

ROBBINS TIRE & RUBBER COMPANY,  
INC., A CORPORATION,  
  
PLAINTIFF

VS.

DISCOUNT WORLD & TRADING POST  
AND XYZ TRADING POST, INC., AND  
JOHN DOE AND RICHARD ROE, d/b/a  
DISCOUNT WORLD & TRADING POST,  
WHICH NAME IS OTHERWISE UNKNOWN  
AND WILL BE ADDED BY AMENDMENT WHEN  
ASCERTAINED,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 9623

Comes the Plaintiff in the above styled cause and shows unto  
this Honorable Court that the Plaintiff propounded interrogatories  
to the Defendant in the manner required by law and that the  
Defendant has not answered same within sixty (60) days from the  
date of service.

Wherefore, said Plaintiff moves the Court to require the  
Defendant to answer said interrogatories on or before a day  
certain to be fixed by the Court and upon his failure to do so,  
to impose upon the Defendant such penalties which are prescribed  
by law. This cause is not now set for trial.

HUGH M. CAFFEY, JR.

BY:

  
KIRTLEY W. BROWN, ATTORNEYS  
FOR PLAINTIFF

**FILED**

APR 7 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

ROBBINS TIRE & RUBBER COMPANY,  
INC., A CORPORATION,

PLAINTIFF

VS.

DISCOUNT WORLD & TRADING POST  
AND XYZ TRADING POST, INC., AND  
JOHN DOE AND RICHARD ROE, d/b/a

DISCOUNT WORLD & TRADING POST,  
WHICH NAME IS OTHERWISE UNKNOWN  
AND WILL BE ADDED BY AMENDMENT WHEN  
ASCERTAINED,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

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

This cause coming on to be heard upon the motion of the Plaintiff filed herein on the 7<sup>th</sup> day of April, 1971, to require the Defendant to answer certain interrogatories propounded to the Defendant and served upon the Defendant on December 31, 1970, it is therefore ORDERED, ADJUDGED and DECREED by this Court that the Defendant answer said interrogatories heretofore propounded by the Plaintiff on or before the 12<sup>th</sup> day of April, 1971, in the manner prescribed by law.

It is further ORDERED, ADJUDGED and DECREED by this Honorable Court that a copy of this order be forthwith served upon the Defendant by the Sheriff of this County.

Done this the 7<sup>th</sup> day of April, 1971.

William A. Mascher  
CIRCUIT JUDGE

**FILED**

APR 7 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

9623

Robbins Tire & Rubber  
Co. Inc.

vs.

Discount World & Trading  
Post

1. Motion  
2. Order

Hugh M. Cappy, Jr.

Received 8 day of April 19 71  
and on 8 day of April 19 71  
I served a copy of the within Motion & Order  
on Discount World

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By H. S. Brown D.S.  
for M. R. T.  
for

Sheriff claims 40 miles at  
Ten Cents per mile Total \$ 4.00  
TAYLOR WILKINS, Sheriff  
BY Brown  
DEPUTY SHERIFF

ROBBINS TIRE & RUBBER COMPANY,  
INC., A CORPORATION,  
  
PLAINTIFF

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

VS.

DISCOUNT WORLD & TRADING POST  
AND XYZ TRADING POST, INC.,  
JOHN DOE AND RICHARD ROE, d/b/a  
DISCOUNT WORLD & TRADING POST,  
WHICH NAME IS OTHERWISE UNKNOWN  
AND WILL BE ADDED BY AMENDMENT WHEN  
ASCERTAINED,

CASE NO. 9623

DEFENDANT

Comes now the Plaintiff in the above styled cause and amends  
its complaint as heretofore filed by truly identifying the  
Defendant as Discount World & Trading Post, Inc., and striking  
such other defendants as originally named in said complaint.

HUGH M. CAFFEY, JR.

BY: 

KIRTLEY W. BROWN  
ATTORNEYS FOR PLAINTIFF

**FILED**

APR 27 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

SUMMONS AND COMPLAINT

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

Circuit Court, Baldwin County

No. 9623

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Discount World & Trading Post, Inc.

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.....

Discount World & Trading Post, Inc.

....., Defendant.....

by Robbins Tire & Rubber Company, Inc., A Corporation

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

Witness my hand this 27 day of April 19 71.

Eunice B. Blackmon, Clerk

No. 9623

Page.....

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

**CIRCUIT COURT**

ROBBINS TIRE & RUBBER COMPANY INC.

A CORPORATION

Plaintiffs

vs.

DISCOUNT WORLD & TRADING POST AND

XYZ TRADING POST, INC., JOHN DOE

& RICHARD ROE, d/b/a

**SUMMONS AND COMPLAINT**

Filed April 27 19 71

EUNICE B. BLACKMON Clerk

Kirtley W. Brown

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

April 29 1971

(Taylor W. Wilkins) Sheriff

I have executed this summons

this 5/1 1971

by leaving a copy with

BR

Discount World & Trading Post

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY N. J. Brown

DEPUTY SHERIFF

Taylor Wilkins Sheriff

H. J. Brown Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

To me R. T. Latta

The State of Alabama, <sup>BALDWIN</sup>~~Escambia~~ County

CIRCUIT COURT

9023

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon Discount World & Trading Post and XYZ Trading Post, Inc. and John Doe and Richard Roe, d/b/a Discount World & Trading Post, which name is otherwise unknown and will be added by amendment when ascertained

<sup>Baldwin</sup>~~Escambia~~ County, Alabama, at the place of holding the same and plead, answer, or demur, within thirty days from service hereof to the complaint of Robbins Tire & Rubber Company, Inc., a corporation

Witness this 30 day of December, 19 70

Alice J. Duck, Clerk

IF THE DEFENDANT FAIL TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGEMENT BY DEFAULT

COMPLAINT

Robbins Tire & Rubber Company, Inc., a corporation

Plaintiff

VS.

Discount World & Trading Post and XYZ Trading Post, Inc., and John Doe and Richard Roe, d/b/a Discount World & Trading Post, which name is otherwise unknown and will be added by amendment when ascertained

Defendant

And the Plaintiff claimX of the Defendant

\$1,112.24

Dollars, due

for merchandise, goods and chattels sold by the Plaintiff to the Defendant on to-wit, May 20, and May 23, 1970, which sum of money, with interest thereon, is still unpaid.

HUGH M. CAFFEY, JR.,

BY:

Kirtley W. Brown

KIRTLEY W. BROWN,  
ATTORNEY FOR PLAINTIFF

NOTE: Attached hereto is an itemized and verified statement of account which will be presented as evidence upon a hearing of this cause.

FILED

DEC 30 1970

Received this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Sheriff

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by leaving a copy of the within Summons and Complaint with

Defendant\_\_\_\_\_

Sheriff.

No. \_\_\_\_\_

**THE STATE OF ALABAMA**

ESCAMBIA COUNTY

**CIRCUIT COURT**

Plaintiff\_\_\_\_\_

vs.

Defendant\_\_\_\_\_

**SUMMONS AND COMPLAINT**

Filed this \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_

Clerk.

Plaintiff's Attorney.

**THE STATE OF ALABAMA**

ESCAMBIA COUNTY

TO THE SHERIFF OF ESCAMBIA COUNTY

Whereas, the Plaintiff\_\_\_\_\_ in the within stated cause ha\_\_\_\_\_ made affidavit and given bond as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the Defendant\_\_\_\_\_ give\_\_\_\_\_ bond payable to the Plaintiff\_\_\_\_\_ with sufficient surety in double the amount of the value of the property, with condition that if the Defendant

cost in the suit\_\_\_\_\_ within thirty days thereafter, deliver the property to the Plaintiff\_\_\_\_\_, and pay all costs and damages which may accrue from the detention thereof.

\_\_\_\_\_, Clerk.





**TIRE AND RUBBER CO., INC.**  
*Tuscumbia, Alabama 35674*

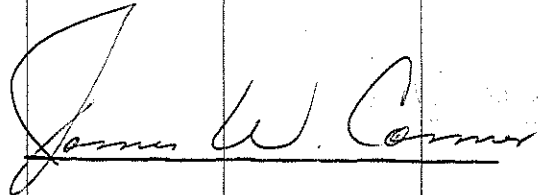
Discount World & Trading Post  
 Route #1 Box 153  
 Loxley, Alabama

TEAR OFF THIS SLIP AND ENCLOSE WITH CHECK TO ASSURE PROPER CREDIT BEING GIVEN.  
 YOUR CANCELLED CHECK WHEN RETURNED BY YOUR BANK IS VALID RECEIPT.

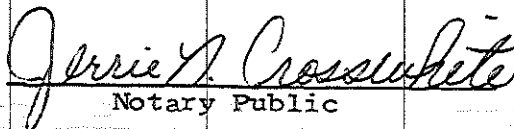
\$ \_\_\_\_\_

OLD BALANCE	DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE
			BALANCE FORWARD		
	5/20/70	8553	79.99		79.99
	5/23/70	8678	1,032.25		1,112.24

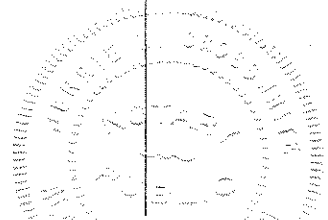
James W. Conner being first duly sworn makes oath that he is Vice President of Robbins Tire and Rubber Co., Inc., an Alabama Corporation; and that the within amount is valid, just, due, owing, and unpaid.



Sworn to and subscribed before me this 30th day of June, 1970.

  
Notary Public

My commission expires 8-19-73.  
date



MANUFACTURERS OF

**ROBBINS** *famous* **VACU-SEAL TREAD RUBBER**  
**PREMIUM QUALITY BUTYL TUBES**

**TIRE REPAIR MATERIALS TRAFFIC CONTROL MATERIALS**

ROBBINS TIRE & RUBBER COMPANY,  
INC., A CORPORATION

PLAINTIFF

VS.

DISCOUNT WORLD & TRADING POST  
AND XYZ TRADING POST, INC., AND  
JOHN DOE AND RICHARD ROE, d/b/a  
DISCOUNT WORLD & TRADING POST,  
WHICH NAME IS OTHERWISE UNKNOWN  
AND WILL BE ADDED BY AMENDMENT WHEN  
ASCERTAINED,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

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

Comes the Plaintiff in the above styled cause and desiring  
the testimony of the Defendant, propounds to the Defendant the  
following written interrogatories, separately and severally,  
pursuant to Title 7, Sec. 477, et seq., Code of Alabama, as  
recompiled in 1958.

1. The person answering these interrogatories should  
please state his or her name and present position of employment  
with the above captioned defendant.

2. Please state the exact and complete legal name of the  
above captioned defendant, to include whether the defendant is a  
corporation or not, and if not, the full names of the partners to  
such partnership, or the name of the individual d/b/a Discount  
World & Trading Post.

HUGH M. CAFFEY, JR.,

BY: Kirtley W. Brown

KIRTLEY W. BROWN,  
ATTORNEY FOR PLAINTIFF

STATE OF ALABAMA )  
ESCAMBIA COUNTY )

Before me, Marion C. Allen, a Notary Public in and for the  
State of Alabama at Large, personally appeared Kirtley W. Brown,  
who having been by me first duly sworn deposes and says that he is  
one of the attorneys for the plaintiff in the above styled cause and  
that the defendant's answers to the foregoing interrogatories, if  
well and truly made, will constitute evidence for the complainant  
on the trial of its case.

Kirtley W. Brown  
KIRTLEY W. BROWN

Sworn to and subscribed before me on this the 29<sup>th</sup> day of  
December, 1970.

VOL 67 PAGE 730

Marion C. Allen  
NOTARY PUBLIC

24:12-31-70

9623

Robbins Tire & Rubber Co.

vs.

Discount World Shading  
Post et al

Summons + Complaint  
Interrogatories

FILED

DEC 30 1970

ALICE J. DICK

CLERK  
REGISTER

Hugh M. Caffey, Jr. <sup>Att'y</sup>

Received 51 day of Dec 1970  
and on 51 day of Dec 1970  
I served a copy of the within & c & return  
on Discount World  
By service on \_\_\_\_\_

Sheriff's Office  
Ten Cents per mile Total \$ 4.00  
TAYLOR WILKINS, Sheriff  
BY BROWN  
CLERK, SHERIFF

TAYLOR WILKINS Sheriff  
By W. H. Brown D.S.

40 mi RT.

Settly.

HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

P. O. BOX 867

BREWTON, ALABAMA 36426

December 29, 1970

ASSOCIATE  
KIRTLEY W. BROWN

AREA CODE 205  
PHONE 867-6041

Mrs. Alice J. Duck  
Circuit Clerk  
Bay Minette, Alabama

RE: Robbins Tire & Rubber Co.  
vs. Discount World & Trading  
Post, etc.

9623

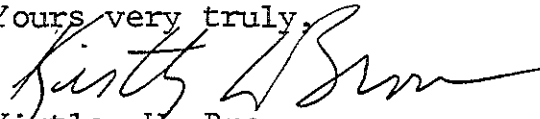
Dear Mrs. Duck:

I am enclosing the original and one copy of the summons and complaint in the referenced case together with a check in the amount of \$25.50 representing advance court costs. Also enclosed is the original and one copy of the interrogatories prepared in this matter.

Please file the enclosed and when service is perfected it will be appreciated if you will advise me. Also, it is requested that I be supplied with a copy of the answer to the interrogatories at such time as this is received.

With best regards, I am,

Yours very truly,

  
Kirtley W. Brown

KWB/mca

Enclosures

HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

P. O. BOX 867

BREWTON, ALABAMA 36426

ASSOCIATE  
KIRTLEY W. BROWN

AREA CODE 205  
PHONE 867-6041

June 4, 1971

Mrs. Eunice B. Blackmon  
Clerk, Circuit Court  
Bay Minette, Alabama

Dear Mrs. Blackmon:

I will appreciate your submitting the judgment to Judge Mashburn in the Robbins Tire & Rubber Company vs. Discount World & Trading Post, Case No. 9623, for his signature. Please return a certified copy of such judgment to me.

I have certainly appreciated your promptness and aid in my cases in your Court, and thank you again for your assistance.

Yours very truly,

  
Kirtley W. Brown

KWB/mca

HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

P. O. BOX 867

BREWTON, ALABAMA 36426

ASSOCIATE  
KIRTLEY W. BROWN

March 1, 1971

AREA CODE 205  
PHONE 867-6041

Mrs. Eunice Blackmon  
Circuit Clerk  
Bay Minette, Alabama

RE: Robbins Tire & Rubber Co.  
vs. Discount World & Trading  
Post - Case # 9623

Dear Mrs. Blackmon:

With regard to our conversation concerning the above case, we move that this matter be continued on motion of the Plaintiff until the next term of court. The 60-day period for answering our interrogatories has not yet passed and will not have passed by March 8th, when this cause is set for trial. We cannot now enter a default judgment since we are uncertain as to the correct legal name of the Defendant.

Following the passage of 60 days from the date of service of the interrogatories, we will proceed with the appropriate motion to require the Defendant to answer our interrogatories. Please place this letter in the referenced file.

Yours very truly,



Kirtley W. Brown, for  
Hugh M. Caffey, Jr.

KWB/mca

**FILED**

MAR 1 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

P. O. BOX 867

BREWTON, ALABAMA 36426

ASSOCIATE  
KIRTLEY W. BROWN

April 26, 1971

AREA CODE 205  
PHONE 867-6041

Mrs. Eunice Blackmon  
Circuit Clerk  
Bay Minette, Alabama

RE: Robbins Tire & Rubber Co.  
vs. Discount World & Trading  
Post - Case No. 9623

Dear Mrs. Blackmon:

I traveled through Bay Minette several days ago and in checking the corporate records in your Probate Office determined the correct legal name of the Defendant in the referenced case. Accordingly, I am enclosing an amendment incorporating such correct legal name and a judgment by default to be signed by Judge Mashburn. Following Judge Mashburn's signature of the judgment by default, please return a certified copy of such judgment to me for my files.

Also, please cause a copy of the foregoing amendment to be served on the Defendant.

Thanking you in advance for your trouble in this matter, I am,

Yours very truly,



Kirtley W. Brown

KWB/mca

Enclosures

*Presented to Judge & he  
refused to sign this 4-28-71*

ROBBINS TIRE & RUBBER COMPANY,  
INC., A CORPORATION,

PLAINTIFF

VS.

DISCOUNT WORLD & TRADING POST,  
INC.,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 9623

On this day came the Plaintiff by its attorney, and the Defendant, though duly summoned and called, came not, but remained wholly in default, and upon motion of the Plaintiff, judgment is rendered in favor of the Plaintiff and against the Defendant.

It appearing to the Court that attached to said complaint is an itemized and verified statement of account. It is accordingly the judgment of this Court that the Plaintiff, Robbins Tire & Rubber Company, Inc., a corporation, have and recover of the Defendant, Discount World & Trading Post, Inc., the sum of \$1,112.24, with interest thereon, together with the costs in this behalf expended, for all of which let execution issue.

Done this the 7<sup>th</sup> day of June, 1971.

Telfair A. Mashburn  
TELFAIR MASHBURN, CIRCUIT JUDGE



HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

P. O. BOX 867

BREWTON, ALABAMA 36426

October 18, 1971

ASSOCIATE  
KIRTLEY W. BROWN

AREA CODE 205  
PHONE 867-6041

Mrs. Eunice Blackmon  
Circuit Clerk  
Bay Minette, Alabama

RE: Robbins Tire & Rubber  
vs. Discount World & Trading  
Case No. 9623

Dear Mrs. Blackmon:

I enclose herewith the check of Robbins Tire & Rubber Company, Inc. in the amount of \$16.00 payable to you as Circuit Clerk representing the balance due on court costs in the referenced case.

With best regards, I am,

Yours very truly,

*H. M. Caffey, Jr.*  
Hugh M. Caffey, Jr.

HMC JR./mca

Enclosure

41.50  
25  
16.50

For  
Minutes