

DETINUE SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

No. _____

19

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon Sherril Jacobs

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 _____

Henry Patrick and Isabelle Patrick

Witness my hand this 22 day of April, 19 70.

Alice J. Duck, Clerk.

COMPLAINT

Henry Patrick & Isabelle
Patrick

Sherril Jacobs

PlaintiffS Versus Defendant

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

1966 Mercury Comet 8 Cyl. Capri, 2 dr. HT Sedan

Serial Number 6H13C-535743

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

from April 1, 19 70, to April 17, 19 70

FILED

APR 22 1970

ALICE J. DUCK CLERK
REGISTER

Robert M. Brandy, Plaintiff's Attorney.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Lenny Patrick &
Isabel Patrick
Plaintiff.

vs.

Sherril Jacobs
Defendant.

DETINUE SUMMONS AND COMPLAINT

Filed 4-22, 1970

Dee J. J. J.
Clerk.

William F. Beaulieu
Plaintiff's Attorney

Defendant's Attorney

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.

Clerk.

Defendant lives at

Received in office

March 11, 1971Taylor Wilkins Sheriff.

I have executed this summons

this 12 March, 1971

by leaving a copy with

Sherril Jacobs


Sheriff claims _____ miles at

Ten Cents per mile Total \$ _____
TAYLOR WILKINS, SheriffBY _____
DEPUTY SHERIFF

Taylor Wilkins, Sheriff
J. M. Byrd, Deputy Sheriff


HENRY PATRICK and)	IN THE CIRCUITCOURT OF
ISABELLE PATRICK,)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
-vs-)	
SHERRIL JACOBS,,)	IN LAW CASE #9229
Defendant.)	

Comes the Defendant in the above styled cause and
respectfyllly requestrial by jury of said cause.


ATTORNEY FOR DEFENDANT.

I, C. LENOIR THOMPSON, Attorney for the Defendant in
the above styled cause, hereby cetify that I have this day
mailed a copy of the above instrument to Honcrable Tolbert
M. Brantley, Bay Minette, Alabama, Attorney for the Plaintiff,
by depositing a copy of same in the United States Mail,
postage prepaid.

This the 19 day of March, 1971.


C. LENOIR THOMPSON
ATTORNEY FOR THE DEFENDANT

FILED

MAR 19 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

HENRY PATRICK and
ISABELLE PATRICK,

Plaintiffs,

Vs.

SHERRIL JACOBS,

Defendant.

Y
Y
Y
Y
Y
Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 9229

Plaintiff files the following demurs to Answers 1, 2, 3, and
4.

1.

The matters alleged therein is no defence to this suit.

WILTERS & BRANTLEY

BY:

SMB Brantley
Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8 day of April,
1971 served a copy of the foregoing pleading on each of the
parties to this proceeding by mailing the same by United
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By:

SMB Brantley

FILED

APR 8 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

HENRY PATRICK and)		
ISABELLE PATRICK,)	IN THE CIRCUIT COURT OF	
)		
Plaintiffs,)		
)		
-vs-)	BALDWIN COUNTY, ALABAMA	
)		
SHERRIL JACOBS,)		
)		
Defendant.)	AT LAW	CASE # <u>4229</u>

A N S W E R :

Comes Sherril Jacobs, Defendant in the above styled cause and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

(1) That during the month of April, 1969, the said Plaintiffs rescinded their purchase agreement for the 1966 automobile, subject of this suit, and filed suit against your said Defendant in Civil Case #8669 in the Circuit Court of Baldwin County, Alabama, for damages. Said Plaintiffs testified in said Civil Case #8669 that they had returned said automobile to the said Defendant. Following which the Plaintiffs, who had rescinded said contract by returning said automobile, filed Civil Case #8669 as an action for debt against the said Defendant to recover monies paid out for the said automobile, and the said Plaintiffs recovered judgment at the hands of a jury of twelve.

(2) For a further and separate reply, Defendant alleges that the said Plaintiffs are estopped and ought not be admitted to say that they claim the said automobile for the reason that on to-wit, April 22, 1969, the said Plaintiffs sued your said defendant in Civil Case #8669 in the Circuit Court of Baldwin County, Alabama, and testified before a jury that they had returned to your said Defendant the said automobile, to-wit a 1966 Comet, due to the mechanical condition of the said automobile, and the said plaintiffs thereupon obtained a judgment against the Defendant in said cause of Twelve Hundred Fifty (\$1250.00) Dollars.

(3) For further answer your said Defendant shows unto this Honorable Court that this said suit is inconsistent with the suit previously asserted by the said Plaintiffs and which constitutes an estoppel of the instant case.

(4) For further answer, prior to the trial of the said suit on to-wit, April 22, 1970, said Plaintiffs filed the instant suit to-wit, an action in detinue; and with two suits pending said Plaintiffs elected to proceed with Civil Case #8669 and to abandon Civil Case #_____. Having made an election, service was not had on the instant case until on or about March 9, 1971.

(5) Nondetinet.


ATTORNEY FOR DEFENDANT.

FILED
MAR 31 1971
EUNICE B. BLACKMON CIRCUIT
CLERK