

432

JOSEPH CRABTREE,

PLAINTIFF,

VS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

JOSEPH VACCARRO & SON,

DEFENDANT.

a partnership composed of Joseph Vaccaro & George Vaccaro

Plaintiff claims of the defendant, the sum of One Thousand and no/100 (\$1,000.00) 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 nose broken and received various cuts about his face.

Marion A. Visher
Attorney for Plaintiff

Plaintiff demands a trial of the above cause by jury.

Marion A. Visher
Attorney for Plaintiff.

JOSEPH CRABTREE,
Plaintiff,

vs.

JOSEPH VACCARO & SON,
Defendants

COMPLAINT.

Filed April 21st, 1938.

R. S. Duck
Clerk.

Examined May 5th 1938
by serving copy of writ to defendant
Complaint on

George Vaccaro

M. H. Williams Sheriff
By John R. Davis, Deputy Sher.

THE STATE OF ALABAMA,
Baldwin County.

No. 432

CIRCUIT COURT

193

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

JOSEPH VACCARO & SON, a Partnership

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

HENRY CHAVEZ

Plaintiff

Witness my hand this 15th day of June 1938

Clerk.

COMPLAINT

HENRY CHAVEZ,

JOSEPH VACCARO & SON,

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

MARION R. VICKERS,

Plaintiff's Attorney.

HENRY CHAVEZ,

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 back was broken.


Attorney for Plaintiff.

Plaintiff demands a trial of the above cause by

jury.


Attorney for Plaintiff.

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	2.00
Copies	.70
Returns	.50
Mileage	.75
	<u>3.95</u>

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

By Lo Gonzales D. S.

Baldwin
The State of Alabama, Mobile County:

Personally appeared before *the undersigned Notary Public* S. H. SMITH, Clerk of the Circuit Court of said County,

of Mobile County, Alabama, *Earle Smith*
who maketh oath and sayeth that *Joseph Vaccaro & Son*
justly indebted to *Henry Chavey*

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

Earle Smith

Martin R. Rykers
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 Mobile, Alabama, are held and firmly bound unto effects not to give bond

in the sum of *10,000* 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 _____ day of _____ in the year of Our Lord, one thousand, nine hundred and _____

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)

No.

OATH AND BOND

vs. Attachment

Filed in office,

April 21 1928

W. S. Dyer
CLERK

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 HENRY CHAVEZ

in the sum of TEN THOUSAND (\$10,000.00) Dollars, and

Earle Smith having made affidavit and given bond the defendant being a non-resident of Alabama, and the Probate Judge having fixed the attachment at \$5,000.00 you are hereby commanded to attach so much of the estate of

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 193 8

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 A. D. 193 8

R.S. Duck Clerk.

RECORDED
Under
8-223

No. _____

ATTACHMENT

Henry Chasney

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 28th day of April, 1938.

M. H. WILKINS, SHERIFF

By: *Gayle Wilkins* D. S.

THE STATE OF ALABAMA,
Baldwin County.

No. _____

CIRCUIT COURT

April 1938

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

JOSEPH VACCARO & SON, 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

HENRY CHAVEZ,

Plaintiff

Witness my hand this 21st day of April 1938

Clerk.

COMPLAINT

HENRY CHAVEZ,

JOSEPH VACCARO & SON, a
Partnership,

Plaintiff versus

The Plaintiff claims of the Defendant

Dollars, due by

MARION R. VICKERS,
Plaintiff's Attorney.

HENRY CHAVEZ,

PLAINTIFF,

VS.

IN THE CIRCUIT COURT OF

JOSEPH VACCARRO & SON,

DEFENDANT.

BALDWIN COUNTY, ALABAMA.

a partnership composed of Joseph Vaccaro & 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 back was broken.

Marion R. Visher
Attorney for Plaintiff.

Plaintiff demands a trial of the above cause by jury.

Marion R. Visher
Attorney for Plaintiff.

RECORDED *Dual*
8-122

HENRY CHAVEZ,

Plaintiff,

vs.

JOSEPH VACCARO & SON, a
Partnership composed of
Joseph Vaccaro and George
Vaccaro,
Defendants.

COMPLAINT.

Filed this 21st day of April,
1938.

H. S. Dick
Clerk.

Executed *May 5-2* 1938
Serving copy of within summons and
complaint on

George Vaccaro

M. H. Williams Sheriff

John Adams Deputy Sheriff

*We, the jury, find for
Plaintiff and assess
his damages at \$10,000.00*

Alex Bertalla
Foreman

THE STATE OF ALABAMA
BALDWIN COUNTY

No. 432

CIRCUIT COURT

Judgment

-Term, 193

VS.

DEAR SIRs: At the

Term, 193

_____, of the Circuit Court of said County,

recovered a judgment against

for the sum of \$10,000.00 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,

_____, Clerk.

	CLERK'S FEES	@	Amount	SHERIFF'S FEES	@	Amount
1	Issuing Summons and Complaint,	\$1.25		1	Levying Attachment,	\$3.00
2	Issuing copies thereof,	.30		2	Entering and returning Attachment,	.25
3	Making every copy thereof, when over 200 words, per 100 words	.15		3	Summoning garnishee and return,	1.50
4	Entering Sheriff's return or copy thereof	.20		4	Serving Summons and Return,	1.50
5	Docketing cause, to be charged but once,	.25		5	Serving Subpoenas,	.65
6	Entering Appearance	.20		6	Impaneling jury,	.75
7	Filing pleas, demurrer and other pleadings, for each,	.10		7	Making deed,	2.50
8	Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit,	.75		8	Serving Summons, forcible entry, etc.,	1.50
9	Entering Continuance, (each)	.10		9	Executing writ of restitution or possession,	5.00
10	Entering Judgment, (each)	.30		10	Collecting, execution for cost	1.50
11	Entering any other order of Court (each)	.30		11	Serving Sci. Fa. notices, etc.,	1.50
12	Issuing Scire Facias, or notice in the nature thereof, (each)	.75		12	Serving any summons not provided for and return,	1.50
13	Issuing Execution or copy thereof; (each)	.50		13	Serving attachment for contempt,	1.50
14	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	.20		14	Taking and approving bond,	1.00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words,	.15		15	Seizing personal property in detinue.	3.00
16	Issuing execution or attachment thereon, and entering return,	1.00		16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00,	
17	Taking bond for certiorari supersedeas, or appeal, or copy thereof and filing same,	.75		17	Selling property attached, same for selling under execution,	
18	Issuing Subpoenas for Witness, (each)	.30		18	Former Sheriff's fees,	
19	Administering an oath, not relating to a trial pending and certifying the same,	.25			Total Sheriff's Fees,	
20	Issuing Attachment and taking bond, (ea.)	1.00			RECAPITULATION	
21	Filing papers in attachment, (each)	.10		1	Clerk's Fees,	
22	Issuing Summons for garnishee, (each)	.50		2	Clerk's Fees,	
23	Swearing and taking examination for Garnishee and recording same, for each 100 words	.50		3	Sheriff's Fees,	
24	Order to advertise, or order of survey, or copy thereof,	.50		4	Sheriff's Fees,	
25	Certificate of Judgment,	.50		5	Witness Fees in Circuit Court,	
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	.25		6	Justice of the Peace Fees,	
27	Issuing Commission to take depositions, or copy thereof,	.75		7	Witness Fees, in Justice of the Peace Court	
28	Making copy of interrogatories accompanying commission,	.50		8	Commissioner's Fees,	
29	Or for each 100 words,	.15		9	Commissioner's Residence,	
30	Filing packages of depositions, (each)	.10		10	Constable's Fees	
31	Indorsing package of deposition, opened (each),	.10		11	Garnishee's Fees,	
32	Issuing writ of ad quod damnum or writ in the nature thereof,	.75		12	Printer's Fees,	
33	Recording the return and inquest thereon,	.50		13	Stenographer's Fees,	
34	Or for each 100 words,	.15		14	Trial Tax,	
35	Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	.75			Total Fees,	
36	Filing the same and entering return,	.15			Judgment,	
37	Making a complete record of a cause or copy thereof, for each 100 words,	.15			Date,	
38	Making copy of any paper not herein provided for, for each 100 words,	.15			Interest,	
39	Making each certificate requiring the seal of office, and affixing seal,	.50			Damages,	
40	Taking any bond not otherwise provided for,	.75			Total Judgment,	
41	Making necessary certificates not otherwise provided for, (each witness),	.25			Interest and Damages,	
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00			Grand Total,	
43	Record for Supreme Court, for each 100 words	.15				
44	Each additional copy thereof, each 100 words	.05				
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allowed sheriffs for same services for collecting money on executions,					
	Total Clerk's Fees,					

CERTIFICATE OF JUDGMENT

The State of Alabama, }
Baldwin County

Circuit Court, FALL Term, 19 38

Henry Chavez

PLAINTIFF.

Vs.

Joseph Vaccaro & Son,

a partnership composed of Joseph 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, 19 38,

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

Henry Chavez

was Plaintiff and Joseph Vaccaro & Son

was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of TEN THOUSAND

\$10,000.00 DOLLARS,

and for the sum of TWENTY AND 20/100 (\$20.20) DOLLARS,

the costs in said suit and that R.
Marion/Vickers

are the Attorneys of record for the Plaintiff
in said cause.

Witness my hand this 6th day of October, 19 38

By.

Clerk, Circuit Court, Baldwin County, Alabama.
Deputy

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, the undersigned
Notary Public, Earl Smith, who being sworn, deposes and
says that he was the driver of the automobile in which
Henry Chavez was riding at the time his injury was caused
by the negligent operation of a truck of Joseph Vaccarro
& Son; that Henry Chavez was very seriously injured in
said accident and is now confined in Providence Infirmary
in Mobile, Alabama; that he suffered very greatly from
shock and also received a broken back and that the doctors
state that he is in some danger of death.

Earl Smith

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

Marion A. Vick
Notary Public, Mobile County, Ala.

Amount of attachment fixed
at \$5000⁰⁰ April 21st 1938

W. T. Hunter
Judge of Probate

Quick
8-123

RECORDED

AFFIDAVIT.

Filed this 21st day of April
1938.

R. S. Davis
Clerk

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 Court of Baldwin County, Alabama, did on the 16th day of June, 1938 serve upon me, in my official capacity, summons with complaint attached, in a case entitled Herny Chavez 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 August 4, 1938.

Howze 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.

Howze Turner
Secretary of State of Alabama.

WARRANTY DEED.

STATE OF ALABAMA)
COUNTY OF BALDWIN)

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the Love and Affection I bear towards my son F. E. Nichols, and the further sum of One Dollar, to me in hand paid by the said F. E. Nichols, the receipt whereof is hereby acknowledged, I, Della O. Nichols, a widow, do grant, bargain, sell and convey unto the said F. E. Nichols, the following described lands situated in Baldwin County, Alabama, to-wit:-

Beginning at the NW corner of Block 13, Div. 2, according to the Map of the Fairhope Single Tax Corporation lands recorded in Misc. Book 1, Pages 320-321, also being the point where the south line of the property of Della O. Nichols intersects the East margin of Mobile Avenue; thence S 50° E 250 feet; thence N 28° 30' E 60 feet; thence N 50° W 250 feet, to the East margin of Mobile Ave., thence down the East margin of Mobile Ave. S 28° 30' W, 60 feet to the beginning. Lot is in Fl. Sec. 18, T.6.S.R.2.E. according to the U. S. Photolithographic Map, approved by Special Act of Congress June 1st 1858 for the relief of Laurent Millaudon.

TO HAVE AND TO HOLD to the said F. E. Nichols, his heirs or assigns forever.

And I do covenant with the said F. E. Nichols, that I am seized in fee of the above described premises; that I have the right to sell and convey the same, that the said premises are free from all encumbrances; and that I will and my heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said F. E. Nichols and to his heirs or assigns, against the lawful claims of all persons whomsoever.

WITNESS my hand and seal this 8th day of September, A. D., 1937.

L.S.

WITNESSES:

THE STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, G. E. Perkins, a Notary Public, and Ex Officio Justice of the Peace, in and for said State and County, do hereby certify that Della O. Nichols, a widow, whose name is signed to the foregoing conveyance, and who is known to me acknowledged before me, on this day that being informed of the contents of the said conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 8th day of September, A.D., 1937.

Notary Public, and Ex Officio Justice
of the Peace, Baldwin Co., Ala.