

GIBBONS & STOKES

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III
WILLIAM L. HOWELL

October 9, 1969

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mr. Alice Duck, Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: Commerce Union Bank vs City of Bay Minette, et al
Case No. 8848

Dear Mrs. Duck:

I enclose a motion for judgment by default. I also enclose a photo copy of a letter from Mr. J. B. Blackburn, attorney, and you will note that he has no objection to my taking the judgment on the disclaimer. I would appreciate your presenting this to Judge Mashburn as soon as possible.

Sincerely,


B. F. Stokes, III

BFS/al

Enclosure

cc: Mr. J. B. Blackburn
Attorney at Law

FILED

OCT 10 1969

ALICE J. DUCK CLERK
REGISTER

COMMERCE UNION BANK)	IN THE CIRCUIT COURT OF
a corporation)	MOBILE COUNTY, ALABAMA
Plaintiff)	AT LAW
VS)	
CITY OF BAY MINETTE, a)	
municipal corporation, and)	
JOHN TROUGH, jointly and)	
individually)	
Defendants)	CASE NO. 8848

MOTION FOR JUDGMENT BY DEFAULT

Comes now the Plaintiff in the above styled cause and shows unto the Court that Defendants herein were served with complaint and summons; that said defendants through their attorney filed a disclaimer and a prayer for other parties to be made parties defendant, pursuant to Title 7, Section 933, Code of Alabama and Plaintiff would show that it has received no notice of an answer by said Third Parties.

WHEREFORE, Plaintiff moves the Court to enter a judgment by default against Defendants City of Bay Minette and John Trough, pursuant to said disclaimer.

B. F. Polner, Esq.
ATTORNEY FOR PLAINTIFF

FILED

OCT 10 1969

ALICE J. DUCK CLERK
REGISTER

COMMERCE UNION BANK
a corporation

Plaintiff

VS

CITY OF BAY MINETTE, a
municipal corporation, and
JOHN TROUGH, jointly and
individually

Defendants

) IN THE CIRCUIT COURT OF
) MOBILE COUNTY, ALABAMA
) AT LAW

)

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CASE NO. 8848

MOTION FOR JUDGMENT BY DEFAULT

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WHEREFORE, Plaintiff moves the Court to enter a judgment by default against Defendants City of Bay Minette and John Trough, pursuant to said disclaimer.


ATTORNEY FOR PLAINTIFF

J. B. BLACKBURN
ATTORNEY AT LAW
110 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA 36507

September 25, 1969

P. O. DRAWER 59
TEL. 897-2001
AREA CODE 205

Gibbons & Stokes
Attorneys at Law
P. O. Box 293
Mobile, Alabama 36601

Attention: Mr. B. F. Stokes, III

Gentlemen:

I have your letter of September 24 about the case
of Commerce Union Bank vs. City of Bay Minette, et al.

In the pleading which I filed, I set out the infor-
mation which was given to me.

I have no further interest in the case and as far
as I am concerned you may take a judgment on the disclaimer
at the proper time.

Very truly yours,

J. B. Blackburn
J. B. BLACKBURN

JBB:mlb

8848

COMMERCE UNION BANK,
a corporation,

VS. Plaintiff,

CITY OF BAY MINETTE, a
municipal corporation, and
JOHN TROUGH, jointly and
individually,

Defendants.

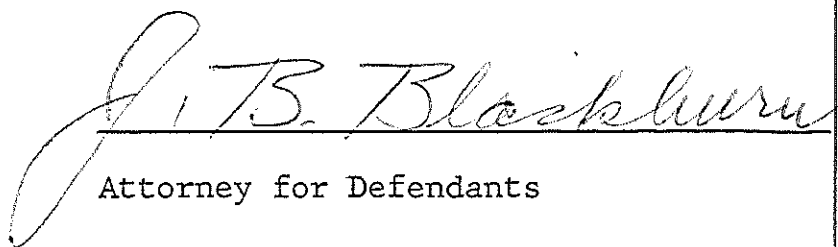
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8848

AFFIDAVIT REQUIRING ADVERSE CLAIMANTS TO COME IN
AND DEFEND

Now come the defendants in the above entitled cause, each separately and severally, and disclaim any interest in the Falcon automobile described in the complaint heretofore filed in this cause.

The defendants allege that J. C. Granstaff, 1205 Davison Avenue, Nashville, Tennessee, and Walter P. Trawick, Bay Minette, Alabama, without collusion with the defendants or either of them, claim the automobile sued for, or a part thereof, and the said defendants pray that an order be made requiring the said parties to come in and defend in the manner provided by Title 7, Section 933 of the Code of Alabama.

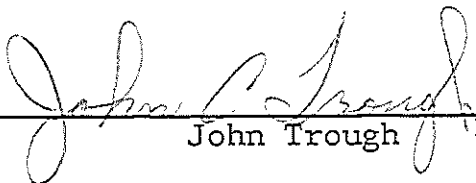

Attorney for Defendants

STATE OF ALABAMA Ø
*
BALDWIN COUNTY Ø

Before me, the undersigned authority, within and for said County in said State, personally appeared JOHN TROUGH, who, after being by me first duly and legally sworn, deposes and says: That he is Chief of Police of the defendant City of Bay Minette, Alabama, and, as such officer, is duly authorized to make this affidavit for

and on behalf of the corporation, and that he is one of the defendants in this action.

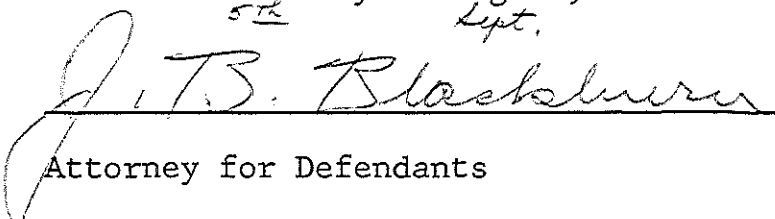
Affiant further deposes and says that the facts stated in the foregoing instrument are true and correct.


John Trough

Sworn to and subscribed before me on
this the 3rd day of ~~August~~^{Sept.}, 1969.


Notary Public, Baldwin County, Alabama

I hereby certify that I mailed a copy of the above and foregoing instrument to B. F. Stokes, Attorney for Plaintiff, 160 Congress Street, Mobile, Alabama, by first class mail, postage prepaid and properly addressed, on this the ~~26th~~^{5th} day of ~~August~~^{Sept.}, 1969.


Attorney for Defendants

FILED

SEP 5 1969

ALICE J. DUCK CLERK
REGISTER

8848

FILED

SEP 5 1969

ALICE J. DUCK CLERK
REGISTER

THE STATE OF ALABAMA,
MOBILE COUNTY.

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Commerce Union Bank, a corporation,
as Principal, and Fidelity and Deposit Company of Maryland, as Surety,
are held and firmly bound unto City of Bay Minette, a municipal corporation,
and John Trough, jointly and individually, heirs, executors and administrators, in the
sum of ONE THOUSAND DOLLARS (\$1,000.00) Dollars, for
the payment of which, we bind ourselves, our and each of our heirs, executors, and administrators, jointly
and severally, firmly by these presents.

Sealed with our seals and dated this 19 day of August, A. D. 19 69.

The Condition of the above Obligation is such, That whereas the above bounden Commerce Union
Bank, a corporation has, on

the 19 day of August 19 69, sued out from the office of the
Clerk of the Circuit Court of Mobile, in the State of Alabama, a Writ of Detinue, returnable to the present
Baldwin
term of said Circuit Court of Mobile against the said City of Bay Minette, a municipal
Baldwin individually,
corporation, and John Trough, jointly and for the recovery of the following property.

to-wit One 1968 Falcon automobile, serial number or identification
number 8X11T126716

NOW, if the said Commerce Union Bank, a corporation, shall fail
in said suit, and shall pay to the said City of Bay Minette, a municipal corporation, and
John Trough, jointly and individually,
the defendant in said writ all such costs and damages as he may sustain by the wrongful suing out of said
Writ of Detinue, then this obligation to be void, otherwise to remain in full force and benefit.

COMMERCE UNION BANK, A Corporation

By: [Signature] (Seal)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: [Signature] (Seal)

As Attorney in Fact

Approved 8-19-69
Alice J. Duck
clerk

FILED

AUG 19 1969

ALICE J. DUCK

CLERK VOL
REGISTER

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THE STATE OF ALABAMA,
Mobile County

DETINUE AFFIDAVIT

Notary Public

PERSONALLY appeared before me, ~~John F. Stallworth, Clerk of the Circuit Court~~ of Mobile County,

J. F. Stallworth

who, being duly sworn deposes and says, that the property sued for in the complaint of

Commerce Union Bank, a corporation, vs City of Bay Minette, a municipal corporation, and John Trough, jointly and individually,
to-wit:

One 1968 Falcon automobile, serial number or

identification number 8X11T126716

belongs to Commerce Union Bank, a corporation, the said Plaintiff

Sworn to and subscribed the 19 day

of August 1969, before me.

Notary Public

FILED

AUG 19 1969

No. 8848

CIRCUIT COURT

Mobile County

COMMERCE UNION BANK, a
corporation

VS. } Plaintiff
Detinue Affidavit
and Bond

CITY OF BAY MINETTE, a
municipal corporation, and
John Trough, jointly and
individually Defendants.

Filed 19 day of August

ALICE J. DUCK

CLERK
REGISTER

Clerk Circuit Court, Mobile County

Attorney

STATE OF ALABAMA
County of Mobile.

8848

KNOW ALL MEN BY THESE PRESENTS, That we, Commerce Union Bank, a corporation,
as Principal, and Fidelity and Deposit Company of Maryland, as Sureties, are held and firmly bound unto
City of Bay Minette, a municipal corporation, and John Trough, jointly
and individually in the sum of TWO THOUSAND DOLLARS (\$2,000.00)

for the payment of which well and truly to be made we, jointly and severally, bind ourselves and each of us, our heirs,
executors and administrators. Sealed with our seals and dated this 19 day of August
in the year of our Lord, one thousand, nine hundred and sixty nine

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said
Commerce Union Bank, a corporation,

did, on the 19 day of August, (1) 969, sue out in the Circuit Court
of Baldwin County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him to take
into his possession the following described property, to-wit:

One 1968 Falcon automobile, serial number or identification
number 8X11T126716

which said writ was placed in the hands of Taylor Wilkins,
Baldwin
Sheriff of the County of Baldwin, on the _____ day of _____, 19____, by taking into his possession
the following described property, to-wit:

One 1968 Falcon automobile, serial number or identification
number 8X11T126716

and whereas the said City of Bay Minette, a municipal corporation, and John
Trough, jointly and individually,
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 is the said Commerce Union Bank, a corporation,

upon his failing in said suit, shall deliver the said property to the defendant within thirty days after judgment, and
pay 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.

By: [Signature] (Seal)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND (Seal)

By: [Signature] (Seal)
As Attorney in Fact

Taken and approved this the 27th day of August, 1969

[Signature]
Sheriff, ~~XXXXXX~~
Baldwin County, Alabama

No. _____

CIRCUIT COURT

MOBILE COUNTY
BALDWIN

COMMERCE UNION BANK, a
corporation

Plaintiff

VS.

} Detinue Forthcoming

} Bond by Plaintiff

CITY OF BAY MINETTE, a
municipal corporation, and
JOHN TROUGH, jointly and
individually

Defendant

COMMERCE UNION BANK, a
corporation

Plaintiff

VS

CITY OF BAY MINETTE, a
municipal corporation,
and John Trough, jointly
and individually

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No.

8848

The plaintiff claims of the defendants, jointly and
individually, the following described personal property, viz:

One 1968 Falcon automobile, serial number or
identification number 8X11T126716

with the value of the use thereof during the detention, viz:
from the 14th day of August, 1968.

B. F. Holmes III
Attorney for Plaintiff

Serve defendant City of Bay Minette, at City Hall, Bay Minette,
Alabama.

Serve defendant John Trough care of City Police Station, Bay
Minette, Alabama

FILED

AUG 19 1969

ALICE J. DUCK CLERK
REGISTER

The State of Alabama,
Baldwin County

No. 8848

CIRCUIT COURT

19

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon CITY OF BAY MINETTE, A Municipal Corporation,
& John Trough, Jointly & Individually

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 COMMERCE UNION BANK,
A Corporation

Witness my hand this 19th day of August 1969

Alice J. Luck, Clerk

COMPLAINT

Plaintiff Versus Defendant

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

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

from 19, to 19

Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

Commerce Union Bank
a corp.

Plaintiff

VS.

City of Bay Minette
a Municipal Corp
John Trough

Defendant

Detinue Summons and Complaint

Filed _____, 19____

_____, Clerk

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. Luck Clerk

Defendant lives at _____

RECEIVED

AUG 19 1969

~~James H. Williams~~

_____, Sheriff

I have executed this summons

this Aug 21, 1969
by leaving a copy withCity of Bay Minette &
John Trough
John Trough
John TroughCar stored at
County Jail
attached 11-1968-rekon
Serial # 8411T126716
City made bond 8/27/69
by Commerce Union Bank
Fidelity & Deposit Co.
Property released to CityTaylor Wilkins SheriffW. A. Talbot Deputy Sheriff