

(533)

LESLIE HALL  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

October 2, 1939

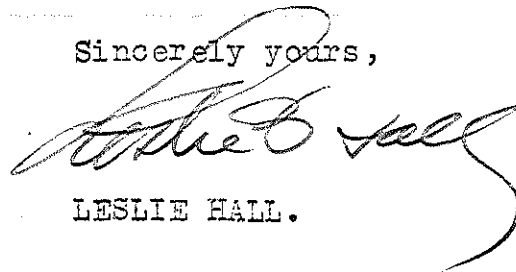
Hon. R. S. Duck  
Circuit Court Clerk  
Baldwin County  
Bay Minette  
Alabama

Re: Joe Potmesil v. Leslie Cooper, Detinue

Dear Sir:

As more than thirty days have elapsed since service in this case, and the Defendant has not answered, I should appreciate your forwarding the papers to Judge F. W. Hare for entry of a Judgment by Default against the Defendant. The property sued for is in possession of the Plaintiff, under bond. I am filing today an affidavit of the value of the hire and use during the detention by the Defendant, which you will include in the file sent to the Judge.

Sincerely yours,



LESLIE HALL.

LH/"

JOE POTMESIL,  
Plaintiff,  
vs.  
LESLIE COOPER,  
Defendant.

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

AFFIDAVIT

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, John J. Gannus,

a Notary Public in and for said County in said State, personally appeared JOE POTMESIL, who is known to me, and who, being by me first duly and legally sworn to tell the truth and nothing but the truth, deposes and says:

That he is the Plaintiff in the above styled cause; that he is a resident of Baldwin County, Alabama, and is over the age of twenty one years; that he is familiar with the value of the hire and use of automobiles; that the value of the hire and use of the automobile involved in this suit, to-wit: One Model A. Ford Coupe, Motor No. A 819591, from the 16th day of July, 1939, to the date of filing the suit, the time during which it was detained by the defendant, is \$ 1.00 per day, or a total of \$ 26.00 for the 26 days that it was so detained.

Joe Potmesil  
Affiant-Plaintiff.

Sworn to and subscribed before me this 23 day of September, 1939.

John J. Gannus  
Notary Public, Baldwin County, Alabama.

My Commission expires on  
Monday after the second Tuesday  
in January, 1943.

RECORDED No. 8.421

JOE POTMESIL,  
Plaintiff,

vs.

LESLIE COOPER,  
Defendant.

AFFIDAVIT AS TO VALUE OF  
HIRE AND USE.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Filed in office this 2nd  
day of Oct., 1939.

R.S. Dorch  
Clerk,

by Pauline Thompson  
As Deputy Clerk.

SUMMONS

STATE OF ALABAMA §  
BALDWIN COUNTY §

IN THE CIRCUIT COURT  
Fall Term, 1939  
At Law, No. \_\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon LESLIE COOPER 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 to the complaint of JOE POTMESIL. Witness my hand this 11th day of August, 1939.

R. S. Duck  
Clerk of the Circuit Court,

by Gayles Wilkins  
Deputy Clerk.

COMPLAINT IN DETINUE

JOE POTMESIL,  
Plaintiff,

vs.

LESLIE COOPER,  
Defendant.

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

No. \_\_\_\_\_.

Count One

The Plaintiff claims of the Defendant the following described personal property, to-wit:

One Model A Ford Coupe, Motor No. A 819591,  
in the value of One Hundred Dollars (\$100.00), together with the value of the hire or use thereof during the detention, to-wit: from July 16, 1939.

Leslie Hall  
LESLIE HALL, Attorney for the Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY

DETINUE AFFIDAVIT

JOE POTMESIL,  
Plaintiff,

vs.

LESLIE COOPER,  
Defendant.

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

Before me, LESLIE HALL, a Notary Public in and for  
said County in said State, personally appeared JOE POTMESIL, who,  
being first duly and legally sworn to tell the truth and nothing  
but the truth, deposes and says:

"That the property sued for in the complaint of  
JOE POTMESIL against LESLIE COOPER, to-wit:

One Model A Ford Coupe, Motor No. A 819591,  
belongs to the said JOE POTMESIL, the said Plaintiff."

Joe Potmesil  
Affiant

Sworn to and subscribed before  
me this 10th day of August, 1939.

Leslie Hall  
Notary Public, Baldwin County, Alabama.

executed on this the 11th day of August, 1939, by  
serving a copy of the within Summons and  
complaint on Leslie Cooper and by taking  
the property described in the within writ  
into my possession.

Otis R. Edwards  
Sheriff of Escambia  
County, Ala.

RECORDED  
Civil Process Records  
421-2

At Law, No. \_\_\_\_\_

JOE POTMESIL,  
Plaintiff,

vs.

LESLIE COOPER,  
Defendant.

SUMMONS AND COMPLAINT  
in Detinue

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed in office this

11th day of August, 1939.

O. R. Edwards,  
Clerk,

by Leslie Hall  
Deputy Clerk.

LESLIE HALL  
ATTORNEY AT LAW

State of Alabama  
Baldwin County

The Plaintiff having made  
affidavit and bonds required  
by law, the Sheriff is required  
to take into his possession  
the following described personal  
property, to-wit:

One Model A Ford Coupe,  
Motor No. A 819591,

unless the Defendant give  
bond payable to the Plaintiff,  
with sufficient surety, in  
double the value of the property,  
with condition that if the  
Defendant is cast in suit he  
will, within thirty days there-  
after, deliver the property to  
the Plaintiff, and pay all costs  
and damages which may accrue  
from the detention thereof.

O. R. Edwards,  
Clerk

by Leslie Hall  
Deputy Clerk.

LESLIE HALL  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

The State of Alabama }  
Baldwin County }

CIRCUIT COURT

No. ~~###~~ 533 December Term, 193 9

To Any Sheriff of the State of Alabama:

You are hereby commanded to seize and deliver to \_\_\_\_\_

JOE POTMESIL

the following personal property, to-wit:

One (1) Model A Ford Coupe, Motor No. A 819591;

which the said JOE POTMESIL

on the 6th day of October 193 9 by the judgment of our

Circuit Court, held for the County of Baldwin, recovered of \_\_\_\_\_

LESLIE COOPER

if the same can be had; if not, you are hereby commanded that of the goods and chattels, lands and tenements of the said \_\_\_\_\_

you cause to be made the sum of \_\_\_\_\_ Dollars,

the alternate value of the personal property, viz:

One (1) Model A. Ford Coupe, Motor No. A 819591;

Also the further sum of TWENTY-SIX &amp; NO/100 (\$26.00) Dollars

for the detention of the said property by the said LESLIE COOPER

besides EIGHTEEN &amp; 65/100 (\$18.65) Dollars,

costs of suit; and make return of this writ and the execution thereof according to law.

Witness my hand, this 12th day of December 193 9

A. S. Duck Clerk.

## BILL OF COSTS

CLERK'S FEES		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Serving Summons and Complaint	\$1.25	1	25	Filing Attachment	10		
Copies of same when over 200 words, 15c per 100	30		30	Issuing copies of same, per hundred words	15		
Serving Alias Summons and Complaint	1.25			Transcript to Supreme Court, per hundred words	15		
Entering Sheriff's Return on Summons and Complaint	20		20	Copies, per hundred words	5		
cketing cause, 25c. Ent. Appearance, 20c	45		25	Citation to Appellee in Appeal, per hundred words	20		
poena for witness	30			Certificate with Seal, 50c. Without seal	25		
aking Certificate of Judgment	50		50	Witness Certificate	25		
ing	10		40	Taking Bond Not Above Mentioned	75		
al and Incidents	75		75	Entering Order of Court not above named	30		
entering Judgment, or copy of same	30		30	Administering Oath	25		
er for Continuance	10			Taking Bond for Costs of Non-Resident Plaintiff	75		
uing Execution	50		50	Copy of any paper not above named, per hundred words	15		
cketing Execution	25		20	Total Clerk's fees			
uing copy for same	50		20	<b>SHERIFF'S FEES</b>			
entering Sheriff's Return on Execution, 15c per 100 words	20		3.00	Serving and Returning Summons	\$1.50	1	50
al Record, per hundred words	15			Serving and Returning Subpoenas	65		
er for Alias Summons and Complaint	30			Collecting Execution for Costs	1.50	1	50
er to Dismiss Cause	30			Serving and Returning Sci. Fa. Notice, etc.	65		
er to Set Aside Dismissal	30			Entering and Returning Execution	25		
er Overruling Motion to Set Aside Dismissal	75			Summoning and Returning Garnishee	1.50		
er Granting New Trial	30			Taking and Approving Garnishee Bond	75		
er Overruling Motion for New Trial	30			Taking and Approving Claim Bond	1 00		
er Overruling Motion for Continuance	30			Taking and Approving Forthcoming Bond	1 00	1	00
er Overruling Motion to Set Aside Default	30			Taking and Approving Plaintiff's Detinue Bond	1 00		
er for Notice to Non-Resident Defendant	30			Taking and Approving Defendant's Detinue Bond	1 00		
uing Notice for Publication and Copy, per hundred words	20c			Serving Attachment for Contempt of Court	1 50		
er to Give Security for Costs	30			Collecting Money on Execution			
er to Give Additional Bond	30			Empanneling Jury	75		
er to Execute Writ of Inquiry	30			Sheriff's Commission for Property Sold under Attachment			25
er for Leave to Amend Complaint	30			Seizing Personal Property on Writ of Detinue	3 00	3	00
er for Leave to Amend Pleas	30			Total Sheriff's fees		7	25
er for Leave to Amend Writ of Process	30			<b>RECAPITULATION</b>			
er for Attachment for Witness	10			Judgment			
ing Deposition	75			Personal property sued for			
uing Commission to Take Deposition	15			Damages		26	00
uing copy of same, per hundred words	50			Clerk's fees		8	40
uing Copy of Interrogatories, 15c per hundred words, but not less than	10		75	Sheriff's fees		7	25
ndorsing each Pet. Deposition Opened	75			Justice's fees			
aking Bond in Garnishment on Summons	50			Constable's fees			
nnmons to Garnishee	20			Witnesses' fees			
opies of same, per hundred words	20			Commissioners' fees			
ntice to Defendant in Garnishee on Summons, and copy, per hundred words	20			Printer's fees			
earing Garnishee and Recording Answer, 15c per hundred words, but not less than	50			Stenographer's fees	5 00		
				Answer of Garnishee	3 00		
				Trial Tax		3	00
<b>TOTAL FORWARDED</b>		8	40	<b>Total</b>			

Returned this the 6th day of March 1940 No property of  
the Defendant Leslie Cooper found in Baldwin County, The  
One (1) Model A Ford Coupe, Motor No. A8I959I already in the possession  
of the Plaintiff Joe Potmesil. *W. H. H. H.*

By W. B. Sullivan Sheriff Baldwin Co.  
M. B. Hamilton Deputy Sheriff.

No. . . . . Page

**THE STATE OF ALABAMA,**  
Baldwin County.

**CIRCUIT COURT**

JOE POTMESIL,	Plaintiffs
vs.	
LESLIE COOPER	Defendants

**Detinue Seizure and Execution**

Issued December 12<sup>th</sup>, 1939

R. S. DUCK, Clerk.

RECEIVED IN OFFICE

December 12<sup>th</sup>, 1939

W.R. Stuart  
*By M.A.H.* Sheriff.

I have executed this Writ

this \_\_\_\_\_, 193

by \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Sheriff.

[illegible]

JUN 25 1940

No. 533 Page \_\_\_\_\_

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY  
**CIRCUIT COURT**

Joe Palmer Plaintiff  
vs.  
Lulu Cooper Defendant

**Civil Execution for Costs  
Against Plaintiff**

Costs - - - - \$ 18.65  
Civil Fee Book Book Page 533  
Execution Docket " " Page " "  
Filed June 25, 1940  
R. S. Quail Clerk.

Lulu Hall  
Plaintiff's Attorney  
  
                      
Defendant's Attorney

JUN 25 1940

COLLECTION COSTS FROM

**The State of Alabama,**  
BALDWIN COUNTY

I hereby certify that the within  
and costs in this case are correct, and there was  
waiver of exemption as to personal prop-  
erty under the Constitution and Laws of Ala-  
bama.

This \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_  
Clerk.

Received in office June  
25<sup>th</sup> 1940  
W. R. Stuart  
Sheriff

Sheriff's Execution Docket, Page \_\_\_\_\_  
Sheriff's Fee Book, Page \_\_\_\_\_

Returned to Party to  
Check 11-11-1939  
W. R. Stuart  
                    

**THE STATE OF ALABAMA,** { By virtue of the within execution, I have at \_\_\_\_\_  
**Baldwin County.** o'clock, \_\_\_\_ M., this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_ levied

## CIRCUIT COURT

Term, 193

VS.

DEAR SIRs: At the

Term, 193\_\_\_\_, of the Circuit Court of said County,

recovered a judgment against

or the sum of \_\_\_\_\_ 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 chatteils, 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	1.25	1	Levying Attachment,	\$3.00	3.00
2	Issuing copies thereof,	30	30	2	Entering and returning Attachment,	25	25
3	Making every copy thereof, when over 200 words, per 100 words	15	15	3	Summoning garnishee and return,	1.50	1.50
4	Entering Sheriff's return or copy thereof	20	20	4	Serving Summons and Return,	1.50	1.50
5	Docketing cause, to be charged but once,	25	25	5	Serving Subpoenas,	65	65
6	Entering Appearance	20	20	6	Impaneling jury,	75	75
7	Filing pleas, demurrer and other pleadings, for each,	10	40	7	Making deed,	2.50	2.50
8	Every trial, with or without jury, and its incidents, not including judgments by default, or nil dicit,	75	75	8	Serving Summons, forcible entry, etc.,	1.50	1.50
9	Entering Continuance, (each)	10	10	9	Executing writ of restitution or possession,	5.00	5.00
10	Entering Judgment, (each)	30	30	10	Collecting, execution for cost	1.50	1.50
11	Entering any other order of Court (each)	30	30	11	Serving Sci. Fa. notices, etc.,	1.50	1.50
12	Issuing Scire Facias, or notice in the nature thereof, (each)	75	75	12	Serving any summons not provided for and return,	1.50	1.50
13	Issuing Execution or copy thereof; (each)	50	50	13	Serving attachment for contempt,	1.50	1.50
14	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	20	20	14	Taking and approving bond,	1.00	1.00
15	Recording award of arbitrators, referees, auditors, etc., for each 100 words,	15	15	15	Seizing personal property in detinue,	3.00	3.00
16	Issuing execution or attachment thereon, and entering return,	1.00	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	75	17	Selling property attached, same for selling under execution,		
18	Issuing Subpoenas for Witness, (each)	30	30	18	Former Sheriff's fees,		
19	Administering an oath, not relating to a trial pending and certifying the same,	25	25				
20	Issuing Attachment and taking bond, (ea.)	1.00	1.00				
21	Filing papers in attachment, (each)	10	10				
22	Issuing Summons for garnishee, (each)	50	50				
23	Swearing and taking examination for Garnishee and recording same, for each 100 words 15 cts; but not less than	50	50				
24	Order to advertise, or order of survey, or copy thereof,	50	50				
25	Certificate of Judgment,	50	50				
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,	25	25				
27	Issuing Commission to take depositions, or copy thereof,	75	75				
28	Making copy of interrogatories accompanying commission,	50	50				
29	Or for each 100 words,	15	15				
30	Filing packages of depositions, (each)	10	10				
31	Indorsing package of deposition, opened (each),	10	10				
32	Issuing writ of ad quod damnum or writ in the nature thereof,	75	75				
33	Recording the return and inquest thereon,	50	50				
34	Or for each 100 words,	15	15				
35	Issuing Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	75	75				
36	Filing the same and entering return,	15	15				
37	Making a complete record of a cause or copy thereof, for each 100 words,	15	15				
38	Making copy of any paper not herein provided for, for each 100 words,	15	15				
39	Making each certificate requiring the seal of office, and affixing seal,	50	50				
40	Taking any bond not otherwise provided for,	75	75				
41	Making necessary certificates not otherwise provided for, (each witness),	25	25				
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00	5.00				
43	Record for Supreme Court, for each 100 words	15	15				
44	Each additional copy thereof, each 100 words	05	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,				Total Sheriff's Fees,			
7.50				7.25			
1.50				3.00			
5.00				18.05			
26.20				44.05			
Grand Total,				Grand Total,			
7.50				7.25			
1.50				3.00			
5.00				18.05			
26.20				44.05			

DETINUE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, JOE POTMESIL,

/ and the undersigned, as Sureties, are held and firmly bound unto

SEALED WITH OUR SEALS and dated the 11th day of

One Model A Ford Coupe, Motor No. A 819591;

Joe Patnesil (SEAL)  
Mandis on-whree (SEAL)  
Paul S. Moore (SEAL)  
James Hancock (SEAL)

R. S. Quach  
Clerk, ,

*Saylor Wilkins*  
Deputy Clerk.

No.                      *with trial Record*  
**RECORDED 8-4201**

JOE POTMESTL,  
Plaintiff,

vs.

LESLIE COOPER,  
Defendant.

DEFINITE BOND

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed in office this

11th day of August, 1939.

Clerk,

*R. S. Black*  
by *Leslie Cooper*  
Deputy Clerk.

STATE OF ALABAMA  
BALDWIN COUNTY

REPLEVY BOND OF PLAINTIFF IN DETINUE

KNOW ALL MEN BY THESE PRESENTS, That we, JOE POTMESIL, as Principal, and the Undersigned, as Sureties, are held and firmly bound unto LESLIE COOPER in the sum of Two Hundred and no/100 Dollars (\$200.00), 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 the 17th day of August, 1939.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that, whereas, the said JOE POTMESIL did, on the 11th day of August, 1939, sue out of the Circuit Court of Baldwin County, Alabama, a Writ of Detinue, directed to any Sheriff of the State of Alabama, commanding him to take into his possession the following property, to-wit:

One Model A Ford Coupe, Motor No. A 819591;

which said writ was placed in the hands of Otis Emmons, Sheriff of the County of Escambia, Alabama, on the 11th day of August, 1939, and executed by him on the 11th day of August, 1939, by taking into his possession the following property, towit:

One Model A Ford Coupe, Motor No. A 819591;

and, whereas, the said LESLIE COOPER, defendant in said Writ, has failed and neglected, for 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 IF the said JOE POTMESIL, 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 this suit, then this obligation to be void, otherwise to remain in full force and effect.

Joe Potmesil (SEAL)  
James L. Lince (SEAL)  
James L. Lince (SEAL)

Taken and approved, this 17 day of August, 1939.

Otis R. Emmons  
Sheriff of Escambia County, Alabama.

At Law, No. \_\_\_\_\_

*Case No. 25-422*

JOE POTMESIL, Plaintiff,

vs.

LESLIE COOPER, Defendant.

REPLEVY BOND OF PLAINTIFF

IN DEDUCE

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Filed in office this 23  
day of August, 1939.

*H. S. Luck*  
Clerk,

by *Deputy Clerk*  
Deputy Clerk.

TO THE SHERIFF OF ESCAMBIA  
COUNTY, ALABAMA:

I have examined the within  
bond. This would be a good  
bond if presented to me, and  
I would approve the same if  
presented to me for approval.

*H. S. Luck*  
Sheriff of Baldwin County,  
Alabama.

*W. H. Smith*  
S. S.