

MIDLAND GUARDIAN OF PENSACOLA, (IN THE CIRCUIT COURT OF
INC., a corporation, (BALDWIN COUNTY, ALABAMA,
Plaintiff, (AT LAW
vs. (
GEORGE SUMMERLIN and VIRGINIA (
SUMMERLIN, jointly and (
severally, (
Defendants. CASE NO. 9948

COUNT ONE

Plaintiff claims of the defendants the following described
personal property, viz:-

1-1965 Wolverine Mobile Home, 46 x 10, Serial #0451010720
together with the hire or use thereof during the detention
thereof from the to-wit: May 5, 1971.

PERLOFF, REID & BRISKMAN
Attorneys for Plaintiff

Perloff Reid

Defendant's address:

Route 1, Box 177
Loxley, Alabama

Virginia Summerlin: Mlbis Restaurant (from 6:30 a.m. to 1:00 p.m.)
Loxley, Alabama

FILED

JUL 23 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

STATE OF ALABAMA }
Baldwin County }

CIRCUIT COURT

No. 9948

19.....

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon GEORGE SUMMERLIN & VIRGINIA SUMMERLIN,
Jointly & Severally

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 Midland Guardian
of Pensa cola, Inc., a corporation

Witness my hand this..... 23rd day of July 19..... 71

Genice B. Blackburn 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

No. 9948 Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MIDLAND GUARDIAN OF PENSACOLA, INC.

A Corporation

Plaintiff....

VS.

GEORGE SUMMERLIN & VIRGINIA SUMMERLIN,

Jointly & Severally

Defendant....

Detinue Summons and Complaint

Filed July 23, 1971

Eunice B. Blackmon

Clerk

Perloff, Reid & Briskman

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.

Eunice B. Blackmon Clerk

Defendant lives at

Received in office

July 26, 1971

Taylor Wilkins Sheriff

I have executed this summons

this July 27, 1971
by leaving a copy with BR

George Summerlin
Virginia Summerlin

Trailer attached and
Bailey's receipt obtained

Taylor Wilkins Sheriff
H. J. Brown Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

28 mi R.T.
Still in road

Sheriff claims 56 miles at
Ten Cents per mile Total \$ 5.60
TAYLOR WILKINS, Sheriff
BY H. J. Brown
DEPUTY SHERIFF

809 VOL 68 PAGE 659

CERTIFIED COPY

GENERAL POWER OF ATTORNEY

No. 81260

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

E. B. McMeans

of the City of **Mobile**, State of **Alabama**
its true and lawful attorney ~~at and for the State of~~

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said

E. B. McMeans

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this **15th** day of **July**, A. D. 19 **70**

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) By **John Hamilton**
Vice-President.

(SEAL) (Signed) **J. E. Dallam**
Assistant Secretary.

STATE OF MARYLAND, }
BALTIMORE CITY, } ss:

On this **15th** day of **July**, A. D. 19 **70**, before me personally came **John Hamilton**, Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and **J. E. Dallam**, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Baltimore, Maryland; that they, the said **John Hamilton** and **J. E. Dallam** were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company. My commission expires the first day in July, A. D. 1974.....

(SEAL) (Signed) **Herbert J. Aull**
Notary Public.

STATE OF MARYLAND }
BALTIMORE CITY, } Sgt.

I, **Robert H. Bouse**, Clerk of the Superior Court of Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that **Herbert J. Aull**, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Superior Court of Baltimore City, the same being a Court of Record, this **15th** day of **July**, A. D. 19 **70**

(SEAL) (Signed) **Robert H. Bouse**
Clerk of the Superior Court of Baltimore City.

COPY OF RESOLUTION

That Whereas, it is necessary for the effectual transaction of business that this Company appoint agents and attorneys with power and authority to act for it and in its name in States other than Maryland, and in the Territories of the United States and in the Provinces of the Dominion of Canada and in the Colony of Newfoundland.

Therefore, be it Resolved, that this Company do, and it hereby does, authorize and empower its President or either of its Vice-Presidents in conjunction with its Secretary or one of its Assistant Secretaries, under its corporate seal, to appoint any person or persons as attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust, guaranteeing the performances of contracts other than insurance policies and executing or guaranteeing bonds and undertakings, required or permitted in all actions or proceedings, or by law allowed, and

Also, in its name and as its attorney or attorneys-in-fact, or agent or agents to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings or anything in the nature of either of the same, which are or may be by law, municipal or otherwise, or by any Statute of the United States or of any State or Territory of the United States or of the Provinces of the Dominion of Canada or of the Colony of Newfoundland, or by the rules, regulations, orders, customs, practice or discretion of any board, body, organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality or other association or organization whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation, or undertaking, or anything in the nature of either of the same.

I, **David L. Royer**, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said Company to

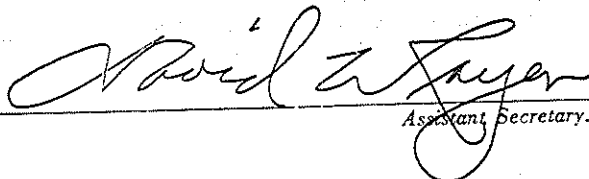
E. B. McMeans

of **Mobile, Alabama**, authorizing and empowering **him** to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

And I do further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Baltimore, on the 11th day of July, 1910, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of said meeting.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on

(Date) **JULY 20 - 1971**


Assistant Secretary.



STATE OF ALABAMA
County of Mobile.

KNOW ALL MEN BY THESE PRESENTS, That we, MIDLAND GUARDIAN OF PENSACOLA, INC.
as Principal, and ~~XXXXXX INSURANCE CO.~~ UNITED STATES FIDELITY & GUARANTY CO. and _____, as Sureties, are held and firmly bound unto
GEORGE SUMMERLIN and VIRGINIA SUMMERLIN
in the sum of \$2,000.00
for the payment of which well and truly to be made we, jointly and severally, bind ourselves and each of us, our heirs,
executors and administrators. Sealed with our seals and dated this _____ day of _____
seventy-one
in the year of our Lord, one thousand, nine hundred and _____

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said _____
Midland Guardian of Pensacola, Inc.
did, on the _____ day of _____, (1) 971, sue out in the Circuit Court
of Baldwin County
of ~~XXXXXX~~ Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him to take
into his possession the following described property, to-wit: _____
1-1965 Wolverine Mobile Home, 46 x 10, Serial #0451010720

which said writ was placed in the hands of Baldwin ~~Raymond Bridges~~ Taylor Wilkins
Sheriff of the County of ~~Mobile~~ on the _____ day of _____, 19_____, by taking into his possession
the following described property, to-wit: _____
1-1965 Wolverine Mobile Home, 46 x 10, Serial #0451010720

and whereas the said George Summerlin and Virginia Summerlin
defendant in said writ, has failed and neglected, for the space of five days from the execution of said writ, to give bond
and take possession of said property as authorized by law.

Now is the said Midland Guardian of Pensacola, Inc. and UNITED STATES
FIDELITY AND GUARANTY COMPANY

upon his failing in said suit, shall deliver the said property to the defendant within thirty days after judgment, and
pay damages for the detention of the property and costs of suit, then this obligation to be void otherwise to remain
in full force and effect.

BY: Henry Hyden (Seal)
UNITED STATES FIDELITY & GUARANTY CO. (Seal)
BY: E. D. McNamee (Seal)

Taken and approved this the 6 day of Aug, 1971

Taylor Wilkins
Sheriff, ~~Mobile~~ Baldwin County, Alabama

9948

THE STATE OF ALABAMA,
MOBILE COUNTY.

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, MIDLAND GUARDIAN OF PENSACOLA,
INC. and UNITED STATES FIDELITY & GUARANTY CO.

are held and firmly bound unto GEORGE SUMMERLIN and VIRGINIA SUMMERLIN,

Their heirs, executors and administrators, in the
sum of \$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 _____ day of _____, A. D. 19____

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

Midland Guardian of Pensacola, Inc. has, on
the _____ day of Baldwin County 19____, sued out from the office of the
Clerk of the Circuit Court of Mobile in the State of Alabama, a Writ of Detinue, returnable to the present
term of said Circuit Court of Baldwin County ~~MOBILE~~ against the said George & Virginia Summerlin

_____ for the recovery of the following property.

to-wit: 1-1965 Wolverine Mobile Home, 46 x 10, Serial #0451010720

NOW, if the said Midland Guardian of Pensacola, Inc. and shall fail
United States Fidelity & Guaranty Co.
in said suit, and shall pay to the said George Summerlin and Virginia Summerlin
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.

MIDLAND GUARDIAN OF PENSACOLA, INC.
Henry Lyden (Seal)

UNITED STATES FIDELITY & GUARANTY CO. (Seal)

BY: E. P. McNamee (Seal)

Approved - 7-23-71
Lunice B. Blackmon
Clerk

THE STATE OF ALABAMA,
Mobile County

DETINUE AFFIDAVIT

the undersigned authority
PERSONALLY appeared before me, ~~John E. Maddox, Clerk of the Circuit Court of Mobile County~~
Henry Hyden

who, being duly sworn deposes and says, that the property sued for in the complaint of
Midland Guardian of Pensacola, Inc. vs. George & Virginia Summerlin
to-wit: 1-1965 Wolverine Mobile Home, 46 x 10, Serial #0451010720

belongs to Midland Guardian of Pensacola, Inc. the said Plaintiff

Sworn to and subscribed the 19th day
of July, 19 71, before me.
Susan Mitchell ~~XXXX~~
NOTARY PUBLIC, STATE AT LARGE

Henry Hyden

No. _____									
CIRCUIT COURT									
MOBILE COUNTY									
Midland Guardian of Pensacola, Inc.									
VS. } Detinue Affidavit and Bond									
George Summerlin and Virginia Summerlin									
Filed _____ day of _____ 19 _____									
Clerk Circuit Court, Mobile County									
Attorney									

CERTIFIED COPY

GENERAL POWER OF ATTORNEY

No. 81260

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

E. B. McMeans

of the City of **Mobile**, State of **Alabama**
its true and lawful attorney ~~to execute for the State of~~

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said

E. B. McMeans

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this **15th** day of **July**, A. D. 1970

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) **By..... John Hamilton**
Vice-President.

(SEAL)

(Signed) **J. E. Dallam**
Assistant Secretary.

STATE OF MARYLAND, }
BALTIMORE CITY, } ss:

On this **15th** day of **July**, A. D. 1970, before me personally came **John Hamilton**, Vice-President of the UNITED STATES FIDELITY AND GUARANTY

COMPANY and **J. E. Dallam**, Assistant Secretary of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said that they resided in the City of Baltimore, Maryland; that they, the said **John Hamilton** and **J. E. Dallam** were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company.

My commission expires the first day in July, A. D. 1974.....

(SEAL) (Signed) **Herbert J. Aull**
Notary Public.

STATE OF MARYLAND }
BALTIMORE CITY, } Sct.

I, **Robert H. Bouse**, Clerk of the Superior Court of Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that **Herbert J. Aull**, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Superior Court of Baltimore City, the same being a Court of Record, this **15th** day of **July**, A. D. 1970

(SEAL) (Signed) **Robert H. Bouse**
Clerk of the Superior Court of Baltimore City.

COPY OF RESOLUTION

That Whereas, it is necessary for the effectual transaction of business that this Company appoint agents and attorneys with power and authority to act for it and in its name in States other than Maryland, and in the Territories of the United States and in the Provinces of the Dominion of Canada and in the Colony of Newfoundland.

Therefore, be it Resolved, that this Company do, and it hereby does, authorize and empower its President or either of its Vice-Presidents in conjunction with its Secretary or one of its Assistant Secretaries, under its corporate seal, to appoint any person or persons as attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust, guaranteeing the performances of contracts other than insurance policies and executing or guaranteeing bonds and undertakings, required or permitted in all actions or proceedings, or by law allowed, and

Also, in its name and as its attorney or attorneys-in-fact, or agent or agents to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings or anything in the nature of either of the same, which are or may by law, municipal or otherwise, or by any Statute of the United States or of any State or Territory of the United States or of the Provinces of the Dominion of Canada or of the Colony of Newfoundland, or by the rules, regulations, orders, customs, practice or discretion of any board, body, organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality or other association or organization whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation, or undertaking, or anything in the nature of either of the same.

I, **David L. Royer**, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said Company to

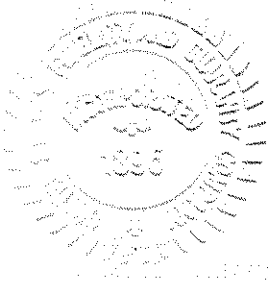
E. B. McMeans

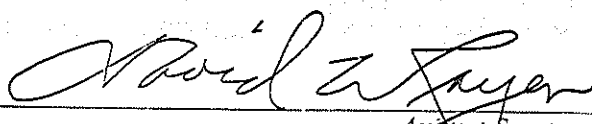
of **Mobile, Alabama**, authorizing and empowering **him** to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

And I do further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Baltimore, on the 11th day of July, 1910, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of said meeting.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on

(Date) **JULY 20, 1971**




Assistant Secretary.

BAILEE'S RECEIPT

BAY MINETTE, ALA.

7-27-71

The State of Alabama, {
Baldwin County

George Summerlin and
Virginia Summerlin

I hereby agree to take, care for and preserve as the Bailee of.....Taylor Wilkins.....

Sheriff of Baldwin County, Alabama, the following described personal property this day levied upon
under Writ of Fieri Facias, Attachment, Detinue, issued out of the Circuit Justice Civil Court of Baldwin
County, Alabama, in the above styled case, to-wit:

1965 Wolverine Mobile Home

serial #0451010720

I further agree to deliver the above described personal property to the said.....Taylor Wilkins....

....., Sheriff of Baldwin County, Alabama, upon his written order of demand.

George E. Summerlin, Bailee.

Witness : H. F. Brown

Law Offices of
PERLOFF, REID & BRISKMAN
257 ST. ANTHONY STREET
MOBILE, ALABAMA 36603

MAYER W. PERLOFF
T. DWIGHT REID
DONALD M. BRISKMAN

September 7, 1971

AREA CODE 205
TELEPHONE 433-5412

Circuit Court of Baldwin County
Baldwin County Courthouse
Bay Minette, Alabama

Re: #9948-Midland Guardian
of Pensacola, Inc.
vs. George Summerlin & Virginia

Dear Sirs:

More than thirty days have elapsed since date of service on the above detinue case and I would appreciate your entering a default judgment for the property and notifying our firm of same.

Thank you for your cooperation in this matter.

Very truly yours,


T. DWIGHT REID

/sjm