

THE STATE OF ALABAMA )  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BALDWIN COUNTY BUTANE GAS COMPANY and D. W. LUDLOW, individually, to appear within thirty days from the service of this writ in the Circuit Court of this county, at the place of holding the same, then and there to answer the complaint of Central Baldwin Bank of Robertsdale, Alabama.

WITNESS my hand this 19th day of December, 1940.

*R. S. Duck*

Clerk of the Circuit Court of  
Baldwin County, Alabama

CENTRAL BALDWIN BANK,  
Plaintiff

VERSUS

BALDWIN COUNTY BUTANE GAS  
COMPANY and D. W. LUDLOW,  
Individually,

Defendants

In the Circuit Court of Baldwin County, Alabama: At Law

COUNT ONE: The Plaintiff claims of the Defendants the following personal property, viz:

One G.M.C. Truck, Model A.C. 303, Motor Number 22803985, Chassis Number 685 together with butane gas tank completely installed therein, with the value of the hire or use thereof during the detention, viz: from the 17th day of December, 1940.

COUNT TWO: The Plaintiff claims of the Defendants the sum of Four Hundred and Seventy-five Dollars due by promissory note by them made on the 19th day of August, 1940 and payable on the 17th day of December, 1940 with interest thereon.

The plaintiff admits the following credits, to-wit:

Total payments \$68.00.

COUNT THREE: The Plaintiff claims of the Defendants the following personal property, viz:

One 1936 Chevrolet Coach, Serial Number 83A04 -7328, Motor Number 5102068 the same with the value of the hire or use thereof during the detention, viz: from the 5th day of November, 1940.

COUNT FOUR: The Plaintiff claims of the Defendants the sum of One Hundred and Sixty-eight Dollars due by promissory note made by them on the 5th day of September, 1940, and payable on the 5th day of November, 1940 with interest thereon.

COUNT FIVE: The Plaintiff claims of the Defendants the sum of One Hundred Sixty-five and 83/100 Dollars due by promissory note made by them on September 23, 1940 and payable on the 8th day of October, 1940, with interest thereon.

The Defendants, in and by the said notes waived all rights of exemption under the laws of the State of Alabama as to all personalty and wages as against the collection of any indebtedness secured hereby and they further agree to pay every expense incurred in any way or manner, as well as attorneys fee to carry on said litigation, and also agrees to pay all collector's fees and cost of collection of any amount due under this paper; and the Plaintiff claims of the Defendants the further and additional sum of One Hundred Dollars as a reasonable attorney's fee in the premises.

CENTRAL BALDWIN BANK

by G. H. Buley  
G. H. Buley, President

Orvis M. Brown  
Attorney for Plaintiff

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:

One G.M.C.Truck, Model A.C.303, Motor Number 22803985, Chassis Number 685, together with butane gas tank completely installed therein; ~~One 1936 Chevrolet Coach, Serial Number 8EAO4-7328, Motor Number 5102068.~~ One 1936 Chevrolet Coach, Serial Number 8EAO4-7328, Motor Number 5102068.

R.S. Duck  
Clerk.

RECORDED

624

CENTRAL BALDWIN BANK,  
Plaintiff

vs

BALDWIN COUNTY BUTANE GAS COMPANY,  
and D. W. LUDLOW, individually

*Detinue*

SUMMONS AND COMPLAINT.

*Grand December 19, 1940*  
*R.S. Duck, Clerk*

Received in the office of  
this 7 day of *Jan*, 1941  
W. R. STUART, Sheriff

Executed January 11th 1941 By serving Copy of the Within Detinue Summons and Complaint on D.W.Ludlow as Manager of Baldwin County Butane Gas Company, and served Copy on D.W. Ludlow, Individually, And taking into my possession the Property described herein as followers, One G.M.C.Truck, with Butane Gas Tank Complete on same, also one 1936 Chevrolet Coach as described herein,

W.R. Stuart  
Sheriff Of Baldwin County Alabama,

BALDWIN COUNTY BUTANE GAS CO.  
& D.W. LUDLOW, INDIVIDUALLY,  
DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY ALABAMA.  
AT LAW

Comes the Defendant in the above styled cause and for answer says:

COUNTY ONE: Defendant denies that Plaintiff is entitled to personal property referred to in this count.

COUNT TWO: Defendant denies that he is in default to the Plaintiff and avers that the note referred to was payable in installments of \$25.00 per month which installments Plaintiff avers were paid up to date as follows:

September 29 by Check # 139	\$25.00
October 21 by Check # 284	\$25.00
November 17 by Check #306	\$25.00
December 20 by Check #334	\$25.00

Defendant avers that this last payment was received by Plaintiff cashed after the aforesaid suit had been started.

COUNT THREE: Defendant denies that Plaintiff is entitled to the personal property referred to in this count.

COUNT FOUR: The Defendant denies that he is in default on the note referred to in this count and avers that his contract was to pay \$16.00 per month until this debt was discharged. Defendant avers that payments were made according to the following schedule:

October 7 by Check #156	\$16.00
November 6 by Check #299	\$16.00
December 6 by Check#325	\$16.00
January 10 by Check (not yet re- turned to him)	\$16.00

COUNT FIVE: Defendant avers that he is not indebted in the matter set forth in this count but admits some liability in this note.

Counter claim by Defendant avers that the equipment referred to in Count One is security for the note referred to in Count Two and that the equipment referred to in Count Three is security for the note in Count Four which obligations aforesaid are not in default.

WHEREFORE Defendant avers that the bond as set as Thirteen Hundred (\$1,300) Dollars is exorbitant and oppressive and prays the court that the bond be set by reference to the claim in Count Five only.

Defendant counter claims the sum of One Hundred (\$100) Dollars per day and every day that the equipment aforesaid is withheld from his possession and avers that it is equipment necessary for the conduct of his business, viz: supplying Butane Gas to customers in Fairhope, Alabama.

Defendant avers that the attorney for the Plaintiff is interested in distributing Butane Gas of his competitor and that this suit amounts to an abuse to a judicial process to embarrass the Defendant in service to his customers and is an unfair trade and is unfair competition to his damage in the amount aforesaid.

BALDWIN COUNTY BUTANE GAS CO.  
& D.W. LUDLOW, INDIVIDUALLY

By Richard D. Drennon  
Attorney for Defendant.

ANSWER

Filed this 14 day January 1941

R. E. Duch

Clerk-Register

Clerk-Register

1941

# The State of Alabama, {

## Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, Central Baldwin Bank

and G. H. Buley, individually

are held and firmly bound unto Baldwin County Butane Gas Company and D. W. Ludlow,

in the sum of Thirteen Hundred - - - - - Dollars, for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 20th day of January 19 41

The condition of the above obligation is such that whereas the said Central Baldwin Bank

did, on the 19th day of December 1940 sue out of the Circuit Court of Baldwin

County 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 G.M.C. Truck, Model A.C. 303, Motor Number 22803985, Chassis Number 685 together with butane gas tank completely installed therein; and One 1936 Chevrolet Coach, Serial Number 8EAO4-7328, Motor Number 5102068

which said writ was placed in the hands of W. E. Stuart, Sheriff of Baldwin County, Alabama, on the 7th day of January, 19 41, and executed by him on the 11th day of January, 19 41, by taking into his possession the following property, to-wit:

One G.M.C. Truck, Model A.C. 303, Motor Number 22803985, Chassis Number 685 together with butane gas tank completely installed therein; and One 1936 Chevrolet Coach, Serial Number 8EAO4-7328 Motor Number 5102068

And whereas the said Baldwin County Butane Gas Company and D. W. Ludlow, 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 Central Baldwin Bank upon his failing in said suit shall deliver the said property to the Defendant within thirty days after judgment and pay all 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.

Central Baldwin Bank  
CENTRAL BALDWIN BANK (SEAL)

By: G. H. Buley (SEAL)  
Its President

G. H. Buley (SEAL)

Taken and approved this 20th day of January 19 41

W. E. Stuart  
Sheriff, Baldwin County, Ala.

**THE STATE OF ALABAMA,**  
BALDWIN COUNTY.

**Circuit Court, Baldwin County**

**REPLEVY BOND  
OF PLAINTIFF**

Central Baldwin Bank

vs.

Baldwin County Butane Gas Co.,

and D.W. Ludlow.

Taken and approved this \_\_\_\_\_

day of \_\_\_\_\_, 193\_\_\_\_



THE STATE OF ALABAMA

BALDWIN COUNTY

No.

CIRCUIT COURT

### Judgment

~~2-Termin, 193-~~

VS.

DEAR SIRS: At the \_\_\_\_\_ Term, 193\_\_\_\_, of the Circuit Court of said County,

recovered a judgment against \_\_\_\_\_ Dollars  
for the sum of \_\_\_\_\_  
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.

[illegible]

CENTRAL BALDWIN BANK

vs.

BALDWIN COUNTY BUTANE GAS CO  
& D.W. LUDLOW, INDIVIDUALLY.

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY ALABAMA  
) AT LAW \_\_\_\_\_

Comes the Defendant in the above styled cause and  
demands a trial by jury.

BALDWIN COUNTY BUTANE GAS CO.  
& D.W. LUDLOW, DEFENDANT.

BY

Richard J. Demerec  
ATTORNEY

RECORDED

Demand for Trial by Jury

Filed this 14 day January 1941

R. S. Dush

Clerk-Register

CENTRAL BALDWIN BANK,  
Plaintiff,

vs.

BALDWIN COUNTY BUTANE GAS  
COMPANY and D. W. LUDLOW,  
individually,  
Defendants.

AT LAW. NO. 634.

DETINUE BOND AND AFFIDAVIT.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, R. S. Duck, Clerk of the Circuit Court in and  
for said County, personally appeared ORVIS M. BROWN, who being  
duly sworn, on oath deposes and says that the property sued for  
in the complaint of Central Baldwin Bank vs. Baldwin County  
Butane Gas Company, and D. W. Ludlow, individually, to-wit:

One G. M. C. Truck, Model A. C. 303, Motor Number 22803985,  
Chassis Number 685, together with butane gas tank completely  
installed therein; 1936 Chevrolet Coach, Motor Number 5102068;

belongs to the plaintiff.

CENTRAL BALDWIN BANK  
ROBERTSDALE, ALA.

*G. H. Bulley*

Sworn to and subscribed  
before me, this the  
day of December, 1940.

*R. S. Duck*  
Clerk of the Circuit Court.

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

KNOW ALL MEN BY THESE PRESENTS, that we CENTRAL BALDWIN BANK,  
are held and firmly bound unto BALDWIN COUNTY BUTANE GAS COMPANY,  
and D. W. LUDLOW, individually, in the sum of TWELVE HUNDRED (\$1200.00)  
DOLLARS, to be paid to the said BALDWIN COUNTY BUTANE GAS COMPANY  
and D. W. LUDLOW, individually, their heirs, executors, adminis-  
trators, or assigns, for which payment, well and truly to be  
made, we bind ourselves and each of us, our/heirs, executors,  
and administrators, jointly and severally and firmly by these  
presents.

- Sealed with our seals and dated this \_\_\_\_ day of December,  
1940.

The condition of the above obligation is such, that WHEREAS,

the above bound CENTRAL BALDWIN BANK, on the day of the date hereof, hath obtained at the suit of CENTRAL BALDWIN BANK, a summons and complaint for the recovery of the personal chattels in specific against BALDWIN COUNTY BUTANE GAS COMPANY, and D. W. LUDLOW, individually, and asks an indorsement by the Clerk of this Court, "That the Sheriff is required to take the property mentioned in said complaint into his possession," as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court for said County, and which said indorsement is made upon the plaintiff entering into this bond:

NOW, if the plaintiff shall fail in this suit, and shall pay the defendant all of the costs and damages as they may sustain by reason of the wrongful complaint in said case, then this obligation to be null and void, otherwise to remain of full force and effect.

CENTRAL BALDWIN BANK

ROBERTSDALE, ALA. (SEAL)

*J. N. Baber* (SEAL)

Approved this 23 day

of December, 1940.

*R. S. Luck*  
Clerk of the Circuit Court  
of Baldwin County, Alabama.

CENTRAL BALDWIN BANK,

Plaintiff.


-vs-

BALDWIN COUNTY BUTANE GAS  
COMPANY, and D. W. LUDLOW,  
individually,

Defendants.

DETINUE BOND AND AFFIDAVIT.

Filed this 23 day of  
December, 1940.

  
Clerk.

JANUARY 28th, 1941.

We, BALDWIN COUNTY BUTANE GAS COMPANY, and D. W. LUDLOW, individually, hereby acknowledge receipt of ONE 1936 Chevrolet Coach, Serial Number SEA04-7328, Motor Number 5102068, which said car was levied on by Writ of Detinue, from the Circuit Court of Baldwin County, Alabama, by the complaint of CENTRAL BALDWIN BANK, and CENTRAL BALDWIN BANK posted bond for the Replevy of this car, when we failed to replevy same. I hereby acknowledge receipt of the automobile in good condition as the same was when taken by the Sheriff, and agree to hold CENTRAL BALDWIN BANK and Sheriff of Baldwin County, Alabama, free from any damages because of the levy on this automobile.

Received by

Bald. Co. Butane Gas Co  
D. W. Ludlow

ORVIS M. BROWN  
ATTORNEY AND COUNSELLOR AT LAW  
Robertsdale, Ala.

State of Alabama  
County of Baldwin

March 3rd, 1941.

We, Baldwin County Butane Gas Company, and D. W. Ludlow, individually, the Defendants in a certion Suit Filed in the Circuit Court of Baldwin County, Alabama, by Central Baldwin Bank, of Robertsdale, Alabama, wherein one certion G. M. C. Truck, Model A. C. 303, Motor Number 22803985, Chasis Number 685 together with butane tank completely installed thereon, was levied on by the Sheriff of Baldwin County, and the Defendants failing to make bond the said Central Baldwin Bank, posted Band and obtained possession of the said truck, and whereas the parties to this suit have reached agreement of settlement of this case.

Now therefore in consideration of the full settlement of this case, We, Baldwin County Butane Gas Company and D. W. Ludlow, individually do hereby release and do hereby foreverhold free from any liability the said Central Baldwin Bank, by reason of this proceedure, and hereby agree to protect them from any claims ariseing from the same, and all rights because of this suit are hereby forfeited. By the execution of this Release we do hereby acknowledge receipt of the above property in good condition free from any damage.

Executed this 3rd day of March, 1941.

WITNESS:

Walter M. Hall  
Amos Garrett

Bald. Co. Butane Gas Co. SEAL  
Baldwin County Butane Gas Co.

D. W. Ludlow SEAL.  
D. W. Ludlow.



RECORDED

Filed March 7 1941  
R. L. Dwyer, Clerk

ORVIS M. BROWN  
ATTORNEY AND COUNSELLOR AT LAW  
BALDWIN BUILDING  
ROBERTSDALE, ALA.

December 19th, 1940

Mr. Robert S. Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Dear Mr. Duck:

Enclosed you will find a Summons and Complaint which is a detinue case. Please have Mr. Wilkins serve these papers. Mr. Ludlow will be located at Fairhope, Alabama. The truck in question here is the Butane Gas Truck and the Chevrolet car which he drives. I believe I am correct in saying that the Sheriff possesses this property immediately and then if Mr. Ludlow does not put up bond in five of six days it is necessary that the Bank put up bond or else the property will be released. I will be in Bay Minette Friday in case any question is desired to be answered in this matter.

Yours very truly,

*Orvis M. Brown*

ORVIS M. BROWN,  
Attorney for Central Baldwin Bank

OMB:vc

THE STATE OF ALABAMA

BALDWIN COUNTY

No. 100

CIRCUIT COURT

## Judgment

~~2-Term, 193~~

VS.

DEAR SIRs: At the \_\_\_\_\_ Term, 193\_\_\_\_, of the Circuit Court of said County,

recovered a judgment against \_\_\_\_\_  
for 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 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.

[illegible]