

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	)	BALDWIN COUNTY, ALABAMA
Plaintiff	)	AT LAW
VS	)	Case No. 8896
ROBERT G. YORTON	)	
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. DUCK

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*

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 26 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 Oldsmobile*  
*metal home bond*  
*# 10 74 7394,*  
*52 x 12*

Sheriff claims 54 miles  
Ten Cents per mile Total \$ 5.40  
TAYLOR WILKINS Sheriff  
*R. R.*

*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. 19 69

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. 19 69, sued out from the office of the  
Clerk of the Circuit Court of ~~MOBILE~~ Baldwin, in the State of Alabama, a Writ of Detinue, returnable to the present  
term of said Circuit Court of ~~MOBILE~~ Baldwin against the said Robert G. Yorton

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.

Allen Parker Company, a corporation

By: [Signature] (Seal)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND (Seal)

By: [Signature] (Seal)

Atty-in-Fact

FILED

SEP 26 1969

ALICE J. DICK CLERK  
REGISTER

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



THE STATE OF ALABAMA,  
~~XXXX~~ 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.

NOTARY PUBLIC  
STATE OF ALA. AT LARGE

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, ~~XXXX~~ County  
Baldwin

Attorney