

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

Alice J. Venable, Clerk

STATE OF ALABAMA
BALDWIN COUNTY

1877
IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ben Sutton 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 W. C. Sherrer, O. H. Sherrer and W. R. Sherrer, individually, and doing business as Sherrer Machine Works.

Witness my hand this 21st day of October, 1952.

W. C. Sherrer
Clerk.

COMPLAINT

W. C. SHERRER, O. H. SHERRER
AND W. R. SHERRER, individually
and doing business as SHERRER
MACHINE WORKS,

Plaintiffs,

vs.

BEN SUTTON,

Defendant.

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

The Plaintiffs claim of the Defendant the following described personal property, viz:

One (1) Boom complete; One (1) Braden Winch-M6H15B-R--
Serial #5 07349; One (1) 1939 Ford truck motor number
stamped on left hand side of motor head and on 6" 1
beam frame. Motor Number S568, to which all of the
property described herein is attached.

together with the value of the hire or use thereof during the
detention, to-wit, since September 24, 1952.

Chason & Stone
By: Marlboro P. Stone
Attorneys for Plaintiff.

10-22 1952
 by serving copy of within Summons and
 Complaint on

*Ben Sutton and taking
 into my possession the
 within described property*

Taylor Williams Sheriff
Robert Allen Deputy Sheriff

SUMMONS AND COMPLAINT

W. C. SHERRER, O. H. SHERRER
 AND W. R. SHERRER, individually
 and doing business as SHERRER
 MACHINE WORKS,

Plaintiff,

vs.

BEN SUTTON,

Defendant.

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

FILED
 OCT 21 1952
 W. A. DUCK, CLERK

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

802

W. C. SHERRER, O. H. SHERRER
AND W. R. SHERRER, Individually
and doing business as Sherrer
Machine Works,

Plaintiffs,

VS.

BEN SUTTON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NUMBER 1877.

Testimony taken on hearing above styled cause on
December 22, 1952.

Appeared: For Plaintiffs,

Hon. N. C. Stone

Mr. Otis Sherrer, having been first duly and legally sworn,
testified as follows:

ON DIRECT EXAMINATION

By Mr. Stone

Q. Is this Mr. Otis Sherrer?

A. Right, yes sir.

Q. Mr. Sherrer, are you one of the plaintiffs in the case of
W. C. Sherrer, O. H. Sherrer and W. R. Sherrer, Individually
and doing business as Sherrer Machine Works, versus Ben Sutton?

A. Yes sir.

Q. Mr. Sherrer, are you all the owners of one boon complete, one
Braden winch, one 1939 Ford truck Motor Number S568, which is
the subject matter of this suit?

A. Yes sir.

Q. Is that one complete rig?

A. One complete rig, built together/

Q. What kind of rig is that Mr. Sherrer?

A. It would be classed as a loader.

Q. For lumber operation, timber operation?

A. For loading logs, skidding.

Q. Mr. Sherrer, in your business, are you all, do you all sell, or
deal in these skidders; loaders?

A. We sell them, build them, rig them up; anyway.

Q. Did you build this particular rig?

A. Yes sir.

Q. Are you familiar with the market value of rigs such as this?

A. Yes.

Q. What is the market value of this skidder or loader which is the subject matter of this suit?

A. I would say at the present condition, Five Hundred Dollars.

Q. Would you say that was the reasonable market value at the time this suit was filed on October 21st, of this year? Would you say that was the reasonable market value on October 21st of this year?

A. That would be about right.

Q. Five Hundred Dollars?

A. Yes sir.

I, Ora S. Nelson, Official Court Reporter of and For the Twenty-eighth Judicial Circuit of Alabama, hereby certify that the above and foregoing is a true and correct transcript of the testimony given on a hearing of the above styled cause on December 22, 1952, before Honorable Telfair J. Mashburn, Jr., Circuit Judge.

Transcribed and filed this 23rd day of December, 1952.

Ora S. Nelson
Reporter

The State of Alabama, BALDWIN County

CIRCUIT COURT

Know all Men by these Presents, That we, W. C. Sherrer, O. H. Sherrer and W. R. Sherrer,
doing business as Sherrer Machine Works and sureties

are held and firmly bound unto Ben Sutton

in the sum of One Hundred (\$100.00) ----- Dollars,

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, firmly by these presents.

Sealed with our seals, and dated this 24 day of September, 19 52

The Condition of the above Obligation is such, That whereas, the above bound W. C. Sherrer, O. H. Sherrer and W. R. Sherrer

have this day commenced their suit in the Circuit Court of Escambia County, against the said Ben Sutton

for the recovery of the following property, to wit: One boom complete. One Braden Winch-M6H15B-R--
Serial # 5 07349; One 1939 Ford truck Motor Number stamped on left hand side of
motor head and on 6" I Beam frame. Motor Number # S568 ; to which all of the
property described herein is attached.

and having made affidavit that the property sued for belongs to them, and entering into this bond, has obtained an order requiring any Sheriff of the State aforesaid to take the said property sued for into his possession:

Now, if the said W. C. Sherrer, O. H. Sherrer and W. R. Sherrer shall fail on said suit, and pay the Defendant all such costs and damages as he may sustain by the wrongful complaint, then this obligation to be void; otherwise to remain in full force and effect.

SHERRER MACHINE WORKS

W. C. Sherrer (L. S.)

O. H. Sherrer (L. S.)

W. R. Sherrer (L. S.)

Yancy Marshall (L. S.)

Bessie L. Bennett (L. S.)

Approved this 24 day of September, 19 52

Arif J. Leuch, Clerk.

AFFIDAVIT IN DETINUE

THE STATE OF ALABAMA, Escambia COUNTY

Before me, Reo Kirkland, Clerk of the Circuit Court,

personally appeared W. C. Sherrer, who,

having been by me duly sworn, deposes and says that the following property, to wit: One boom complete

One Braden Winch- M6H-15B-R--Serial # 5 07349; One 1939 Ford truck Motor Number

stamped on left hand side of motor head and on 6" 1 Beam frame. Motor Number S568;

to which all of the property described herein is attached.

for the recovery of which t he y have instituted suit this day in the Circuit

Court of Escambia BALDWIN County against Ben SUTTON

is the property of W. C. Sherrer, O. H. Sherrer

and W. R. Sherrer

Sworn to and subscribed before me this 24 day of September, 19 52

Reo Kirkland

No. RECORDED

The State of Alabama,

County.

CIRCUIT COURT

To

AFFIDAVIT AND BOND IN DETINUE

Filed 25 day of Sept, 19 52

W. C. Sherrer, Clerk.

(Box 618-2) MARSHALL & BRUCE

Clerk of the Circuit Court
of Escambia Co., Ala.

Reo Kirkland

This is to certify that this is a good and
subscribed bond and if presented to me in
my County I would approve the same.
This 25th day of Sept., 1952.

FILED
DEC 23 1952
AUGIE J. DUCK, Clerk

ALICE J. DUCK, Clerk

W. C. SHERRER, O. E. SHERRER
and W. R. SHERRER, individually
and doing business as SHERRER
MACHINE WORKS,

Plaintiffs,

vs.

BEN SUTTON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1877.

MOTION FOR JUDGMENT BY DEFAULT

Comes now the Plaintiffs by their attorneys, and move this court to enter a judgment by default against the Defendant, Ben Sutton, and in favor of the Plaintiffs, for the property sued for in the Bill of Complaint, together with its alternate value and as grounds for said motion say as follows:


1. That service was had upon the Defendant Ben Sutton on October 22, 1952, by the Sheriff of Baldwin County, Alabama, and that more than thirty days have elapsed since such service and the Defendant has failed to plead, answer or demur to the Complaint filed in this cause.

WHEREFORE, the Plaintiffs respectfully pray that this motion be granted, and that judgment by default be entered by this Court against Ben Sutton for the property sued for in the Bill of Complaint, together with its alternate value.

Respectfully submitted,

CHASON AND STONE

BY:


Attorneys for Plaintiffs.

RECORDED
W.C. Sherrer et al.

vs.

Ben Sutton

Motion for Judgment by
Default

Filed: 22 December 1952.

Telfair J. Middleberry
Judge

W. C. SHERRER, O. H. SHERRER
AND W. R. SHERRER, individually
and doing business as SHERRER
MACHINE WORKS,

Plaintiffs,

vs.

BEN SUTTON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1887.

JUDGMENT

This day came the Plaintiffs by their attorneys, and filed their motion for a judgment by default in the above styled cause and it appearing to the court that the Defendant was served with notice of the filing of this suit on October 22, 1952, and that more than thirty days have elapsed since such service and the Defendant has failed to plead, answer or demur to the Complaint, it is therefore;

ORDERED, ADJUDGED AND DECREED by the Court that a Judgment by Default be, and the same hereby is, entered in favor of the Plaintiffs and against the Defendant, for the property sued for in the Bill of Complaint, to-wit:-

One (1) Boom complete; One (1) Braden Winch-M6H15B-R--
Serial #5 07349; One (1) 1939 Ford truck motor number
stamped on left hand side of motor head and on 6" 1
beam frame. Motor Number S568, to which all of the
property described herein is attached.

together with the alternate value thereof.

The court now proceeds to hear the evidence in this cause and to fix and determine the alternate value of the above described property; and the court having heard and considered the evidence of O. H. Sherrer, one of the Plaintiffs is of the opinion that the alternate value of the property sued for in the Complaint and described above is \$ 500.00.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Ben Sutton, pay the costs of this suit, for all of which let execution issue.

Dated this 22nd day of December, 1952, at Bay Minette,
Baldwin County, Alabama,

I, Alice J. Duck, Register of the Circuit Court of Baldwin County,
Alabama, do hereby certify that the foregoing is a correct copy of the
original decree rendered by the Judge of the Circuit Court in above
entitled cause, which said decree is on file and entered in my office.
WITNESS MY HAND AND SEAL THIS THE 22 day of December, 1952

Register of Circuit Court, in Equity

Judgment

1871