Motor
No. F 10J8G19464

RESPONDENT

ANSWER

FILED
FEB 11 1959
ALICE J. DUCK, Register

STATE OF ALABAMA, ex rel	*	IN THE CIRCUIT COURT OF
Kenneth Cooper, Solicitor	*	BALDWIN COUNTY, ALABAMA.
Baldwin County, Alabama,	*	
Complainant,	*	IN EQUITY.
vs.	*	
EDDIE JEMISON and One 1958 Ford Pick-up Truck, Motor No. F10J8G19464,	*	
Respondent,	*	

DECREE

This cause was submitted upon motion of solicitor to restore the above described automobile to the Claimant, Associates Discount Corporation, a corporation. Upon consideration thereof the Court is of the opinion that said motion should be granted.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that this cause be and it hereby is dismissed and the automobile herein sought to be condemned be and hereby is ordered restored to the Claimant, Associates Discount Corporation, a corporation, upon the payment of all costs herein accrued including storage.

Done and ordered, this the_____day of_____, 1959.

_____
Circuit Judge, in Equity Sitting.

STATE OF ALABAMA, ex rel	*	IN THE CIRCUIT COURT OF
Kenneth Cooper, Solicitor	*	BALDWIN COUNTY, ALABAMA.
Baldwin County, Alabama,	*	
Complainant,	*	IN EQUITY.
vs.	*	
EDDIE JEMISON and One 1958 Ford Pick-up Truck, Motor No. F10J8G19464,	*	
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It is therefore ORDERED, ADJUDGED and DECREED by the Court that this cause be and it hereby is dismissed and the automobile herein sought to be condemned be and hereby is ordered restored to the Claimant, Associates Discount Corporation, a corporation, upon the payment of all costs herein accrued including storage.

Done and ordered, this the 11th day of July, 1959.

Lubert M. Pell
Circuit Judge, in Equity Sitting.

FILED
JUL 11 1959
ALICE J. DUCK, CLERK REGISTER