

860

STATE OF ALABAMA, }
BALDWIN COUNTY. }

IN THE CIRCUIT COURT -- LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. H. Vaughn Jr. 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 same, then and there to answer the complaint of W.J. Phillips.

Witness my hand this 9th day of May, 1944.

R. L. Duck
Clerk.

COMPLAINT.

W. J. PHILLIPS

Plaintiff,

-vs-

R. H. VAUGHN JR.

Defendant.

IN THE CIRCUIT COURT -- LAW SIDE

BALDWIN COUNTY,

ALABAMA.

The Plaintiff claims of the Defendant the following described personal property, viz:- 1 Farmall M Complete Tractor. Motor No. EEH46436, together with the value of the hire or use thereof during the detention, viz, from, to-wit, April 12, 1944.

Hybart A. Brown
Attorneys for Plaintiff.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Whereas, the Plaintiff in the within stated cause has made Affidavit and given Bond as required by law, you are hereby commanded to take the property set out in the Complaint into your possession unless the Defendant gives Bond payable to the Plaintiff, with sufficient surety, in double the value of the property set out, 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.

B. H. Dwyer
Clerk.

868-
RECORDED
SUMMONS AND COMPLAINT

W. J. PHILLIPS

Plaintiff,

-VS-

R. W. VAUGHN JR.

Defendant.

IN THE CIRCUIT COURT-LAW SIDE

BALDWIN COUNTY,

ALABAMA.

Filed May 9, 1944

B. H. Dwyer
Clerk.

LAW OFFICES

HYBART & CHASON

Bay Minette, Alabama

Executed

5/12 1944

by serving summons on

the within court and the

on R. W. Vaughn Jr. and
taking into my possession
the property described within
one block of James L. Compere
motor # 43446436

Sheriff

By B. F. Kucena Deputy Sheriff

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT
Case No. 860 Nov Term, 1944

to any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon George Koppis, Clarence Vaughan

to be found in your County, at the instance of the Dist

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 11:10 o'clock of the forenoon, on the 6th day of Nov, 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein W. J. Phillips Plaintiff

and R. W. Vaughan Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 3rd day of Nov, 1944

R. S. Luck Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

In force
This 11/3/44

SHERIFF

ORIGINAL

No. *860*

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

W. J. Phillips

Plaintiff

VS.

R. H. Vaughn

Defendant

CIVIL SUBPOENA

Issued this

33d

day of

Nov

194*4*

R. S. Muck

Clerk.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred. Times Ptg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 860. Nov. Term, 194 4
CIRCUIT COURT

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon L T Rhodes. Miss Pearl Erskine. Turpin Bankester, Rsdale
Fletcher Tolar. Rsdale. Joe Novotny Rsdale, Evelyn McCartney. R Sdale.. and
Vera Lee Phillips. R Sdale. Plaintiff.
if to be found in your County, at the instance of the

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 10. o'clock of the forenoon, on the 6th day of November., 194 4

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein W J Phillips. Plaintiff

and R H Vaughn Jr. Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 23rd day of Oct, 194 4

R. S. Luck Clerk

Received in office this _____ day of _____

194

SHERIFF

I have executed this writ

by return in full

ORIGINAL

No. 860.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

W J Phillips,

Plaintiff

VS.

R H Vaughn, Jr.

Defendant

CIVIL SUBPOENA

Issued this 23rd day of

Oct, 1944

RS. Leuck

Clerk.

W. P. Starn

SHERIFF

B. F. Jones

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.
Times Prtg. Co., Bay Minette.

THE STATE OF ALABAMA
BALDWIN COUNTY

} Case No. 860 Nov CIRCUIT COURT Term, 1944

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

L. I. Rhodes

if to be found in your County, at the instance of the

Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House there-

of, by 10 o'clock of the forenoon, on the

6th

day of

Nov

, 1944

and from day to day and term to term of said Court until discharged by law, then and there to testify, and

the truth to say, in a certain cause pending, wherein

W. J. Phillips

Plaintiff

and

R. W. Vaughan

Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this

28

day of

Oct

, 1944

R. S. Wacker

Clerk

Received in office this _____ day of

194

SHERIFF

I have executed this writ

Younger Full

ORIGINAL

No. *860*

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

W. J. Phillips

Plaintiff

VS.

R. W. Vaughan

Defendant

CIVIL SUBPOENA

Issued this *28* day of

Oct

194*4*

R. S. Duck

Clerk.

W. D. Stuard

SHERIFF

R. J. Green

W. J. PHILLIPS,
Plaintiff,

VS.

R. H. VAUGHN,
Defendant.

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

Comes the Plaintiff in the above styled cause and moves the court to strike the Motion filed by the Defendant in said cause to transfer said cause to the Equity Side of the Court, and as grounds for his Motion Plaintiff says:

FIRST:

For ought appearing from Defendant's Motion no equitable defense is presented.

SECOND:

That the defense as set out in said Motion could be presented in the Law Side of the Court.

THIRD:

That according to Title 7, Section 931 of the 1940 Code of Alabama the Defendant's defense could be set up in the Law Side of the Court.

W. J. Phillips
Attorneys for Plaintiff.

MOTION TO STRIKE

W. J. WILLIAMS,

Plaintiff,

VS.

R. H. VAUGHN,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

FILED AUGUST 28, 1914

Reiner
Clerk.

W. J. PHILLIPS, PLAINTIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS

AT LAW

R. H. VAUGHN, DEFENDANT

#858

And now comes the Defendant and moves the Court to transfer this cause from the law side to the equity side thereof, and respectfully represents that there is an equitable question, the decision of which should dispose of the cause, and which can not be disposed of in the law side of this court, and that he has an equitable defense to the Plaintiff's cause of action as follows:

1.

The Defendant secured a loan from the Plaintiff to purchase the tractor described in the complaint with the understanding that the Plaintiff would be given a mortgage on the said equipment to secure the loan; that the Plaintiff agreed to furnish the money to buy the said tractor and equipment and the Defendant bought it, and, to avoid the execution and recording of a mortgage, it was agreed that the bill of sale would be made out in the name of the Plaintiff; that the said bill of sale was and is a mortgage to secure the money loaned by the Plaintiff to the Defendant with which to buy said tractor and equipment; that the Defendant has offered to pay and tendered the amount of the loan, but it has been repeatedly refused by the Plaintiff.

WHEREFORE, the Court prays that this cause be transferred to the equity side of the docket where he will be permitted to interpose his equitable defenses.

R. H. Vaughn
Defendant.

BEEBE & HALL,

BY Shirley
Attorneys for Defendant.

STATE OF ALABAMA

BALDWIN COUNTY.

Before me, the undersigned authority in and for said County in said State, personally appeared R. H. VAUGHN, JR., who is known to me, and who having been duly sworn, deposes and says that the facts set forth in the foregoing motion to transfer are true and correct.

RH Vaughn Jr

Subscribed and sworn to before me on this the 2 day of

April 1944.

S. M. Sae

Notary Public, Baldwin County, Alabama.

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W. H. PHILLIPS,
PLAINTIFF

VS

R. H. VAUGHN, JR.,
DEFENDANT.

MOTION TO TRANSFER FROM THE LAW
DOCKET TO THE EQUITY DOCKET.

Filed June 6, 1944
J. H. [Signature]
Clerk

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that we, R. H.

VAUGHN, JR. as Principal and Amos Garrett and

L. Irwin, as Sureties, are held and firmly bound unto W. J. PHILLIPS in the sum of ~~Twenty Five Hundred~~ ^{Fifteen Hundred} (\$1500.00)

Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we waive all our exemptions as against this contract.

Sealed with out seal and dated this the 16th day of May, 1944.

The condition of the above obligation is such, that whereas, under a writ of detinue issued in favor of W. J. PHILLIPS against R. H. VAUGHN, JR. out of the Circuit Court, Baldwin County, Alabama, the sheriff of said county has been commanded to seize the following described property: 1 Farmall H. Complete Tractor. Motor No. FBH46436 and has taken the same into his possession, and the possession of said property has been restored to the defendant on execution of this bond; now, if the defendant is cast in the said suit, and shall within thirty days thereafter deliver the said property to the plaintiff and pay all costs and damages which may accrue from the detention thereof, then the above obligation to be void; otherwise to remain in full force and effect.

R H Vaughn (SEAL)
Amos Garrett (SEAL)
L Irwin (SEAL)

Approved this the 16th day of May, 1944.

W R Stewart
Sheriff.

Don't put
the book
back

860

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