

1438

JACK HEILMIER,

Plaintiff,

-vs-

VERNON McDAVID,

Defendant.

) (

) (

) (

) (

) (

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

The defendant, for answer to the complaint, saith that he is not guilty of the matters alleged therein.


(Attorney for Defendant)

VERNON MCDAVID,

Plaintiff,

-vs-

JACK HEILMIER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

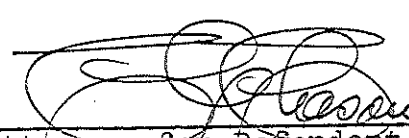
Comes the defendant in the above styled cause and demurs to the complaint and for grounds assigns separately and severally the following:

I.

That the copy of the complaint served on the defendant is unsigned by the plaintiff or by his attorney.

II.

That said complaint does not state a cause of action.


Attorney for Defendant

1438

RECORDED

D E M U R R E R S

VERNON MCDAVID,

Plaintiff,

-VS-

JACK HEILMIER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

FILED

JAN 5 1950

ALICE J. DUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS:- That we, VERNON McDAVID, as principal, and JOHN ENGLISH, as surety, are held and firmly bound unto JACK HEILMIER in the sum of Five Hundred Dollars (\$500.00), for payment of which well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly, severally and firmly by these presents.

Sealed with our seals and dated this the 21st day of November, 1949.

The condition of the above obligation is such, that whereas, the said JACK HEILMIER did on the 10th day of November, 1949, sue out of the Circuit Court of Baldwin County a writ of detinue directed to any Sheriff of the State of Alabama, and commanding him to take in his possession the following property sued for in said action of detinue, to-wit: One (1) Smith AC Welder, Serial Number 20-3476, which said writ was placed in the hands of Taylor Wilkins, Sheriff of the County of Baldwin on the 10th day of November, 1949, and executed by him on the 15th day of November, 1949, by taking into his possession the following property, to-wit: as stated above, and whereas, the above bound VERNON McDAVID, defendant in said suit, has, within five (5) days from the execution of said writ, entered into this bond, as required by law, and thereby obtained possession of said property levied on:

Now, if the said VERNON McDAVID shall defend said suit to effect, or if being cast therein he shall, within thirty (30) days after judgment, deliver the property aforesaid to the plaintiff and pay all such costs and damages as may have accrued from the detention thereof, then, in either of said events, this obligation to be null and void, otherwise to remain in full force and effect.

Vernon McDavid SEAL
as Principal

John English SEAL
as Surety

Approved 21st day of November,
1949.

Taylor Wilkins
Sheriff

1438

RECORDED

DEFENDANT'S REPLEVY BOND

VERNON McDAVID, as Principal,
and, JOHN ENGLISH, as Surety.

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

STATE OF ALABAMA
COUNTY OF BALDWIN

Know all men by these presents, That I, Jack Heilmeyer, as principal, and Ernest Breckner and Mrs. John Heilmeyer, as sureties, are held and firmly bound unto Vernon McDavid in the sum of \$100.00, to be paid to the said Vernon McDavid, his heirs, executors, administrators or assigns; for which payment, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally and firmly, by these presents. (Sealed with our seals, and dated this day of , in the year of our Lord, one thousand nine hundred and forty nine.

The condition of the above obligation is such, That whereas the above bound Jack Heilmeyer, on the day of the date hereof hath obtained at the suit of Jack Heilmeyer v. Vernon McDavid, a summons and complaint for the recovery of One Smith A. C. Welder, Serial No. 20-3476, property in specie against said defendant and asks an endorsement 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 of Baldwin for said county, and which said endorsement is made upon the plaintiff entering into this bond.

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

Jack Heilmeyer.
Mrs. John Heilmeyer & Co.
Ernest Breckner

Approved this 15th day of Nov, 1949.

Alvin J. Leach,
Clerk.

201438 RECORDED

STATE OF ALABAMA

COUNTY OF BALDWIN

CIRCUIT COURT. IN LAW.

JACK HEILMEIER
Plaintiff

vs.

VERNON McDAVID
Defendant

PLAINTIFF'S BOND

FILED

NOV 15 1949

ALICE J. DUCK, Clerk

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

STATE OF ALABAMA
COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vernon McDavid to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur to or plead to the complaint of Jack Heilmier.

You are hereby commanded to execute this process instantler and make return as required by law.

Witness my hand this 16th day of Nov 1949.

Alice J. Leuck,
Clerk.

JACK HEILMIER
Plaintiff

VS.

VERNON McDAVID
Defendant

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

The plaintiff claims of the defendant the following described personal property, to-wit: one Smith A. C. Welder, Serial No. 20-3476, with the value of the use thereof from, to-wit, 2nd day of Jan., 1948.

Arthur C. Epperson,
Attorney for the Plaintiff.

Filed in office this 16th day of Nov 1949.

Alice J. Leuck,
Clerk.

* * *

Sheriff's Return.

Receive in office this day of 1949.

Sheriff.

STATE OF ALABAMA
COUNTY OF BALDWIN

CIRCUIT COURT. IN LAW.

JACK HEILMEIER
Plaintiff

VS.

VERNON McDAVID
Defendant

SUMMONS AND COMPLAINT

1438

RECORDED

STATE OF ALABAMA
COUNTY OF BALDWIN

CIRCUIT COURT. IN LAW.

JACK HEILMEIER
Plaintiff

vs.

VERNON McDAVID
Defendant

SUMMONS AND COMPLAINT

FILED

NOV 15 1949

ALICE J. DUCK, Clerk

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

Jack Heilmeier
Plaintiff

vs.

Vernon McDavid
Defendant

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

Before me Alice J. Duck, Clerk of the Circuit Court of
Baldwin County, in and for said County personally appeared
Arthur C. Epperson, who, being duly sworn, deposeth and saith,
That the property sued for in the complaint of Jack Heilmeier v.
Vernon McDavid, belongs to Jack Heilmeier, the said plaintiff.

Arthur C. Epperson

Sworn to and subscribed before me this 15th day of Nov 1949.

Alice J. Duck,
Clerk.

1438

RECORDED

STATE OF ALABAMA

COUNTY OF BALDWIN

CIRCUIT COURT. IN LAW.

JACK HEILMEIER
Plaintiff

vs.

VERNON McDAVID
Defendant

AFFIDAVIT OF OWNERSHIP

FILED

NOV 15 1949

ALICE A. DUCK, Clerk

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALABAMA

STATE OF ALABAMA
COUNTY OF BALDWIN

To the Sheriff of said County, Greeting:

The plaintiff having given bond and made affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the defendant give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will, within thirty days thereafter, deliver the property to the plaintiff, and pay all costs and damages which may accrue from the detention thereof.

Witness my hand this 15th day of Nov 1949.

Henry J. Welch
Clerk Circuit Court, Baldwin County

Executed by serving a copy of the within summons and complaint on the defendant this 15 day of Nov 1949.

Taylor Wilkins
Sheriff.

By H. F. Hall
Deputy Sheriff.

Further executed by taking into my possession property described within, naming _____ as bailee.

This 15 day of Nov 1949.

Taylor Wilkins
Sheriff.

By H. F. Hall
Deputy Sheriff.

The defendant ~~having failed to give bond in the time allowed by law, the plaintiff~~ files a good and sufficient bond and ~~takes~~ retains possession of the property sued for, on this 21st day of Nov 1949.

Taylor Wilkins
Sheriff.

By _____
Deputy Sheriff.

201438
RECORDED

STATE OF ALABAMA

COUNTY OF BALDWIN

CIRCUIT COURT. IN LAW.

JACK HEILMEIER

Plaintiff

VS.

VERNON McDAVID

Defendant

ORDER TO SHERIFF TO TAKE

PROPERTY INTO POSSESSION

FILED

NOV 15 1949

ALICE J. DUCK, Clerk

ARTHUR C. EPPERSON

ATTORNEY AT LAW

FOLEY, ALABAMA