

JOSEPH BORDENET, A minor, by :
his father and next friend,
C. J. BORDENET,

PLAINTIFF,

VS.

JOSEPH VACCARO & SON,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Plaintiff claims of the defendant, the sum of Ten thousand and no/100 (\$10,000.00) Dollars, for that on-to-wit the 20th day of April, 1938, a servant or agent of the defendant, acting within the line and scope of his employment, who was then operating a truck of the defendant on the Mobile-Pensacola Highway, which is a public highway, in Baldwin County, Alabama, negligently parked the truck which he was then and there operating at night time on the paved highway without any lights thereon and without putting out any flares and as a proximate result of said negligence caused the car in which the plaintiff was riding to collide with another car which was then and there being operated by Ora C. Barber and as a result thereof, the plaintiff was caused to suffer great bodily pain and mental anguish, was severely bruised and shaken up and his pelvis bone was broken.

Marion R. Vicker
Attorney for Plaintiff.

Plaintiff demands a trial of the above cause by

jury.

Marion R. Vicker
Attorney for Plaintiff.

STATE OF ALABAMA.

TO JOSEPH VACCARO AND GEORGE VACCARO,
PARTNERS DOING BUSINESS UNDER THE NAME
AND STYLE OF JOSEPH VACCARO & SON,
2226 NINTH AVENUE
TAMPA, FLORIDA.

You will take notice that the Clerk of the Circuit of Baldwin County, Alabama, did on the 16th day of June, 1938, serve upon me, in my official capacity, summons and complaint attached, in a case entitled Joseph Bordenet, a minor, by his father and next friends, C. J. Bordenet vs. Joseph Vaccaro & Son, in the Circuit Court of Baldwin County, Alabama, a true copy of which summons and complaint is hereto attached.

Witness my hand and the Great Seal of the State of Alabama, this the 4th day of August, 1938.

Howree Turner
Secretary of State of Alabama.

TO THE SHERIFF, DEPUTY SHERIFF, OR ANY OFFICER DULY QUALIFIED TO SERVE PROCESSES, IN THE NATURE OF SUMMONS, IN HILLSBOROUGH COUNTY, FLORIDA:

You are directed forthwith to serve the foregoing notice, with copy of summons and complaint thereto attached upon Joseph Vaccaro and George Vaccaro, individually, and as members of the partnership doing business under the name and style of Joseph Vaccaro & Son, and to make return of the same immediately by filing in the office of the Clerk of the Circuit Court of Baldwin County, Bay Minette, Alabama.

Witness my hand and the Great Seal of the State of Alabama, this the 4th day of August, 1938.

Howree Turner
Secretary of State of Alabama.

ATTACHMENT.

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Earle Smith

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,

that Joseph Vaccaro & Son, a partnership composed of Joseph Vaccaro and George Vaccaro,

is justly indebted to the Plaintiff Joseph Bordenet

in the sum of \$10,000.00 Dollars, and

Earle Smith having made affidavit and ~~sworn~~
the defendant being a nonresident of Alabama, and the Probate Judge
as required by law, ~~you are hereby commanded to attach so much of the estate of~~
Having fixed the attachment at \$5000.00

the said Joseph Vaccaro and Son

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 further 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 the 2nd Monday of September, 1938 1938

next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 21st day of April, 1938 A. D. 1938

R. S. Duck Clerk.

No. _____

ATTACHMENT

Joseph Bordenet

VS. { ATTACHMENT

Issued _____, 193

MOORE PRINTING CO.

Executed by attaching one Ford truck, 1936 Model Motor Number 18-1980291 License number B-90-7 and Trailer, G.M.C. Model License number G.K.-3-1036.
This 2nd day of April 1938.

M. H. Wilkins, Sheriff,

By *Joseph Bordenet* D.S.

CERTIFICATE OF JUDGMENT

The State of Alabama, }
Baldwin County

Circuit Court, Fall Term, 19 38

Joseph Bordenet

PLAINTIFF.

Vs.

Joseph Vaccar & Son, a partnership

composed of Jos. Vaccaro and George Vaccaro
DEFENDANT.

I, R. S. Duck, Clerk of the Circuit Court of Baldwin County,

Alabama, do hereby certify that on the 16 day of September, 1938,

a Judgment was rendered by said Court in the above stated cause, wherein Joseph Bordenet,

a minor, by his father and next friend, C. J. Bordenet,

was Plaintiff and Joseph Vaccaro & Son, a partnership composed of

Joseph Vaccar & George Vaccaro was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of THREE HUNDRED

\$300.00 DOLLARS,

and for the sum of _____ DOLLARS,

the costs in said suit and that TWENTY & 20/100 (\$20.20)

Marion R. Vickers are the Attorneys of record for the Plaintiff

in said cause.

Witness my hand this 6 day of October, 1938

Clerk, Circuit Court, Baldwin County, Alabama.

By: _____ Deputy

THE STATE OF ALABAMA
BALDWIN COUNTY

No. 429

CIRCUIT COURT

Judgment

Term. 1935

VS.

DEAR SIRs: At the

Term, 1935

_____, of the Circuit Court of said County,

recovered a judgment against

For the sum of \$300.00 Dollars

_____ besides _____ Dollars, cost of suit, and execution
 was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tene-
 ments of said _____

the amount of the judgment and costs, and the Sheriff has returned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional expense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the execution to the Sheriff of your County for collection.

Respectfully yours,

R. S. Darch

Clerk.

[illegible]

Baldwin
The State of Alabama, *Mobile* County:

Personally appeared before *S. H. Smith*, Clerk of the Circuit Court of said County,

in and for said State and County, *Earle Smith*
who maketh oath and saith that *Joseph Vaccaro and Son*
is justly indebted to *Joseph Vaccaro*

in the sum of *\$10,000.00*

Dollars, and that said

the defendant is a non-resident of the State of Alabama

so that the ordinary process of law cannot be served upon him, and that an attachment is not sued out for the purpose of vexing or harassing him, the said *Joseph Vaccaro & Son*

Sworn to and subscribed the *21st* day of *April*, 192*8*, before me

Martin K. White
Notary Public, Mobile County, Alabama

(ATTACHMENT BOND)

KNOW ALL MEN BY THESE PRESENTS, That we

The defendant being a non-resident of the County of Alabama, are held and firmly bound unto Plaintiff elect not to sue bond
in the sum of *Plaintiff elect not to sue bond* Dollars, to be paid to the said his certain Attorneys, Executors, Administrators or Assigns, for which payment well and truly to be made, we bind ourselves and our heirs, executors or administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the *21st* day of *April*, 192*8*, in the year of Our Lord, one thousand, nine hundred and *28*

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

hath the day of the date hereof, before the Clerk of the Circuit Court of Mobile County, prayed an Attachment at the suit of against the estate of the above named for the sum of Dollars and hath obtained the same returnable to the next term of the Circuit Court of Mobile County, to be holden on the Monday after the Monday of 192

Now, if the said shall prosecute

Attachment to effect, and pay to the said all such damages may sustain by the wrongful or vexatious suing out thereof, then the above obligation to be void, otherwise to remain in full force and effect.

IN PRESENCE OF

(Seal)
(Seal)
(Seal)

THE STATE OF ALABAMA,
Baldwin County.

No. _____

CIRCUIT COURT

May

1933

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon JOSEPH VACCARO & SONS, a Partnership
composed of Joseph Vaccaro and George Vaccaro,

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

them Defendant .. by JOSEPH BORDENET, a Minor by his
father and next friend, C. J. Bordenet,

Plaintiff

Witness my hand this 21st day of April 1933

R. S. Deuch Clerk.

COMPLAINT

JOSEPH BORDENET, a minor,
by his father and next friend,
C. J. Bordenet.

JOSEPH VACCARO & SON, a
Partnership,

Plaintiff versus

The Plaintiff claims of the Defendant

_____ Dollars, due by

MARION R. VICKERS,

Plaintiff's Attorney.

JOSEPH BORDENT ^{ET} A minor, by)
his father and next friend,)
C. J. BORDENT,)

PLAINTIFF,)

VS.)

JOSEPH VACCARRO & SON,)

DEFENDANT.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

*A partnership composed of Joseph Vaccaro
and George Vaccaro*

Plaintiff claims of the defendant, the sum of
Ten Thousand and no/100 (\$10,000.00) Dollars, for that
on-to-wit the 20th day of April, 1938, a servant or agent
of the defendant, acting within the line and scope of his
employment, who was then operating a truck of the defendant
on the Mobile-Pensacola Highway, which is a public highway,
in Baldwin County, Alabama, negligently parked the truck
which he was then and there operating at night time on the
paved highway without any lights thereon and without putting
out any flares and as a proximate result of said negligence
caused the car in which the plaintiff was riding to collide
with another car which was then and there being operated
by Ora C. Barber and as a result thereof, the plaintiff was
caused to suffer great bodily pain and mental anguish, was
severely bruised and shaken up and his pelvis bone was broken.

Marion R. Vicker
Attorney for Plaintiff.

Plaintiff demands a trial of the above cause by
jury.

Marion R. Vicker
Attorney for Plaintiff.

RECORDED
Book 8-215-

JOSEPH BORDENET, a minor, by
his father and next friend,
C. J. Bordenet,
Plaintiff,
Vs.

JOSEPH VACCARO & SON, a Partner-
ship composed of Joseph Vaccaro
and George Vaccaro,
Defendants.

COMPLAINT.

Filed April 21st, 1938,

W. S. Bruce
Clerk.

Executed May 5-24 1938
1 / s - r v i n g c o p y o f w i t h i n S u m m o n s a n d
C o m p l a i n t o n

George Vaccaro

W. S. Bruce Sheriff
By John A. Davis Deputy Sheriff

72, the jury find for Plaintiff
and assess his damages at
\$10,000.00
W. S. Bruce
W. S. Bruce
Clerk.

STATE OF ALABAMA,

COUNTY OF MOBILE.

Personally appeared before me, the undersigned Notary Public, Earl Smith, who being duly sworn deposes and says that he was the driver of the car in which Joseph Borden~~ne~~^{net} was riding at the time he was injured as the result of the negligent operation of a truck of Joseph Vaccarro & Son; that Joseph Borden~~ne~~^{et} is very seriously injured, having received a broken pelvis bone and a punctured bladder. He is at present confined in Providence Infirmary in Mobile, Alabama, and according to doctors, is in considerable danger.

Earl Smith

Subscribed and sworn to before me,
this the 21st day of April, 1938.

Marion R. Fisher
Notary Public, Mobile County, Ala.

Amount of attachment fixed
at 5000⁰⁰ = April 21st 1938

W. H. Robertson
Judge of Probate



HOWELL TURNER

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY

August 4, 1938

429

Mr. R. S. Duck, Clerk
Circuit Court -Baldwin County
Bay Minette, Ala.

Dear Sir:

In Re: Earl Smith vs. Joseph Vaccaro & Son
Henry Chavez vs. Joseph Vaccaro & Son
Joseph Bordenet, a minor, etc., vs.
Joseph Vaccaro & Son

I am enclosing herewith copies of notices, together with copy of letter written to the Sheriff at Tampa, Florida, requesting that he serve summonses and complaints on the defendants Joseph Vaccaro & Son. You will note that he is to make his return direct to you.

This service is made at the request of Mr. Marion R. Vickers, Attorney. We shall appreciate your notifying Mr. Vickers when service has been completed.

With best wishes, I am

Yours very truly,

Howell Turner

Howell Turner
Secretary of State.

HT:M
Copy to:
Mr. Marion R. Vickers,
First National Annex
Mobile, Ala.

THE STATE OF ALABAMA, } No. 429 CIRCUIT COURT
Baldwin County. }

193

To Any Sheriff of the State of Alabama :

You are hereby commanded to summon

JOSEPH VACCARO & SON,

RECEIVED
JUN 16 1938
SECRETARY OF
STATE

to appear and plead, answer or demur, within thirty day from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama at Bay Minette, Ala., against

them, as Defendant by

JOSEPH BORDENET, a Minor by his father and next-
friend, C. J. Bordenet, Plaintiff

Witness my hand this 15th day of June 1938

Clerk.

COMPLAINT

JOSEPH BORDENET, a Minor by

JOSEPH VACCARO & SON,

his father and next friend,
C. J. Bordenet,

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

MARION R. VICKERS,

Plaintiff's Attorney.

RECEIVED THE WITHIN WRIT August 5, 1938, and executed same August 8, 1938, in Hillsborough County, Florida, by exhibiting the original and delivering a true copy thereof together with a copy of Notice of Hearing upon George Vaccaro, in person, son of Joseph Vaccaro and a member of Joseph Vaccaro & Son, the within named defendant; FURTHER executed the within Writ August 12, 1938, in Hillsborough County, Florida, by exhibiting the original and delivering a true copy thereof together with a copy of Notice of Hearing upon Joseph Vaccaro, in person, of Joseph Vaccaro & Son, the within named defendant.

| | |
|----------|-------------|
| Services | 3.00 |
| Copies | .70 |
| Returns | .60 |
| Mileage | .75 |
| | <u>3.95</u> |

J. R. McLeod, Sheriff,
Hillsborough County, Florida,

By Es Gonzalez, D. S.