

MRS. H. H. LEVINS

Plaintiff

VS

C. S. HOLT

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. 960

MOTION TO QUASH WRIT OF DETINUE

Now comes the Defendant who appears specially for the sole purpose of making this motion and moves the Court to quash the writ of Detinue issued in this case and as grounds for such motion, sets down and assigns, separately and severally the following:

- (1) The said writ of Detinue is void.
- (2) The suit in which the said Writ of Detinue was issued was filed on Sunday, April 7, 1946 on which day the said writ was issued and served and the affidavit required by Title 7, Section 346 of the 1940 Code of Alabama was not made.

Wherefore, Defendant moves to quash the said writ of Detinue.

J. B. Blackburn
Attorney for Defendant

RECORDED

MOTION TO QUASH WRIT OF DETINUE

MRS. H. H. LEVINS

Plaintiff

VS

C. S. Holt

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE No. 960

Filed April 18-1946
R. H. [Signature]

MRS. H. H. LEVINS

Plaintiff

VS

C. S. HOLT

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE


NO. 960

MOTION TO QUASH SERVICE

Now comes the Defendant who appears specially for the sole purpose of making this motion and moves the Court to quash the service had on him in this cause on April 7, 1946 and as grounds for said motion, sets down and assigns, separately and severally the following:

- (1) The said service is void.
- (2) The said service is void because this suit was filed and process served on the Defendant on April 7, 1946 which said day was Sunday and no affidavit was filed as required by Title 7, Section 346 of the 1940 Code of Alabama.

Wherefore, the Defendant moves the Court to quash the said service.


Attorney for Defendant

MOTION TO ~~QUALIFY~~ ~~SERVICE~~

MRS. H. H. LEVINS
Plaintiff

VS

C. S. HOLT
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE NO. 960

Filed April 16 1946
R. H. Holt
Reel

CLAIMANT'S BOND

STATE OF ALABAMA

BALDWIN COUNTY

KNOWN ALL MEN BY THESE PRESENTS, that I, ^{Mrs.} C. S. Holt as Principal and S. F. Holmes and C. L. White as Sureties are held and firmly bound unto Mrs. H. H. Levins in the sum of Two Thousand Dollars (\$2000.00), 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, the 12 day of April, 1946.

The condition of the above obligation is such, that where-
as a writ of Detinue issued from the Circuit Court of Baldwin County, Alabama on the 7th day of April, 1946 in favor of Mrs. H. H. Levins against C. S. Holt has been levied by C. E. Garrett, Sheriff of said County, upon the following described property, to-wit: One 1941 Chevrolet 4 door Sedan, Motor No. AA. 976 937, and whereas the said Mrs. C. S. Holt also known as Clara Alean Holt has made affidavit that she has a just claim to said property, and upon entering into this bond with sufficient surety as required by law, has obtained possession of said property:

Now if the said Mrs. C. S. Holt also known as Clara Alean Holt shall have the said described property forthcoming for the satisfaction of the judgment in said cause, if it be found liable therefor, and pay such costs and damages as may be recovered for interposing the said claim for delay, then this obligation to be void, otherwise to remain in full force and effect.

Mrs. C. S. Holt (SEAL)

S. F. Holmes (SEAL)

C. L. White (SEAL)

Taken and approved this 12 day of April, 1946.

C. E. Garrett
Sheriff, Baldwin County, Alabama

960 1/2

CLAIMANT'S BOND **RECORDED**

MRS. H. H. LEVINS
Plaintiff

VS

C. S. HOLT
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

Filed April 12th
1944
B. C. Garrett
Shriff

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

The State of Alabama,
Baldwin County.

No. 960

CIRCUIT COURT.

April.

1946

To any Sheriff of the State of Alabama:

You are hereby commanded to summon C. S. Holt.

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 the complaint of

Mrs H. H. Levins

Witness my hand this 7th day of April. 1946

Clerk.

COMPLAINT

Mr s. H. H. Levins. Plaintiff Versus C. S. Holt. Defendant.

The plaintiff claims of the defendant the following personal property to-wit:

One 1941 Chevrolet 4 door Sedan Motor No. AA 976 937

with the value of the hire or use thereof during the detention, to-wit;

from April 4th 1946, to 192

Hybart & Chason

Plaintiff's Attorney.

RECORDED

State of Alabama,
Baldwin County.

Circuit Court

XXXXXXXXXXXX

Mrs H. H. Levins
vs. Plaintiffs

C. S. Holt.
Defendants

Detinue Summons and Complaint

Filed April 7th 1946

R. S. Duck, Clerk.

Hybart & Chason.
Plaintiff's Attorney.

Defendant's Attorney.

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

R. S. Duck Clerk.

Defendant lives at

Ray Minette
Received in office

192

Sheriff

I have executed this summons

this April 7 1946
by leaving a copy with

C. S. Holt
and taking
possession of
1941 Chevrolet 4
door sedan motor
No. AA-247-232

C. E. Barnett SHERIFF.
H. F. Wall DEPUTY SHERIFF.

STATE OF ALABAMA

BALDWIN COUNTY

Know all men By these presents: That Mrs. H. H. Levins as Principal and the undersigned as surety, are held and firmly bound unto C. S. Holt, his heirs, executors and administrators, in the sum of twenty-five 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.

Dated this 7th., day of April, 1946.

The condition of the above obligation is such, thata whereas the above bound Mrs. H. H. Levins has on this day sued out from the Office of the Clerk of Circuit Court of Baldwin County, Alabama, a Writ of Detinue returnable to the next term of the said Court, against C. S. Holt, for the recovery of the following described personal property, viz: One 1941, Chevrolet, four door sedan, mot or No. AA976937.

Now if the said Mrs. H. H. Levins, shall fail in said suit she shall pay said Defendant all such Costs and damages that he may sustain by the wrongful Complaint.

Taken and approved this the
6th day of April, 1946.

R. H. Meach
Clerk of the Circuit Court
Baldwin County, Alabama.

Mrs. H. H. Levins SEAL

Ruby Foster SEAL

Rosa Thompson SEAL

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RECORDED

Mrs. H. H. Levins.

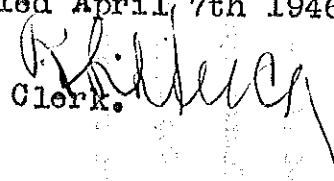
vs,

C/ S. Holt.

Detinue Bond.

Filed April 7th 1946

Clerk.



MRS. H. H. LEVINS,

Plaintiff

VS

C. S. HOLT

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Before me, John Chason, a Notary Public in and for Baldwin County Alabama, personally appeared Mrs. H. H. Levins, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That the following described personal property, viz:

One 1941 Chevrolet, four door sedan, Motor No. AA976937,

for the recovery of which she has this day instituted suit in the Circuit Court of Baldwin County, Alabama, is the property of the said Mrs. H. H. Levins.

Mrs H H Levins.

Sworn to and subscribed before me,
this 7th day of April, 1946.

John Chason
Notary Public, Baldwin County, Alabama.

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RECORDED

Free Press 1946
R. B. B. B.
W. B. B. B.

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Figure 1

[illegible]

MRS H. H. LEVINS

Plaintiff

VS

C. S. HOLT

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

CLAIMANT'S AFFIDIVIT

Before me, the undersigned authority within and for said County and said State, personally appeared Mrs. C. S. Holt who is also known as Clara Alean Holt who, after being by me first dully and legally sworn, deposes and says the following described personal property namely: One 1941 Chevolet 4 door Sedan, Motor No. AA. 976 937; upon which a writ of Detinue from the Circuit Court of Baldwin County, Alabama, issued the 7th day of April, 1946, in favor of Mrs. H. H. Levins against C. S. Holt has been levied by C. E. Garrett, Sheriff of Baldwin County, Alabama, is not of the property of the said C. S. Holt but is the property of the affiant, and that affiant has a just claim to said property so levied on.

Mrs C. S. Holt
Clara Alean Holt

SWORN to and subscribed before me on
this the 11th day of April, 1946.

Betty R. Buck
Notary Public, Baldwin County, Alabama

Claimant demands a trial of this case by jury.

Mrs C. S. Holt
Clara Alean Holt
Claimant

960K **RECORDED**

CLAIMANT'S AFFIDIVIT

MRS. H. H. LEVINS
Plaintiff

VS

C. S. HOLT
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

Filed April 12th,
1946
C. E. Garrett
Sheriff

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

960K

J. B. BLACKBURN
Attorney At Law
Bay Minette, Alabama

APRIL 12, 1946

Mr. C. E. Garrett
Sheriff, Baldwin County
Bay Minette, Alabama

Dear Mr. Garrett:

On Sunday, April 7th, Mrs. M. E. Levins filed a suit in the Circuit Court of Baldwin County, Alabama against C. S. Holt, on which a Writ of Detinue was issued and under which you levied on a Chevrolet automobile, which is now in your possession and which is described in the Complaint that was filed in this cause.

The Defendant, C. S. Holt, under Title 7, Section 920 of the Code, is allowed five days in which to make a bond. Today is, therefore, the last day for Mr. Holt to make this bond. He has advised me that he will not make such bond.

As authorized by Title 7, Section 932 of the Code, Mrs. C. S. Holt is filing claim to the said automobile and I am handing you herewith the Claimant's Affidavit, together with her bond in the sum of \$2000.00, signed by S. F. Holmes and C. L. White, as sureties. Under the provisions of Title 7, Section 932 of the Code, a claimant is entitled to priority in filing claim under this section as against the Plaintiff, so I will appreciate your approving this bond and delivering the automobile to Mrs. Holt, who will call for it.

I will appreciate your notifying me when you have approved the bond.

Very truly yours,

J. B. BLACKBURN.

JBB:MLB
Encls.
Copy: Mr. R. S. Duck