

GIBBONS & STOKES

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

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

September 25, 1969

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

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

no. 8896

Re: Allen Parker Company vs Robert G. Yorton

Dear Mrs. Duck:

Enclosed is a detinue suit and bonds for filing. You have previously accepted Fidelity and Deposit Company of Maryland as a sufficient surety. Please file these papers at your earliest convenience.

Sincerely,


B. F. Stokes, III

BFS/al

Enclosure

GIBBONS & STOKES

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

January 13, 1970

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

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

Mr. Alice J. Duck, Clerk
Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama 36507

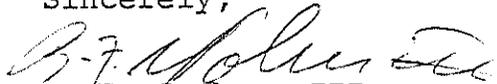
Re: Allen Parker Company vs Robert G. Yorton, #8896

Dear Mrs. Duck:

More than thirty days have expired since the defendant was served. In fact, the defendant was served back in late September or early October, according to my understanding. No answer has been filed. I enclose a motion for judgment by default, as well as a non-military affidavit. I am not offering the contract in evidence, due to the fact that we are not requesting an alternate value judgment - simply a judgment for the property itself. Also, no request is made for loss of use or damages for detention.

Please present this matter to Judge Mashburn at your earliest convenience and advise me if judgment is rendered, sending to me a certificate of judgment in the matter. Also, if judgment is rendered, please send a writ of distringes to the sheriff to seize the property promptly, due to the fact that the defendant is still in possession of this property.

Sincerely,


B. F. Stokes, III

BFS:fo
Enclosures

ALLEN PARKER COMPANY, a

corporation

PLAINTIFF,

-versus-

ROBERT G. YORTON

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN
~~MOBILE~~ COUNTY,

ALABAMA

AT LAW

CASE NO. 8896

NON-MILITARY AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes, B. F. Stokes, III,

who being first duly sworn, deposes and says that the defendant
herein, Robert G. Yorton,

was not at the time of filing of this suit, and is not now
in the Military or Naval Service of the United States.

The Defendant resides at _____

Daphne, Alabama

B. F. Stokes, III

Sworn to and Subscribed before me,
this 13 day of January, 1970.

Michael K. Baker
~~XXXXXXXXXXXX~~, MOBILE COUNTY, ALABAMA
NOTARY PUBLIC,

FILED _____

Clerk.

FILED

JAN 14 1970

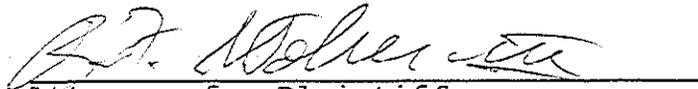
ALICE J. DUCK CLERK REGISTER

ALLEN PARKER COMPANY,) IN THE CIRCUIT COURT OF
a corporation)
Plaintiff) BALDWIN COUNTY, ALABAMA
VS) AT LAW
ROBERT G. YORTON) Case No. 8896
Defendant)

MOTION FOR JUDGMENT
BY DEFAULT

Comes now the plaintiff in the above styled cause and shows unto the Court that more than thirty days have elapsed since the defendant was served with the complaint but the defendant has failed and refused to answer the complaint.

WHEREFORE, plaintiff moves the Court for judgment by default for the property sued for in the complaint, with no request for an alternate value.



Attorney for Plaintiff
B. F. Stokes, III
P. O. Box 293
Mobile, Alabama

FILED

JAN 14 1970

ALICE J. DUSK CLERK

ALLEN PARKER COMPANY,
a corporation

Plaintiff

VS

ROBERT G. YORTON

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

)

)

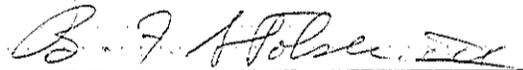
CASE NO. 8896

Plaintiff claims of the defendant the following described
personal property, viz:

One (1) 1967 model Fleetwood Mobil Home
ID or serial number DD7US7394, 52' x 12'
color - solid white

with the value of the use thereof during the detention, viz:

From, to-wit, August 25, 1969, said above described property
being the property of the plaintiff.



B. F. STOKES, III
ATTORNEY FOR PLAINTIFF
P. O. Box 293
Mobile, Alabama

Serve the defendant at:

Jubilee Beach, Trailer Camp, Daphne, Alabama.

FILED

SEP 26 1969

ALICE J. DUCK CLERK
REGISTER

The State of Alabama, }
Baldwin County

CIRCUIT COURT

No. 8896

19

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon ROBERT G. YORTON

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 ALLEN PARKER COMPANY, a corporation

Witness my hand this 26th day of Sept. 19 69.

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

ALLEN PARKER COMPANY, A Corp.

Plaintiff...

VS.

ROBERT G. YORTON

Defendant...

Detinue Summons and Complaint

Filed Aug Sept. 26, 19 69

Alice J. Duck, Clerk

B. F. Stokes, III
P. O. Box 293 Plaintiff's Attorney
Mobile, Ala.

Defendant's Attorney

*Warren Finch - atty
for Dept 438-1621*

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. Duck Clerk

Defendant lives at

RECEIVED
Received in office
SEP 26 1969

, 19

, Sheriff

I have executed this summons

this Sept. 30, 1969
by leaving a copy with

Robert G. Yorton
attached one
1967 model Studebaker
metal home bond
10 7427394,
52' x 12'

Sheriff claims 54 miles
Ten Cents per mile Total \$ 5.40
TAYLOR WILKINS, Sheriff
T. P.

Taylor Wilkins, Sheriff
Roy Randall, Deputy Sheriff

Printed by Moore Printing Co.

Daphne

THE STATE OF ALABAMA,
~~MOBILE~~ COUNTY.
BALDWIN

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Allen Parker Company, a corporation
as Principal, and Fidelity and Deposit Company of Maryland, as Sureties

are held and firmly bound unto Robert G. Yorton

his heirs, executors and administrators, in the
sum of Two Thousand and no/100 (\$2,000.00) 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 25 day of September, A. D. 1969

The Condition of the above Obligation is such, That whereas the above bounden

Allen Parker Company, a corporation

has, on

the 25th day of Sept. 1969, sued out from the office of the
Clerk of the Circuit Court of ~~Mobile~~
Baldwin
term of said Circuit Court of ~~Mobile~~ against the said Robert G. Yorton
Baldwin

for the recovery of the following property.

to-wit

One (1) 1967 model Fleetwood Mobil Home ID or Serial number
DD7US7394, 52' x 12' color - solid white

NOW, if the said Allen Parker Company, a corporation shall fail

in said suit, and shall pay to the said Robert G. Yorton
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.

FILED

SEP 26 1969

ALICE J. DICK CLERK REGISTER

Allen Parker Company, a corporation
By: [Signature] (Seal)
FIDELITY AND DEPOSIT COMPANY OF MARYLAND (Seal)

By: [Signature] (Seal)
Atty-in-Fact

*Accepted This
26 day of Sept 1969
Alice J. Dick
Clerk*

THE STATE OF ALABAMA,
~~MOBILE~~ County
BALDWIN

DETINUE AFFIDAVIT

the undersigned Notary Public
PERSONALLY appeared before me, ~~John E. Mandeville~~, 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

Allen Parker Co. vs Robert G. Yorton

to-wit: One (1) 1967 Model Fleetwood Mobil Home ID or serial number
DD7US7394, 52' x 12' color - solid white

belongs to Allen Parker Company the said Plaintiff

Sworn to and subscribed the 25th day
of September, 1969, before me.

Allen Levine Notary Public

NOTARY PUBLIC
STATE OF ALA. AT LARGE

[Signature]

No. 8896

CIRCUIT COURT

MOBILE COUNTY
BALDWIN

Allen Parker Company

VS. } Detinue Affidavit
and Bond

Robert G. Yorton

Filed day of 19

Clerk Circuit Court, ~~MOBILE~~ County
Baldwin

Attorney

