

ROBERT G. YORTON and  
MARY YORTON,  
  
Plaintiff,

VS.

ROBERT CULP, d/b/a  
RILEY MOBILE HOMES SALES  
OF LOUISIANA, INC., A  
Corporation, RILEY MOBILE  
HOMES SALES OF LOUISIANA,  
INC., A Corporation, and  
ALLEN PARKER, INC., A  
Corporation,

Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
)

) AT LAW  
)

) CASE NO. 9370

MOTION TO QUASH

Comes now Robert Culp in the above mentioned matter, by and through his attorney of record, and moves Your Honor to quash the service of process of the complaint in the above mentioned matter and as grounds for said motion shows and represents unto Your Honor as follows:

1. That Robert Culp does not now nor has at any time done business as Riley Mobile Homes Sales of Louisiana, Inc., a corporation.
2. That Robert Culp is not the owner of nor has at any time been the owner of Riley Mobile Homes Sales of Louisiana Inc, a corporation.

**CERTIFICATE OF SERVICE**

I certify that on this 25 day of Aug,  
1970 a copy of the foregoing pleading has been  
served upon counsel for all adverse parties to this  
proceeding by mailing the same to each by first class  
U. S. mail, properly addressed and postage prepaid.

WMS  
ATTORNEY FOR

GIBBONS & STOKES

BY: William L. Howell

Attorneys for Defendant

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, William L. Howell, who  
being known to me and first duly sworn to speak the truth,  
deposed and saith that he is cognizant of the facts set out in  
the foregoing motion and that the facts stated therein are true.

William L. Howell  
William L. Howell

Subscribed and sworn to before me this 25 day of  
August, 1970.

\$VOL

68 PAGE 211

Lila M. Edwards  
Notary Public, Mobile County, Alabama

FILED

AUG 26 1970

CLERK  
REGISTER

ALICE J. DICK

ROBERT G. YORTON and  
MARY YORTON,  
  
Plaintiff,

VS.

ROBERT CULP, d/b/a  
RILEY MOBILE HOMES SALES  
OF LOUISIANA, INC., A  
Corporation, RILEY MOBILE  
HOMES SALES OF LOUISIANA,  
INC., A Corporation, and  
ALLEN PARKER, INC., A  
Corporation,

Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
)

) AT LAW  
)

) CASE NO. 9370  
)

MOTION TO QUASH

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and through his attorney of record, and moves Your Honor to  
quash the service of process of the complaint in the above  
mentioned matter and as grounds for said motion shows and  
represents unto Your Honor as follows:

1. That Robert Culp does not now nor has at any time  
done business as Riley Mobile Homes Sales of Louisiana, Inc.,  
a corporation.

2. That Robert Culp is not the owner of nor has at any  
time been the owner of Riley Mobile Homes Sales of Louisiana  
Inc, a corporation.

CERTIFICATE OF SERVICE

I certify that on this 25 day of Aug,  
1970 a copy of the foregoing pleading has been  
served upon counsel for all adverse parties to this  
proceeding by mailing the same to each by first class  
U. S. mail, properly addressed and postage prepaid.

[Signature]  
ATTORNEY FOR

STATE OF ALABAMA

COUNTY OF MOBILE

GIBBONS & STOKES

BY: [Signature]

Attorneys for Defendant

CLERK  
REGISTER  
AUG 26 1970  
AUG 26 1970

Personally appeared before me, William L. Howell, who  
being kn own to me and first duly sworn to speak the truth,  
deposed and saith that he is cognizant of the facts set out in  
the foregoing motion and that the facts stated therein are ture.

[Signature]  
William L. Howell

Subscribed and sworn to before me this      day of  
August, 1970.

[Signature]  
Notary Public, Mobile County, Alabama

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9370

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROBERT CULP, d/b/a Best Trailer Sales & Service,  
Inc., a corp., BEST TRAILER SALES & SERVICE, INC., A Corp. & ALLEN PARKER, Inc.,  
a corp.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint  
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against ROBERT CULP, d/b/a  
Best Trailer Sales & Service, Inc., a corp., et al .., Defendant.....

by ROBERT G. YORTON & MARY YORTON

....., Plaintiff.....

Witness my hand this 2nd day of July 1970

Alice J. Welch, Clerk

No.....

Page.....

**THE STATE OF ALABAMA**

**BALDWIN COUNTY**

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS AND COMPLAINT**

Filed ..... 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Recieved In Office

19.....

Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

ROBERT G. YORTON  
and MARY YORTON

Plaintiff  
VS.

ROBERT CULP, DBA Best Trailer )  
Sales and Service, Inc., a )  
corporation, BEST TRAILER )  
SALES AND SERVICE, INC., a )  
corporation, and ALLEN PARKER, )  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. 9371

COUNT ONE

Plaintiffs claim of the Defendants SEVEN THOUSAND TWENTY-EIGHT and 60/100 DOLLARS (7,028.60) damages for wrongfully taking by the defendants, their agents, servants, or employees, while acting within the line and scope of their authority, the following goods and chattels, the property of the Plaintiff, viz: one (1) 1967 Model Fleetwood Mobile Home, Identification number or Serial number DS 7 U. S. 7394, 12 x 52, Color--Solid white.

COUNT TWO

Plaintiffs claim of Defendants SEVEN THOUSAND TWENTY-EIGHT and 60/100 dollars (\$7,028.60) damages for the conversion by the defendants, their agents, servants or employees, while acting within the line and scope of their authority, on the 9th day of February, 1970, of the following chattels:

One (1) 1967 Model Fleetwood Mobile Home, Identification Number or Serial Number DS 7 U. S. 7394, 12 x 52, Color--Solid White,

the property of the Plaintiffs.

COUNT THREE

Plaintiffs claim of Defendants SEVEN THOUSAND TWENTY-EIGHT AND 60/100 DOLLARS (\$7,028.60) damages for a trespass by the defendants, their agents, servants, or employees, while acting within the line and scope of their authority, on the following tract of land, viz: Campark, Jubilee Beach, Daphne, Baldwin County, Alabama, in the possession of the

Plaintiffs, and for removing the following chattels:

One (1) 1967, Fleetwood Two (2) Bedroom FK Model  
Number or Identification Number DD 7 U. S. 7394,  
12 x 52

the property of the Plaintiffs without the Plaintiffs consent  
or agreement, on the 9th day of February, 1970.

COUNT FOUR

The Plaintiffs claim of the Defendants SEVEN THOUSAND  
TWENTY-EIGHT and 60/100 Dollars (\$7,028.60) damages for a  
breach of warranty in the sale of one (1) 1967 Model Fleetwood  
Mobile Home, Identification Number or Serial Number DS 7 U. S.  
7394, 12 x 52, Color--Solid white, by Defendants, their agents,  
servants, or employees, acting within the line and scope of  
their authority, to the Plaintiffs, on the 3rd day of July,  
1969, which the defendants warranted said Mobile Home to be  
in good, usable and liveable condition and free from defects  
when in fact the said Mobile Home was defective and not in  
good and liveable condition due to holes in the outer panels  
and the rear bedroom of said Mobile Home.

COUNT FIVE

The Plaintiffs claim of the Defendants SEVEN THOUSAND  
TWENTY-EIGHT and 60/100 Dollars (\$7,028.60) as damages for  
that on, to-wit; July 3, 1969, in the city of Daphne, Baldwin  
County, Alabama, the defendants, their agents, servants, or  
employees, while acting within the line and scope of their  
employment, negligently moved or backed one

1967 Model Fleetwood Mobile Home, Identification Number  
or Serial Number DS 7 U. S. 7394, 12 x 52, Color--Solid  
White,

property belonging to Plaintiffs, into or upon a tree or object  
on or upon Campark, Jubilee Beach, Daphne, Alabama, real  
property in possession of the Plaintiffs. As a proximate  
consequence of the negligence of said Defendants, the Plaintiffs  
property was greatly damaged or rendered less valuable, for  
all of which they claim damages as aforesaid.

Warren L. Finch  
WARREN L. FINCH  
Attorney For Plaintiffs  
963 Old Shell Road  
Mobile, Alabama

Plaintiffs respectfully demand a jury trial.

Warren L. Finch  
WARREN L. FINCH

Defendants may be served at:

Robert Culp  
Best Trailer Sales & Service, Inc.  
2850 New Highway 90 West,  
Mobile, Alabama

Allen Parker, Inc.  
8136 Airline Highway  
Baton Rouge, Louisiana

FILED

JUL 2 1970

ALICE J. DUCK CLERK  
REGISTER

STATE OF ALABAMA)

COUNTY OF BALDWIN)

ROBERT G. YORTON  
and MARY YORTON

Plaintiffs

VS.

ROBERT CULP, DBA Best Trailer  
Sales and Service, Inc.,  
a corporation, BEST TRAILER  
SALES AND SERVICE, INC., a  
corporation, and ALLEN PARKER,  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. \_\_\_\_\_

CERTIFICATE

I, Warren L. Finch, as Attorney of Record representing Plaintiffs, Robert C. Yorton and Mary Yorton in the above entitled cause hereby certify that the provisions of Title 7, Section 193, Code of Alabama 1940 (Recomp. 1958), are applicable as to Service of Process on the Defendant, Allen Parker, Inc., a corporation, not qualified to do business in the State.

Warren L. Finch  
WARREN L. FINCH

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Carol Stevens, Notary Public for the State of Alabama at Large, do hereby certify that Warren L. Finch, who is known to me, acknowledged before me on this date that pursuant to Title 7, Section 193, Code of Alabama 1940 (Recomp. 1958) he executed the foregoing certificate.

Sworn to and subscribed before me, this 2nd day of

July, 1970.

Carol Stevens  
NOTARY PUBLIC

State of Alabama at Large

FILED

JUL 2 1970

ALICE J. DUCK

CLERK  
REGISTER

Lloyd Balch

Robert Culp DBA

BEST TRAILER SALES

2850 New 90. West

Moved out of

Town

ROBERT G. YORTON  
and MARY YORTON

Plaintiff

VS.

ROBERT CULP, DBA Best Trailer  
Sales and Service, Inc., a  
corporation, BEST TRAILER SALES  
AND SERVICE, INC., a corporation,  
and ALLEN PARKER, INC., A cor-  
poration

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. 9370

Comes now the Plaintiff and amends their complaint hereto-  
fore filed so as to show the style of the cause as follows:

ROBERT G. YORTON  
and MARY YORTON

Plaintiff

VS.

ROBERT CULP, DBA Riley Mobile  
Homes Sales of Louisiana, Inc.,  
a corporation, RILEY MOBILE  
HOMES SALES OF LOUISIANA, INC.,  
a corporation, and ALLEN PARKER  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF

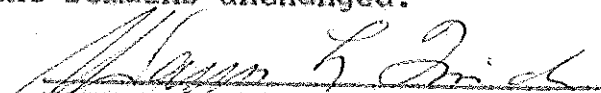
) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. 9370

The remainder of the Complaint remains unchanged.

  
WARREN L. FINCH  
Attorney for Plaintiff

Riley Mobile Homes Sales  
of Louisiana, May Be served  
by serving the statutory agents,  
which are Richard A. Ball & Fred  
S. Ball, Jr., 200 South Lawrence  
Street, Montgomery, Alabama 36104.

Allen Parker, Inc., must be served  
through Secretary of State pursuant  
to Title 7, Sec. B, Code of Alabama.

**FILED**

JUL 23 1970

ALICE J. DUCK CLERK  
REGISTER

ROBERT G. YORTON and	)	IN THE CIRCUIT COURT OF
MARY YORTON,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	
VS.	)	AT LAW
ROBERT CULP, d/b/a	)	
RILEY MOBILE HOMES SALES	)	
OF LOUISIANA, INC., A	)	
Corporation, RILEY MOBILE	)	
HOMES SALES OF LOUISIANA,	)	
INC., A Corporation and	)	
ALLEN PARKER, INC., A	)	
Corporation,	)	
Defendants.	)	CASE NO. 9370

MOTION TO QUASH

Comes now defendant, Allen Parker Company, a corporation, and moves your Honor to quash the service of process of the complaint in the above mentioned matter and as grounds for said motion shows and represents unto Your Honor as follows:

1. That said defendant maintains no place of business in the State of Alabama at this time and maintains no place of business in the State of Alabama at the time of perfection of service of the complaint in the above mentioned matter.

2. That said defendant has no agent, servant or employee in the State of Alabama at this time nor does such defendant have an agent, servant or employee in the State of Alabama at the time of perfection of service with the complaint in the foregoing matter.

3. That said defendant maintains no warehouse, supply house, or other business structure or enterprise in the State of Alabama nor did it do so at the time of perfection of service of the complaint in the foregoing matter.

4. That said defendant has no business outlet in the State of Alabama nor did it have any at the time of perfection of service of the complaint in the foregoing matter.

5. That said defendant does not carry -on, solicit or transact business in the State of Alabama, nor did it do so at the time of perfection of service of the foregoing complaint.

6. That said defendant does not do business in the State of Alabama nor did it do business in the State of Alabama at the time of perfection of service of the foregoing complaint.

GIBBONS & STOKES

BY: William L. Howell  
Attorneys for Defendant

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me William L. Howell, one of the attorneys of record for the defendants in the above mentioned complaint and who being known to me and first duly sworn to speak the truth, deposed and saith that he is cognizant of the facts stated in the foregoing motion and that the statements and facts alleged thereto are true.

William L. Howell  
William L. Howell

Subscribed and sworn to before me this 25<sup>th</sup> day of August, 1970.

Lila M. Edwards  
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I certify that on this 25 day of Aug, 1970 a copy of the foregoing pleading has been served upon counsel for all adverse parties to this proceeding by mailing the same to each by first class U. S. mail, properly addressed and postage prepaid.

W. L. Howell  
ATTORNEY FOR

FILED

AUG 26 1970

ALICE J. DUCK CLERK  
REGISTER

ROBERT G. YORTON and	)	IN THE CIRCUIT COURT OF
MARY YORTON,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	
VS.	)	AT LAW
ROBERT CULP, d/b/a	)	
RILEY MOBILE HOMES SALES	)	
OF LOUISIANA, INC., A	)	
Corporation, RILEY MOBILE	)	
HOMES SALES OF LOUISIANA,	)	
INC., A Corporation and	)	
ALLEN PARKER, INC., A	)	
Corporation,	)	
Defendants.	)	CASE NO. 9370

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1. That said defendant maintains no place of business in the State of Alabama at this time and maintains no place of business in the State of Alabama at the time of perfection of service of the complaint in the above mentioned matter.

2. That said defendant has no agent, servant or employee in the State of Alabama at this time nor does such defendant have an agent, servant or employee in the State of Alabama at the time of perfection of service with the complaint in the foregoing matter.

3. That said defendant maintains no warehouse, supply house, or other business structure or enterprise in the State of Alabama nor did it do so at the time of perfection of service of the complaint in the foregoing matter.

4. That said defendant has no business outlet in the State of Alabama nor did it have any at the time of perfection of service of the complaint in the foregoing matter.

5. That said defendant does not carry on, solicit or transact business in the State of Alabama, nor did it do so at the time of perfection of service of the foregoing complaint.

6. That said defendant does not do business in the State of Alabama nor did it do business in the State of Alabama at the time of perfection of service of the foregoing complaint.

GIBBONS & STOKES

BY: William L. Howell  
Attorneys for Defendant

STATE OF ALABAMA  
COUNTY OF MOBILE

Personally appeared before me William L. Howell, one of the attorneys of record for the defendants in the above mentioned complaint and who being known to me and first duly sworn to speak the truth, deposed and saith that he is cognizant of the facts stated in the foregoing motion and that the statements and facts alleged thereto are true.

William L. Howell  
William L. Howell

Subscribed and sworn to before me this 25<sup>th</sup> day of August, 1970.

Lila M. Edwards  
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I certify that on this 25 day of Aug, 1970, a copy of the foregoing pleading has been served upon counsel for all adverse parties to this proceeding by mailing the same to each by first class U. S. mail, properly addressed and postage prepaid.

WLS  
ATTORNEY FOR

FILED

AUG 26 1970

ALICE J. DUCK CLERK  
REGISTER

SUMMONS AND COMPLAINT

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

Circuit Court, Baldwin County

} No. 9370

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROBERT CULP, d/b/a Best Trailer Sales & Service,  
Inc., a corp., WEST TRAILER SALES & SERVICE, INC., a Corp. & ALLEN PARKER, Inc.,  
a Corp......

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint  
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against ROBERT CULP, d/b/a  
Best Trailer Sales & Service, Inc.<sup>c</sup>, a corp. et al..... Defendant.....

by ROBERT G. YORTON & MARY YORTON.....  
....., Plaintiff.....

Witness my hand this..... 2nd ..... day of July ..... 19 70.

Alice J. Luck....., Clerk

ROBERT G. YORTON  
and MARY YORTON

Plaintiff  
VS.

ROBERT CULP, DBA Best Trailer )  
Sales and Service, Inc., a )  
corporation, BEST TRAILER )  
SALES AND SERVICE, INC., a )  
corporation, and ALLEN PARKER, )  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. 9370

COUNT ONE

Plaintiffs claim of the Defendants SEVEN THOUSAND TWENTY-  
EIGHT and 60/100 DOLLARS (7,028.60) damages for wrongfully  
taking by the defendants, their agents, servants, or employees,  
while acting within the line and scope of their authority,  
the following goods and chattels, the property of the Plaintiff,  
viz: one (1) 1967 Model Fleetwood Mobile Home, Identification  
number or Serial number DS 7 U. S. 7394, 12 x 52, Color--Solid  
white.

COUNT TWO

Plaintiffs claim of Defendants SEVEN THOUSAND TWENTY-  
EIGHT and 60/100 dollars (\$7,028.60) damages for the  
conversion by the defendants, their agents, servants or employees,  
while acting within the line and scope of their authority, on  
the 9th day of February, 1970, of the following chattels:

One (1) 1967 Model Fleetwood Mobile Home, Identification  
Number or Serial Number DS 7 U. S. 7394, 12 x 52, Color--  
Solid White,

the property of the Plaintiffs.

COUNT THREE

Plaintiffs claim of Defendants SEVEN THOUSAND TWENTY-  
EIGHT AND 60/100 DOLLARS (\$7,028.60) damages for a trespass  
by the defendants, their agents, servants, or employees,  
while acting within the line and scope of their authority,  
on the following tract of land, viz: Campark, Jubilee Beach,  
Daphne, Baldwin County, Alabama, in the possession of the

Plaintiffs, and for removing the following chattels:

One (1) 1967, Fleetwood Two (2) Bedroom FK Model  
Number or Identification Number DD 7 U. S. 7394,  
12 x 52

the property of the Plaintiffs without the Plaintiffs consent  
or agreement, on the 9th day of February, 1970.

COUNT FOUR

The Plaintiffs claim of the Defendants SEVEN THOUSAND  
TWENTY-EIGHT and 60/100 Dollars (\$7,028.60) damages for a  
breach of warranty in the sale of one (1) 1967 Model Fleetwood  
Mobile Home, Identification Number or Serial Number DS 7 U. S.  
7394, 12 x 52, Color--Solid white, by Defendants, their agents,  
servants, or employees, acting within the line and scope of  
their authority, to the Plaintiffs, on the 3rd day of July,  
1969, which the defendants warranted said Mobile Home to be  
in good, usable and liveable condition and free from defects  
when in fact the said Mobile Home was defective and not in  
good and liveable condition due to holes in the outer panels  
and the rear bedroom of said Mobile Home.

COUNT FIVE

The Plaintiffs claim of the Defendants SEVEN THOUSAND  
TWENTY-EIGHT and 60/100 Dollars (\$7,028.60) as damages for  
that on, to-wit; July 3, 1969, in the city of Daphne, Baldwin  
County, Alabama, the defendants, their agents, servants, or  
employees, while acting within the line and scope of their  
employment, negligently moved or backed one

1967 Model Fleetwood Mobile Home, Identification Number  
or Serial Number DS 7 U. S. 7394, 12 x 52, Color--Solid  
White,

property belonging to Plaintiffs, into or upon a tree or object  
on or upon Campark, Jubilee Beach, Daphne, Alabama, real  
property in possession of the Plaintiffs. As a proximate  
consequence of the negligence of said Defendants, the Plaintiffs  
property was greatly damaged or rendered less valuable, for  
all of which they claim damages as aforesaid.

Warren L. Finch  
WARREN L. FINCH  
Attorney For Plaintiffs  
963 Old Shell Road  
Mobile, Alabama

Plaintiffs respectfully demand a jury trial.

Warren L. Finch  
WARREN L. FINCH

Defendants may be served at:

Robert Culp  
Best Trailer Sales & Service, Inc.  
2850 New Highway 90 West,  
Mobile, Alabama

Allen Parker, Inc.  
8136 Airline Highway  
Baton Rouge, Louisiana

FILED

JUL 2 1970

ALICE J. DUCK CLERK  
REGISTER

STATE OF ALABAMA)

COUNTY OF ~~BALDWIN~~)

ROBERT G. YORTON  
and MARY YORTON

Plaintiffs

VS.

ROBERT CULP, DBA Best Trailer )  
Sales and Service, Inc., )  
a corporation, BEST TRAILER )  
SALES AND SERVICE, INC., a )  
corporation, and ALLEN PARKER, )  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. \_\_\_\_\_

CERTIFICATE

I, Warren L. Finch, as Attorney of Record representing Plaintiffs, Robert C. Yorton and Mary Yorton in the above entitled cause hereby certify that the provisions of Title 7, Section 193, Code of Alabama 1940 (Recomp. 1958), are applicable as to Service of Process on the Defendant, Allen Parker, Inc., a corporation, not qualified to do business in the State.

Warren L. Finch  
WARREN L. FINCH

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Carol Stevens, Notary Public for the State of Alabama at Large, do hereby certify that Warren L. Finch, who is known to me, acknowledged before me on this date that pursuant to Title 7, Section 193, Code of Alabama 1940 (Recomp. 1958) he executed the foregoing certificate.

Sworn to and subscribed before me, this 2nd day of

July, 1970.

Carol Stevens  
NOTARY PUBLIC  
State of Alabama at Large

FILED

JUL 2 1970

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68 PAGE 210

ALICE J. DUCK

CLERK  
REGISTER

ROBERT G. YORTON and	)	IN THE CIRCUIT COURT OF
MARY YORTON,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	
VS.	)	AT LAW
ROBERT CULP, d/b/a	)	
RILEY MOBILE HOMES SALES	)	
OF LOUISIANA, INC., A	)	
Corporation, RILEY MOBILE	)	
HOMES SALES OF LOUISIANA,	)	
INC., A Corporation and	)	
ALLEN PARKER, INC., A	)	
Corporation,	)	
Defendants.	)	CASE NO. 9370

PLEA IN ABATEMENT

Comes now Riley Mobile Homes Sales of La., Inc., for the sole purpose of filing this Plea in Abatement and without submitting to the jurisdiction of this Court, and as grounds for said Plea in Abatement, shows and represents unto Your Honor as follows:

1. That heretofore on, to-wit: January 15, 1970 this Honorable Court entered a judgment in favor of Allen Parker Company, a corporation, defendant herein, against Robert G. Yorton, plaintiff herein, for the identical property described in plaintiff's respective counts of plaintiff's complaint.

2. That each and every cause of action set out in plaintiff's respective counts of the complaint in the above styled matter are res adjudicata.

3. That the respective counts of the complaint in the above mentioned cause were filed in this Honorable Court on July 23, 1970 some five months after this Honorable Court rendered judgment in a detinue action in favor of Allen Parker Company, a corporation, against Robert G. Yorton for the identical property specified in the respective counts of the complaint in the above mentioned matter, that said respective counts and the complaint in its entirety are res adjudicata.

4. That the property described in the respective counts of plaintiff's complaint were seized under a writ of distringas issued upon a valid judgment the property sued for in favor of defendant, Allen Parker Company, a corporation, and the said property was taken pursuant to said writ of distringas in satisfaction of said judgment and that respective counts of plaintiff's complaint are barred and res adjudicata.

GIBBONS & STOKES

BY: William L. Howell  
Attorneys for Defendant

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, William L. Howell, attorney of record for defendant, who first being known to me deposed and saith that he is cognizant of the facts stated in the foregoing Plea in Abatement and that the facts and statements contained therein are true.

William L. Howell  
William L. Howell

Subscribed and sworn to before me this 25<sup>th</sup> day of August 1970.

Lila M. Edwards  
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I certify that on this 25 day of Aug., 1970 a copy of the foregoing pleading has been served upon counsel for all adverse parties to this proceeding by mailing the same to each by first class U. S. mail, properly addressed and postage prepaid.

WMA  
ATTORNEY FOR

FILED

AUG 26 1970

ROBERT G. YORTON and	)	IN THE CIRCUIT COURT OF
MARY YORTON,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	
VS.	)	AT LAW
ROBERT CULP, d/b/a	)	
RILEY MOBILE HOMES SALES	)	
OF LOUISIANA, INC., A	)	
Corporation, RILEY MOBILE	)	
HOMES SALES OF LOUISIANA,	)	
INC., A Corporation and	)	
ALLEN PARKER, INC., A	)	
Corporation,	)	
Defendants.	)	CASE NO. 9370

PLEA IN ABATEMENT

Comes now Riley Mobile Homes Sales of La., Inc., for the sole purpose of filing this Plea in Abatement and without submitting to the jurisdiction of this Court, and as grounds for said Plea in Abatement, shows and represents unto Your Honor as follows:

1. That heretofore on, to-wit: January 15, 1970 this Honorable Court entered a judgment in favor of Allen Parker Company, a corporation, defendant herein, against Robert G. Yorton, plaintiff herein, for the identical property described in plaintiff's respective counts of plaintiff's complaint.

2. That each and every cause of action set out in plaintiff's respective counts of the complaint in the above styled matter are res adjudicata.

3. That the respective counts of the complaint in the above mentioned cause were filed in this Honorable Court on July 23, 1970 some five months after this Honorable Court rendered judgment in a detinue action in favor of Allen Parker Company, a corporation, against Robert G. Yorton for the identical property specified in the respective counts of the complaint in the above mentioned matter, that said respective counts and the complaint in its entirety are res adjudicata.

4. That the property described in the respective counts of plaintiff's complaint were seized under a writ of distringas issued upon a valid judgment the property sued for in favor of defendant, Allen Parker Company, a corporation, and the said property was taken pursuant to said writ of distringas in satisfaction of said judgment and that respective counts of plaintiff's complaint are barred and res adjudicata.

GIBBONS & STOKES

BY: William L. Howell  
Attorneys for Defendant

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, William L. Howell, attorney of record for defendant, who first being known to me deposed and saith that he is cognizant of the facts stated in the foregoing Plea in Abatement and that the facts and statements contained therein are true.

William L. Howell  
William L. Howell

Subscribed and sworn to before me this 25<sup>th</sup> day of August 1970.

Kela M. Edwards  
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE  
I certify that on this 25 day of Aug 19 70 a copy of the foregoing pleading has been served upon counsel for all adverse parties to this proceeding by mailing the same to each by first class U. S. mail, properly addressed and postage prepaid.

WMA  
ATTORNEY FOR

FILED

AUG 26 1970

ALICE J. DICKINSON CLERK  
REGISTER

ROBERT G. YORTON  
and MARY YORTON

Plaintiff

VS.

ROBERT CULP, DBA Best Trailer  
Sales and Service, Inc., a  
corporation, BEST TRAILER SALES  
AND SERVICE, INC., a corporation,  
and ALLEN PARKER, INC., A cor-  
poration

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. 9370

Comes now the Plaintiff and amends their complaint hereto-  
fore filed so as to show the style of the cause as follows:

ROBERT G. YORTON  
and MARY YORTON

Plaintiff

VS.

ROBERT CULP, DBA Riley Mobile  
Homes Sales of Louisiana, Inc.,  
a corporation, RILEY MOBILE  
HOMES SALES OF LOUISIANA, INC.,  
a corporation, and ALLEN PARKER  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF


) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. 9370

The remainder of the Complaint remains unchanged.

  
WARREN L. FINCH

Attorney for Plaintiff

Riley Mobile Homes Sales  
of Louisiana, May Be served  
by serving the statutory agents,  
which are Richard A. Ball & Fred  
S. Ball, Jr., 200 South Lawrence  
Street, Montgomery, Alabama 36104.

Allen Parker, Inc., must be served  
through Secretary of State pursuant  
to Title 7, Sec. B, Code of Alabama.

**FILED**

JUL 23 1970

ALICE J. DUCK CLERK  
REGISTER

ROBERT G. YORTON  
and MARY YORTON

Plaintiff  
VS.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

ROBERT CULP, DBA Best Trailer )  
Sales and Service, Inc., a )  
corporation, BEST TRAILER )  
SALES AND SERVICE, INC., a )  
corporation, and ALLEN PARKER, )  
INC., a corporation

ALABAMA

AT LAW

Defendants

) CASE NO. 9370

COUNT ONE

Plaintiffs claim of the Defendants SEVEN THOUSAND TWENTY-EIGHT and 60/100 DOLLARS (7,028.60) damages for wrongfully taking by the defendants, their agents, servants, or employees, while acting within the line and scope of their authority, the following goods and chattels, the property of the Plaintiff, viz: one (1) 1967 Model Fleetwood Mobile Home, Identification number or Serial number DS 7 U. S. 7394, 12 x 52, Color--Solid white.

COUNT TWO

Plaintiffs claim of Defendants SEVEN THOUSAND TWENTY-EIGHT and 60/100 dollars (\$7,028.60) damages for the conversion by the defendants, their agents, servants or employees, while acting within the line and scope of their authority, on the 9th day of February, 1970, of the following chattels:

One (1) 1967 Model Fleetwood Mobile Home, Identification Number or Serial Number DS 7 U. S. 7394, 12 x 52, Color--Solid White,

the property of the Plaintiffs.

COUNT THREE

Plaintiffs claim of Defendants SEVEN THOUSAND TWENTY-EIGHT AND 60/100 DOLLARS (\$7,028.60) damages for a trespass by the defendants, their agents, servants, or employees, while acting within the line and scope of their authority, on the following tract of land, viz: Campark, Jubilee Beach, Daphne, Baldwin County, Alabama, in the possession of the

Plaintiffs, and for removing the following chattels:

One (1) 1967, Fleetwood Two (2) Bedroom FK Model  
Number or Identification Number DD 7 U. S. 7394,  
12 x 52

the property of the Plaintiffs without the Plaintiffs consent  
or agreement, on the 9th day of February, 1970.

COUNT FOUR

The Plaintiffs claim of the Defendants SEVEN THOUSAND  
TWENTY-EIGHT and 60/100 Dollars (\$7,028.60) damages for a  
breach of warranty in the sale of one (1) 1967 Model Fleetwood  
Mobile Home, Identification Number or Serial Number DS 7 U. S.  
7394, 12 x 52, Color--Solid white, by Defendants, their agents,  
servants, or employees, acting within the line and scope of  
their authority, to the Plaintiffs, on the 3rd day of July,  
1969, which the defendants warranted said Mobile Home to be  
in good, usable and liveable condition and free from defects  
when in fact the said Mobile Home was defective and not in  
good and liveable condition due to holes in the outer panels  
and the rear bedroom of said Mobile Home.

COUNT FIVE

The Plaintiffs claim of the Defendants SEVEN THOUSAND  
TWENTY-EIGHT and 60/100 Dollars (\$7,028.60) as damages for  
that on, to-wit; July 3, 1969, in the city of Daphne, Baldwin  
County, Alabama, the defendants, their agents, servants, or  
employees, while acting within the line and scope of their  
employment, negligently moved or backed one

1967 Model Fleetwood Mobile Home, Identification Number  
or Serial Number DS 7 U. S. 7394, 12 x 52, Color--Solid  
White,

property belonging to Plaintiffs, into or upon a tree or object  
on or upon Campark, Jubilee Beach, Daphne, Alabama, real  
property in possession of the Plaintiffs. As a proximate  
consequence of the negligence of said Defendants, the Plaintiffs  
property was greatly damaged or rendered less valuable, for  
all of which they claim damages as aforesaid.

Warren L. Finch  
WARREN L. FINCH  
Attorney For Plaintiffs  
963 Old Shell Road  
Mobile, Alabama

Plaintiffs respectfully demand a jury trial.

Warren L. Finch  
WARREN L. FINCH

Defendants may be served at:

Robert Culp  
Best Trailer Sales & Service, Inc.  
2850 New Highway 90 West,  
Mobile, Alabama

Allen Parker, Inc.  
8136 Airline Highway  
Baton Rouge, Louisiana

FILED

JUL 2 1970

ALICE J. DUCK CLERK  
REGISTER

STATE OF ALABAMA)

COUNTY OF ~~BALDWIN~~)

ROBERT G. YORTON  
and MARY YORTON

Plaintiffs

VS.

ROBERT CULP, DBA Best Trailer )  
Sales and Service, Inc., )  
a corporation, BEST TRAILER )  
SALES AND SERVICE, INC., a )  
corporation, and ALLEN PARKER, )  
INC., a corporation

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA

) AT LAW

) CASE NO. \_\_\_\_\_

CERTIFICATE

I, Warren L. Finch, as Attorney of Record representing Plaintiffs, Robert G. Yorton and Mary Yorton in the above entitled cause hereby certify that the provisions of Title 7, Section 193, Code of Alabama 1940 (Recomp. 1958), are applicable as to Service of Process on the Defendant, Allen Parker, Inc., a corporation, not qualified to do business in the State.

Warren L. Finch  
WARREN L. FINCH

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Carol Stevens, Notary Public for the State of Alabama at Large, do hereby certify that Warren L. Finch, who is known to me, acknowledged before me on this date that pursuant to Title 7, Section 193, Code of Alabama 1940 (Recomp. 1958) he executed the foregoing certificate.

Sworn to and subscribed before me, this 2nd day of

July, 1970.

Carol Stevens  
NOTARY PUBLIC  
State of Alabama at Large

FILED

JUL 2 1970

68-202

VOL

68

PAGE 202

ALICE J. DICK

CLERK  
REGISTER

9370

Robert G. Gorton  
et-al Pltg.

vs.

Robert Culp, d/b/a  
et-al

Summons & Complaint

FILED

JUL 2 1970

ALICE J. DUCK

CLERK  
REGISTER

Warren Finch, Atty

M. S. Butler, Sheriff of Montgomery  
County, Alabama, Claim \$1.00 each for  
serving 2 process(es) and \$1.00  
expense on each of 2  
process(es) or a total of \$5.00

W. L. Mason Deputy Sheriff

EXECUTED BY SERVING  
A COPY OF THE WITHIN

Paul Baer as

agt for Riley

Mobile Home Sales

of Louisiana

This the 5 day of Aug 1970

M. S. BUTLER  
Sheriff Montgomery County

By McMath  
Deputy Sheriff

JUL 22 1970

RECEIVED  
JUL 22 1970

68 PAGE 203

VOL

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9370

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROBERT CULP, d/b/a Best Trailer Sales & Service, Inc., a corp., BEST TRAILER SALES & SERVICE, INC., A Corp. & ALLEN PARKER, Inc., a corp.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against ROBERT CULP, d/b/a Best Trailer Sales & Service, Inc., a corp., et al .. Defendant.....

by ROBERT G. YORTON & MARY YORTON

..... Plaintiff.....

Witness my hand this 2nd day of July 1970

*Alice D. Luck* Clerk

red  
No. 9370

8242  
Page.....

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

**ROBERT G. YORTON & MARY YORTON**

Plaintiffs

vs.

**ROBERT CULP, d/b/a Best Trailer Sales**  
**& Service, Inc., a corp., et al**

**SUMMONS AND COMPLAINT**

Filed ..... July 2, ..... 19 70.

~~Alice J. Duck~~  
~~M. S. Butler, Sheriff of Montgomery County, Alabama, Clerk~~

~~serving process(es) and \$1.00~~  
~~travel expense on each of~~  
~~process(es) or a total of~~

~~Warren Finch~~  
~~Deputy Sheriff~~  
~~Plaintiff's Attorney~~

**RECEIVED**

Defendant's Attorney

**JUL 21 1970**

**JAYLOR WILKINS**  
**SHERIFF**

RECEIVED IN OFFICE

206  
AUG 5 1970

Defendant lives at

**M. S. BUTLER, Sheriff**

RECEIVED IN OFFICE

Received In Office 28 1970

JUL 13 1970

**M. S. BUTLER, Sheriff**

Sheriff

I have executed this summons

this ..... RECEIVED 19.....  
by leaving a copy with

AUG 3 1970

JAYLOR WILKINS

Greg & Richard Bou  
Sec of State

7-23-70

Not paid in full after bill

RAY E. LLOYD, Sheriff

Executed by serving 3 copies of  
the within on Mark Amos  
Secretary of State of The State of  
Alabama.

(This the 5 day of Aug 1970 Sheriff

Sheriff of Montgomery County  
M. S. Butler Deputy Sheriff

By Moore Printing Co. - Bay Minette, Ala.

See other side