

TRI-CITY BANK, a
corporation,

Plaintiff

VS:

WILLIAM JANSEN, a/k/a
PETER JANSEN, a/k/a
WILLIAM PETER BOYD
JANSEN,

Defendant

) IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

) ALABAMA

AT LAW

)

)

)

) CASE NO. 10,222


Plaintiff claims of the Defendant the following
personal property, viz:

One 1969 model Cadillac DeVille 4 door
Sedan automobile, Serial Number or
Identification Number B9192829

with the value of the hire or use thereof during the
detention, viz: from, to-wit, November 15, 1971.

GIBBONS, STOKES & CLARK

BY:


ROBERT F. CLARK
Attorney for Plaintiff
P. O. Box 293
Mobile, Alabama 36601

Serve the Defendant at Box 11, Magnolia Springs, Alabama.
The Defendant lives 2 1/2 miles West of Magnolia Springs
on Highway 98 on the right. (The automobile is Black
and bears 1972 Alabama License Tag No. 5-21738.)

FILED

FEB 4 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

Received 4 day of Feb 1972
and on 5 day of Feb
I served a copy of the within Writ of Detinue
on William Jansen

My service on William Jansen

By Charles Wilkins
Sheriff

Feb 5, 1972
Executed this Detinue Attachment
by taking in possession (1) 1969
Model Cadillac DeVille 4 Door Sedan
VIN # B1912829, and storing at The #51e
Foley Police Dept.

and serving a copy on
William Jansen

Taylor Wilkins Sheriff

Charles Wilkins

Writ of Detinue

plaintiff and defendant and to advise plaintiff

of the proceedings

that the plaintiff has taken possession of the vehicle
and that the defendant is to appear in court
on the date and at the place specified in the writ

and that the plaintiff is to keep the vehicle in good condition

and to return it to the defendant at the time and place specified in the writ

WITNESSED my hand and seal of office this 5th day of February 1972

Charles Wilkins
Sheriff
Taylor Wilkins Sheriff
Charles Wilkins Sheriff
Taylor Wilkins Sheriff

and that the plaintiff is to keep the vehicle in good condition
and to return it to the defendant at the time and place specified in the writ
and that the plaintiff is to keep the vehicle in good condition
and to return it to the defendant at the time and place specified in the writ

WITNESSED my hand and seal of office this 5th day of February 1972

Charles Wilkins Sheriff

Taylor Wilkins Sheriff

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

No. 10,222

19.....

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon William Jansen, a/k/a Peter Jansen, a/k/a William Peter Boyd Jansen

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 Tri-City Bank, A Corp.

Witness my hand this 4 day of Feb 1922

Eunice B. Blackman, 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

EUNICE B. BLACKMON CIRCUIT
CLERK

TRI-CITY BANK,
a corporation,

Plaintiff

VS.

WILLIAM JANSEN a/k/a PETER
JANSEN a/k/a WILLIAM PETER
BOYD JANSEN,

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA.

) AT LAW.

) CASE NO. 10,222

O R D E R

This cause coming on to be heard on Plaintiff's motion for a setting on Plaintiff's motion for judgment nil dicit, it appearing to the Court that this matter should be set for hearing, it is

ORDERED, ADJUDGED AND DECREED that this notice be given to all parties and this matter be set for hearing on the 28th day of May, 1973 at 9:00 A.M. hours, or as soon thereafter as counsel can be heard.

J. A. Halliburton
JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE #10,222

TRI-CITY BANK, a corporation,

VS:

WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a
WILLIAM PETER BOYD JANSEN,

Motion & Order for Hearing ON Plaintiff's
Motion for Judgment Nil Dicit

FILED

MAY 3 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

RECEIVED

MAY 4 1973

TAYLOR WILKINS
SHERIFF

Gibbons, Stokes & Clark,
Attorney for Plaintiff

84
Ten Cents per mile Total
EAVES
DEPUTY SHERIFF

4
day of May

1 copy of the within
William P. Jansen, 11/14

Wm. Jansen

Wm. Jansen

GIBBONS, STOKES & CLARK

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2511

E. GRAHAM GIBBONS
BEN STOKES
ROBERT F. CLARK

May 1, 1973

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Ms. Eunice Blackmon, Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

RE: Tri-City Bank vs. William Jansen, case no. 10,222

Dear Ms. Blackmon:

I am enclosing a motion to have my motion for judgment nil dicit set, along with a proposed order for Judge Mashburn's consideration. I would appreciate it if the judge signs the order, if you would have it served on the defendant personally. As you will note on my motion for a setting, I have served a copy on the defendant by registered mail.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Robert F. Clark
Robert F. Clark

RFC:at

Encl.

10,222

THE STATE OF ALABAMA,
BALDWIN ~~MOBILE~~ COUNTY.

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, TRI-CITY BANK, a corporation,
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, as Surety,

are held and firmly bound unto WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a WILLIAM
PETER BOYD JANSEN

HIS heirs, executors and administrators, in the
sum of THREE THOUSAND AND NO/100TH (\$3,000.00) 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 4th day of February, A. D. 19 72

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

TRI-CITY BANK, a corporation, has, on
the 4th day of February 19 72, sued out from the office of the
Clerk of the Circuit Court of Baldwin County in the State of Alabama, a Writ of Detinue, returnable to the present
term of said Circuit Court of Baldwin County against the said WILLIAM JANSEN, a/k/a PETER JANSEN,
a/k/a WILLIAM PETER BOYD JANSEN for the recovery of the following property.

One 1969 model Cadillac DeVille 4 door Sedan automobile,
to-wit: Serial Number or Identification Number B9192829

NOW, if the said TRI-CITY BANK, a corporation, shall fail
in said suit, and shall pay to the said WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a
WILLIAM PETER BOYD JANSEN
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.

TRI-CITY BANK

BY: *J. F. [Signature]* (Seal)
FIDELITY AND DEPOSIT COMPANY
OF MARYLAND (Seal)

BY: *[Signature]* (Seal)
as its Attorney-in-Fact

FILED

FEB 4 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

Approved 2-4-72
Eunice B. Blackmon

THE STATE OF ALABAMA,
Mobile County

DETINUE AFFIDAVIT

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 TRI-CITY BANK,
a corporation, vs. WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN to-wit: One 1969 model Cadillac DeVille 4 door Sedan automobile,

Serial Number or Identification Number B9192829

belongs to TRI-CITY BANK, a corporation, the said Plaintiff

Sworn to and subscribed the 4th day
of February 1972, before me.

NOTARY PUBLIC

FILED

FEB 4 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

No. _____
CIRCUIT COURT
MOBILE COUNTY
BALDWIN COUNTY
TRI-CITY BANK, a corporation,
Plaintiff
VS. } Detinue Affidavit
and Bond
WILLIAM JANSEN, a/k/a PETER
JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN, Defendant

Filed _____ day of _____ 19____

Clerk Circuit Court, Mobile County
Baldwin County

ROBERT F. CLARK Attorney
GIBBONS, STOKES & CLARK
P. O. BOX 293
MOBILE, ALA. 36601

THE STATE OF ALABAMA,
BALDWIN ~~MOBILE~~ COUNTY.

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, TRI-CITY BANK, a corporation,
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, as Surety,

WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a WILLIAM
are held and firmly bound unto PETER BOYD JANSEN

HIS

heirs, executors and administrators, in the

sum of THREE THOUSAND AND NO/100TH (\$3,000.00) 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 4th day of February, A. D. 19 72

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

TRI-CITY BANK, a corporation,

has, on

the 4th day of February Baldwin County 19 72, 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
Baldwin County
term of said Circuit Court of Mobile against the said WILLIAM JANSEN, a/k/a PETER JANSEN,
a/k/a WILLIAM PETER BOYD JANSEN

for the recovery of the following property.

to-wit One 1969 model Cadillac DeVille 4 door Sedan automobile,
Serial Number or Identification Number B9192829

NOW, if the said TRI-CITY BANK, a corporation, shall fail
in said suit, and shall pay to the said WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a
WILLIAM PETER BOYD JANSEN
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.

TRI-CITY BANK

BY: J. F. Hallworth (Seal)FIDELITY AND DEPOSIT COMPANY
OF MARYLAND (Seal)BY: P. D. Wilson (Seal)

as its Attorney-in-Fact

THE STATE OF ALABAMA,
Mobile County

DETINUE AFFIDAVIT

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 TRI-CITY BANK,
a corporation, vs. WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN
to-wit: One 1969 model Cadillac DeVille 4 door Sedan automobile,

Serial Number or Identification Number B9192829

belongs to TRI-CITY BANK, a corporation, the said Plaintiff

Sworn to and subscribed the 4th day
of February 1972, before me.

NOTARY PUBLIC

Clerk.

No. _____

CIRCUIT COURT

MOBILE COUNTY

BALDWIN COUNTY

TRI-CITY BANK, a corporation,

Plaintiff
VS. } Detinue Affidavit
and Bond

WILLIAM JANSEN, a/k/a PETER
JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN, Defendant

Filed _____ day of _____ 19____

Clerk Circuit Court, Mobile County
Baldwin County

Attorney
ROBERT F. CLARK
GIBBONS, STOKES & CLARK
P. O. BOX 293
MOBILE, ALA. 36601

TRI-CITY BANK, a corp.) IN THE CIRCUIT COURT OF
 Plaintiff) BALDWIN COUNTY,
 VS) ALABAMA.
 WILLIAM JANSEN, a/k/a) AT LAW.
 PETER JANSEN, a/k/a)
 WILLIAM PETER BOYD)
 JANSEN)
 Defendant) CASE NO. 10,222

DEMURRERS

Comes now the Plaintiff in the above styled cause and demurs to the plea of the Defendant and as grounds therefore sets out as follows: separately and severally:

1. Said pleas do not state matters in defense of the Plaintiff's suit.
2. Said pleas are irrelevant, incompetent and immaterial.
3. Said pleas are immaterial.
4. For said pleas contravene the provisions of Title 7, Section 356, Code of Alabama .
5. For said pleas do not state a cause of action against the Plaintiff.
6. For that the Defendant is prohibited by law from pleading set off and recoupment against the Plaintiff.
7. For that said pleas fail to allege a possessory or other interest of the Defendant in the property claimed of the Plaintiff.
8. For that the Defendant fails to allege facts showing how he has been damaged or injured.

GIBBONS, STOKES & CLARK

CERTIFICATE OF SERVICE

I certify that on this 4 day of OCT 19 72 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.

Robert F. Clark
 ATTORNEY FOR

Robert F. Clark
 ROBERT F. CLARK
 Attorney for Plaintiff
FILED

OCT 6 1972

EUNICE B. BLACKMON
 CIRCUIT CLERK

TRI-CITY BANK, a corp.)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY,
VS)	ALABAMA.
WILLIAM JANSEN, a/k/a)	AT LAW.
PETER JANSEN, a/k/a)	
WILLIAM PETER BOYD)	
JANSEN)	
Defendant)	CASE NO. <u>10,222</u>

DEMURRERS

Comes now the Plaintiff in the above styled cause and demurs to the plea of the Defendant and as grounds therefore sets out as follows:separately and severally:

1. Said pleas do not state matters in defense of the Plaintiff's suit.
2. Said pleas are irrelevant, incompetent and immaterial.
3. ~~Said pleas are immaterial.~~
4. For said pleas contravene the provisions of Title 7, Section 336, Code of Alabama .
5. For said pleas do not state a cause of action against the Plaintiff.
6. For that the Defendant is prohibited by law from pleading set off and recoupment.against the Plaintiff.
7. For that said pleas fail to allege a possessary or other interest of the Defendant in the property claimed of the Plaintiff.
8. For that the Defendant fails to allege facts showing how he has been damaged or injured.

FILED
OCT 6 1912

GIBBONS, STOKES & CLARK

EUNICE B. BLACKMON
CIRCUIT
CLERK

CERTIFICATE OF SERVICE

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

ROBERT F. CLARK
Attorney for Plaintiff

ATTORNEY FOR

GIBBONS, STOKES & CLARK

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
BEN STOKES
ROBERT F. CLARK

March 3, 1972

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mrs. Eunice Blackmon
Clerk of Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: Tri-City Bank vs
William Jansen a/k/a
Peter Jansen a/k/a
William Peter Boyd Jansen
Case No. 10,222

Dear Mrs. Blackmon:

Enclosed please find a motion for judgment by default with regard to the above styled matter. I would appreciate it if you would present this to the Judge at your convenience and advise of his ruling.

Thanking you in advance for your cooperation, I remain

Sincerely,

Robert F. Clark
Robert F. Clark

RFC:cm

Enc.

*To Judge - Answer was filed after
this was carried to your desk!
do you want default judgment to
stand*

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 10,222

MOTION FOR JUDGMENT BY DEFAULT

Comes now the plaintiff in the above styled cause and shows unto the court that the defendant herein was served with the complaint and summons heretofore on, to-wit, February 5, 1972, and that more than thirty days have elapsed but the defendant has failed to answer said complaint.

WHEREFORE, plaintiff moves the court to enter judgment by default.

GIBBONS, STOKES & CLARK

By

Robert F. Clark
Attorney for Plaintiff

FILED

MAR 7 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

TRI-CITY BANK, a
corporation

Plaintiff

vs

WILLIAM JANSEN a/k/a
PETER JANSEN a/k/a
WILLIAM PETER BOYD
JANSEN

Defendant

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

CASE NO. 10,222

MOTION FOR JUDGMENT BY DEFAULT

Comes now the plaintiff in the above styled cause and shows unto the court that the defendant herein was served with the complaint and summons heretofore on, to-wit, February 5, 1972, and that more than thirty days have elapsed but the defendant has failed to answer said complaint.

WHEREFORE, plaintiff moves the court to enter judgment by default.

GIBBONS, STOKES & CLARK

By Robert F. Clark
Robert F. Clark
Attorney for Plaintiff

IN THE CIRCUIT COURT of Baldwin County Alabama

TRI-CITY BANK A MICHIGAN
CORPORATION

PLAINTIFF

-VS-

CASE # 10222

PETER JANSEN

Defendant

MOTION FOR Judgment NIL DICIT

Come now the Defendant in the above styled cause and files this motion for judgment nil dicit and for grounds for said motion sets out the following

1. That in accordance with the Laws of the State of Alabama, Defendant filed notice of the Taking of the depositions of TRI-City Bank, the Plaintiff in the above styled matter on to-wit:

March 26, 1973 at 8:30 A.M.

2. That due notice was given in accordance with the Laws of the State of Alabama and that the Plaintiff failed and refused to appear for the Taking of his depositions.

Wherefore, the premises considered, Petitioner moves this Court to enter a judgment nil dicit for the damages sued for -

FILED

APR 16 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

Peter Jansen
Defendant.

IN the Circuit Court of Baldwin County, Alabama

TRI-Lity Bank A Michigan
CORPORATION
- vs - Plaintiff

Peter Jansen

Defendant

CASE # 10.222
Judgment Entry

IT is, Therefore, ORDERED, Adjudged, and Decreed
that the complaint by said plaintiff Tri-Lity filed
against Peter Jansen, be and same is dismissed,
and that the defendant Peter Jansen, is hereby
awarded judgment against TRI-Lity Bank in
the sum of one million dollars (\$1,000,000.00) to
gether with interest thereon from Feb. 7, 1972
costs taxed to the Plaintiff.

Judge

TRI-CITY BANK,
a corporation,

Plaintiff

VS

WILLIAM JANSEN, a/k/a PETER
JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN,

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY,

) ALABAMA.

) AT LAW.

) CASE NO. 10,222

MOTION FOR JUDGMENT NIL DICIT


Comes now the plaintiff in the above styled cause and files this motion for judgment nil dicit and for grounds for said motion sets out the following:

1. That in accordance with the laws of the State of Alabama, plaintiff filed notice of the taking of the deposition of William Jansen, the defendant in the above styled matter on, to-wit, March 27, 1973 at 3:00 P.M.
2. That due notice was given in accordance with the laws of the State of Alabama and that the defendant failed and refused to appear for the taking of his deposition.

WHEREFORE, the premises considered, petitioner moves this court to enter a judgment nil dicit for the property sued for.

GIBBONS, STOKES & CLARK

BY:


ROBERT F. CLARK
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that on this 4th day of April, 1973, a copy of this 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.


ATTORNEY FOR

Filed
4-9-73

Ernie B. Blackman
Circuit Clerk

GIBBONS, STOKES & CLARK

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
BEN STOKES
ROBERT F. CLARK

July 31, 1972

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mrs. Eunice Blackmon, Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

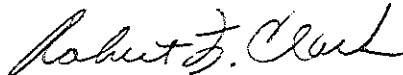
Re: Tri-City Bank vs William Jansen - Case 10,222

Dear Mrs. Blackmon:

Please have our motion to dispose of the property be set down for a hearing on your next motion docket.

Thanking you in advance for your cooperation, I remain

Sincerely,



Robert F. Clark

RFC:cm

IN THE CIRCUIT COURT of Baldwin County ALABAMA

TRI-CITY BANK, A CORPORATION

JOHN DOE AND MARY ROE, ET AL.

PLAINTIFF AND NEW PARTY
DEFENDANTS

VS:

CASE NO. 10222

PETER JANSEN an individual

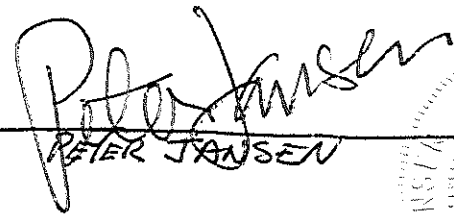
DEFENDANT

ANSWER

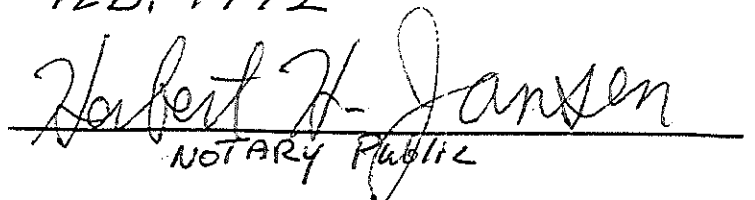
NOW COMES THIS DEFENDANT AND SAYS THAT
HE IS PETER JANSEN P.O. BOX 11 MAGNOLIA SPRINGS
BALDWIN COUNTY, ALABAMA.

① Your DEFENDANT PETER JANSEN is without
sufficient information to base and answer to
this complaint and therefore leaves plaintiff
to his proofs.

Further answering, this DEFENDANT DENIES
EACH AND EVERY ALLEGATION CONTAINED IN THE
PETITION NOT HEREIN SPECIFICALLY ADMITTED TO BE
TRUE.


PETER JANSEN

SWORN TO BEFORE ME AND SUBSCRIBED in my
PRESENCE this day FEB. 1972


NOTARY PUBLIC

FILED

FEB 7 1972

My Commission Expires Feb. 22, 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

IN THE CIRCUIT COURT of Baldwin County ALABAMA

COUNTERCLAIM

NOW COME, THE COUNTERCLAIMANT, AND SAY AS
FOLLOWS:

① THE PLAINTIFF COMMENCED AN ACTION
AGAINST THE COUNTERCLAIMANT WITHOUT CAUSE
THERE FOR.

② THE PLAINTIFF CAUSED TO ISSUE WRITS OF
GARNISHMENT AGAINST DEFENDANT PERSONAL
PROPERTY .VIZ:

ONE 1969 MODEL CADILLAC DEVILLE 4 DOOR
SEDAN Automobile, Serial NUMBER B9192829

③ THIS DEFENDANT SAYS THAT SAID SUIT HAS
BEEN FILED AGAINST THIS DEFENDANT WITHOUT
JUST CAUSE WITH THE INTENT AND PURPOSE TO
THEREBY CAUSE WRONG, MALICE AND IRREPARABLE
DAMAGE TO THIS DEFENDANT.

④ YOUR COUNTERCLAIMANT SUFFERED DAMAGES BY
THE MALIGNANT PROSECUTION OF SAID WRITS OF
GARNISHMENT AND THE COMMENCEMENT OF SAID
CAUSE OF ACTION.

WHEREFORE, YOUR COUNTERCLAIMANT CLAIMS
DAMAGES IN THE AMOUNT OF ONE MILLION 00/100
(<\$1,000,000.00>) DOLLARS PLUS COSTS SO WRONGFULLY
SUSTAINED.

AND FURTHER THIS COUNTERCLAIMANT PRAYS FOR
VINDICATIVE DAMAGES WITHOUT WAITING FOR THE
DETERMINATION OF THE ATTACHMENT SUIT.

FEB 7 1972

Peter Jansen

CASE NO. 10222

IN THE CIRCUIT COURT of Baldwin County ALABAMA

TRI-CITY BANK, A CORPORATION

JOHN DOE AND MARY ROE, ET AL

PLAINTIFF AND NEW PARTY

DEFENDANTS

VS:

CASE NO. 10222

PETER JANSEN AN INDIVIDUAL
DEFENDANT

DEMAND FOR JURY TRIAL

COMES NOW PETER JANSEN AND MAKE
A DEMAND FOR A JURY TRIAL.

Peter Jansen

CERTIFICATION

This is To certify That A copy of the foregoing
ANSWER, COUNTERCLAIM and Demand for Jury
Trial WAS sent To The PLAINTIFF AND TO THE
NEW PARTY DEFENDANTS ATTORNEY Robert F.
CLARK P.O. Box 293 MOBILE, ALABAMA 36601

Peter Jansen

FILED

FEB 7 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

TRI-CITY BANK, a corporation,) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY,
ALABAMA

VS:) AT LAW


WILLIAM JANSEN, a/k/a PETER)
JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN,
Defendant) CASE NO. 10,222

NOTICE OF TAKING DEPOSITION UPON ORAL EXAMINATION, PURSUANT TO
GENERAL ACTS OF ALABAMA NO. 375 (APPROVED SEPTEMBER 8, 1955)

TO: Honorable Wilson Hayes
Attorney at Law
Bay Minette, Alabama

Please take notice that the Plaintiff in the above
styled cause will take the testimony on the oral examination
of Mr. William Jansen, a/k/a Peter Jansen, a/k/a William
Peter Boy Jansen, whose address is Box 11, Magnolia Springs,
Alabama, before Charles A. Howard, Notary Public of Mobile
County, Alabama, on Tuesday, March 13, 1973 at 3:00 P. M.
and thereafter, from day to day until the taking of this
deposition may be adjourned, at the law offices of Gibbons,
Stokes & Clark, 160 Congress Street, Mobile, Alabama, at
which time and place you are notified to appear and take
such part in the examination as you may be advised.

GIBBONS, STOKES & CLARK

BY: 
ROBERT F. CLARK
Attorney for Plaintiff

FILED

MAR 8 1973

EUNICE B. BLACKMON CIRCUIT CLERK

GIBBONS, STOKES & CLARK

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
BEN STOKES
ROBERT F. CLARK

March 22, 1972

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mrs. Eunice Blackmon, Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: Tri-City Bank vs
William Jansen
Case No. 10,222

Dear Mrs. Blackmon:

Enclosed please find my motion to dispose of the property in the above styled detinue action. I would appreciate it if you would present this motion to the Judge and advise as to his ruling as soon as possible.

Sincerely,

Robert F. Clark

Robert F. Clark

RFC:cm

Enc.

*3-23-72: Submitted to Judge - Returned
with out action.*

Plaintiff

VS

WILLIAM JANSEN a/k/a
PETER JANSEN a/k/a
WILLIAM PETER BOYD
JANSEN

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO. 10,222 *(S)*

MOTION TO DISPOSE OF PROPERTY

Comes now the plaintiff in the above styled cause and moves this honorable court to allow plaintiff to dispose of the property heretofore attached and detained and for grounds for said motion states as follows:

1. That the defendant has failed to file the appropriate bonds in order to obtain possession of the vehicle.

2. That the plaintiff suffered damages for the storage of said motor vehicle unless plaintiff is allowed to dispose of same.

3. That plaintiff has filed bonds with good and sufficient surety to cover damages, if any may be sustained due to his disposing of the aforementioned motor vehicle.

WHEREFORE, plaintiff prays that this court will enter an order allowing plaintiff to dispose of the motor vehicle.

GIBBONS, STOKES & CLARK

By

Robert F. Clark
Attorney for Plaintiff

FILED

MAR 23 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

IN THE CIRCUIT COURT of Baldwin County
ALABAMA

TRI-CITY BANK, A CORP.

John DOE AND MARY ROE ET. AL.

PLAINTIFF AND NEW
PARTY Defendants

CASE NO 10,222

VS:

PETER JANSEN AN INDIVIDUAL
DEFENDANT

MOTION

NOW COMES THE DEFENDANT IN THE
ABOVE STYLED CAUSE AND MOVES THIS
HONORABLE COURT TO ALLOW DEFENDANT TO
ADD NEW PARTY DEFENDANT John Doe and
Mary Roe ET. AL.

FILED

APR 13 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

submitted. No order

IN THE CIRCUIT COURT of Baldwin
County, Alabama

TRI-CITY BANK, A CORP.

John Doe and Mary Roe ET. AL.

PLAINTIFF AND NEW
PARTY DEFENDANTS

CASE NO. 10.222

VS:

PETER JANSEN

DEFENDANT

BRIEF IN OPPOSITION TO MOTION of
PLAINTIFF.

I. THAT THE MOTION TO DISPOSE OF PROPERTY
IS NOT WELL TAKEN.

The motion to dispose of property is frivolous
and lacking in merit since even a cursory
reading of the pleadings filed by said parties
states a cause of action. The plaintiff, in
their pleadings have raised a contrary
contention. This of course, creates an issue
of fact which will ultimately be resolved
upon a trial on the merits.

Respectfully Submitted.

Peter Jansen

FILED

APR 13 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

TRI-CITY BANK, A Corp.

Plaintiff,

VS.

WILLIAM JANSEN, aka, etc.

Defendant.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY, ALABAMA,

AT LAW. NO. 10,222

MAY 28, 1973

MR. CLARKE: I offer in evidence, in support of my motion for judgment nil dicit the following

1. As Plaintiff's Exhibit 1, Xerox copy of bill of sale to one 1969 Model Cadillac, Identification number B9-192829, issued to Sue Nelson, 5221 McKinnley, Warren, Michigan, 48091.

2. As Plaintiff's Exhibit 2, Promissory note and Chattel Mortgage, Susan Marie Nelson to Tri-City Bank, formerly Southgate Bank, for \$4329.00, on one Used 1969 Cadillac DeVille, Motor No. B-9192829, the same being a Xerox Copy of original document.

C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct transcript of the evidence presented, in open Court, in the hearing on said case, on the 28th day of May, 1973.

Louise Dusenbury
Official Court Reporter,
28th Judicial Circuit of Alabama.

FILED

MAY 28 1973

EUNICE B. BLACKMON
CIRCUIT
CLERK

2/4/72

I hereby certify that this is a true Xerox copy of the original document.

*pepts Ex 1 for del
pepts Ex 1*

William E. Porter, Sr.
William E. Porter, Sr.

WILLIAM E. PORTER, SR.
Notary Public, Oakland County, Michigan
Acting in Macomb County, Michigan
My Commission Expires December 7, 1973

#1

Print
in
Ink
or
Type

Year of Vehicle	1969	Make of Vehicle	Cadillac	Vehicle Identification No.	B9-192829
		Weight	4782	Style of Body	Sedan
Name Sue Nelson					
Street Address 5221 McKinnley					
City and State Warren, Michigan					
ZIP Code 48091					
Filing Date 1st S. I.		2nd S.I.		License No.	HBS-036
1st Secured Party Tri City Bank					
Street Address P.O. Box 748					
City and State Warren, MI.					
ZIP Code 48090					
2nd Secured Party and Address					
Signature of Owner					

APPLICATION FOR MICHIGAN CERTIFICATE OF TITLE

Is the title to read with full rights to survivor? ☐ Yes ☐ No

When application is for DUPLICATE TITLE check reason

Lost ☐ Mutilated ☐ Illegible ☐
(Title Attached) (Title Attached)

The person(s) whose signature(s) appear(s) above subscribe(s) and swear(s) that the statements above are true.

Subscribed and sworn to before me this 13 day of August, 1970.
[Signature]
Signature of Notary Public

Name of Notary	Frederick J. Pfahler
County	Oakland in Macomb
Comm. Expires	March 4, 1974

(Type, print or stamp)

Branch Stamp

REG. E-879
VAN DYKE

AUG 13 1970

TR-11A

Michigan Department of State
Vehicle Services
JAMES M. HARE, Secretary of State
Lansing, Michigan 48918



2/4/72

I hereby certify that this is a true Xerox
copy of the original document.

Plaintiff's Ex 2 for Id.

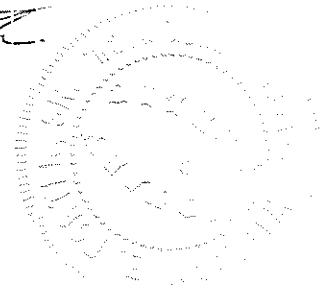
Plaintiff's Ex 2

#4

William E. Porter, Sr.

WILLIAM E. PORTER, SR.

Notary Public, Oakland County, Michigan
Acting in Macomb County, Michigan
My Commission Expires December 7, 1973



15-1-1053
Susan Marie Nelson

TRI-CITY BANK, formerly
SOUTHGATE BANK

PROMISSORY NOTE AND CHATTEL MORTGAGE

AUTOMOBILE

TRI-CITY BANK, formerly

The undersigned hereinafter called the Mortgagor, for value received promises to pay to SOUTHGATE BANK, of Southgate, Michigan, hereinafter called the Mortgagee, the sum of Forty-three hundred twenty-nine 00/100 \$4329.00 in successive monthly installments each of \$ 120.25, except the final installment which shall be the balance due on this note, commencing on the 15th day of September, 1970 and on the same date of each month thereafter until paid with interest at the rate of seven per cent per annum, after maturity. All persons signing this instrument agree that they shall all be jointly and severally liable.

The Mortgagor for the purpose of securing punctual payment of said debt and the performance of all covenants and conditions hereof, hereby sells and conveys to the Mortgagee, the following described property, to wit:

NEW OR USED	YEAR MODEL	NO. CYL.	TRADE NAME MAKE	TYPE OF BODY IF TRUCK GIVE TONNAGE	MODEL LETTER OR NUMBER	MOTOR NO.	MFG'S SERIAL NO.
Used	1969		Cadillac DeVille			B-9192829	

together with all parts, tires, equipment and accessories, now or hereafter attached thereto, which said will be kept at the below mentioned address.

TO HAVE AND TO HOLD the same forever, provided that if said Mortgagor shall fully pay said Mortgagee the amounts due herein and shall keep and truly perform all agreements and covenants herein contained, then this mortgage shall be void, otherwise to remain in full force and effect.

The Mortgagor, covenants and agrees with Mortgagee and its successors and assigns as follows, to wit:

- (1) Mortgagor is the lawful owner of said property which is free and clear from all liens. The certificate of title is in the name of the Mortgagor.
- (2) Mortgagor shall keep said property free of all taxes and liens, shall maintain it in good condition and repair. The Mortgagor shall keep said automobile constantly insured against risk or loss by physical damage, fire and theft, with insurance companies acceptable to the Mortgagee, for not less than the amount due on the aforesaid note until the full payment thereof, the insurance policy or policies to contain a clause directing payment to the Mortgagee, its successors and assigns, as their interest may appear, and said policy or policies and renewals thereof to be delivered to the Mortgagee. If the Mortgagor shall fail to procure, maintain or deliver such policy or policies of insurance to the Mortgagee, the Mortgagee is empowered to procure such insurance, and the payment of all sums by the Mortgagee in procuring such insurance, not to exceed \$10.00, together with interest thereon at the rate of seven per cent per annum, shall also be secured to the Mortgagee by the lien of this mortgage. Should the Mortgagor borrow from the Mortgagee for the purpose of procuring such insurance, any note or other obligation given to evidence such loan, not to exceed \$10.00, said also be secured by this mortgage, in addition to the amount hereinbefore stated.
- (3) In case of any default by the Mortgagor in the performance of any of the conditions of this mortgage, or in the payment of any installment upon the note, or if the said Mortgagee shall at any time deem itself insecure or its security inadequate, then in any such event, said Mortgagee may declare the entire amount then remaining unpaid hereunder, to be due and payable forthwith, without notice, and it shall be lawful for the said Mortgagee or its duly authorized agent, to enter upon the premises where the said automobile may be, and without making any demand for possession, to take possession thereof with or without process of law, using whatever force may be necessary, and to sell and dispose of the same in accordance with the statutes of the State of Michigan and the taking of possession and the sale of said automobile by the Mortgagee shall not in any manner release the Mortgagor from liability for any deficiency.
- (4) No warranties, express or implied, representations, promises or statements have been made by the Mortgagee unless endorsed hereon in writing.
- (5) The waiver or indulgence of any default shall not operate or be construed as a waiver of any subsequent default.

Executed and delivered by the said Mortgagor this _____ day of _____, A. D. 19____, Signed, sealed and delivered in the presence of:

Witness

x-y Susan Marie Nelson (L.S.)
Susan Marie Nelson (L.S.)

Address 5221 McKinnley, Warren, Mi. 48091
No. Street City Zone

2/4/72

GIBBONS & STOKES

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
BEN STOKES
ROBERT F. CLARK
JOHN T. BALLARD

February 8, 1972

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mr. Taylor Wilkins, Sheriff
Baldwin County, Alabama
Bay Minette, Alabama

CERTIFIED MAIL - RETURN
RECEIPT REQUESTED

ATTN: Deputy Byrd

Re: Tri-City Bank, a corporation vs. William Jansen,
a/k/a Peter Jansen, a/k/a William Peter Boyd Jansen,
Circuit Court Detinue

Dear Deputy Byrd:

Enclosed is the Forthcoming Bond in the above matter.
If the Defendant does not file a Defendant's Replevy
Bond, please accept this for filing after the
expiration of five days. Also, I enclose copies of
the detinue suit which you requested.

If I may be of further service, please do not hesitate
to call upon me.

Sincerely yours,



Robert F. Clark

RFC:mi
Encl.

STATE OF ALABAMA

County of ~~Mobile~~ BALDWIN

KNOW ALL MEN BY THESE PRESENTS, That we, TRI-CITY BANK, a corporation,
as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND
WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a WILLIAM PETER BOYD JANSEN
in the sum of SIX THOUSAND AND NO/100TH (\$6,000.00) DOLLARS
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 4th day of February
in the year of our Lord, one thousand, nine hundred and Seventy-Two

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said
TRI-CITY BANK, a corporation,
did, on the 4th day of February, (1) 972, sue out in the Circuit Court
of Baldwin County, 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:

One 1969 model Cadillac DeVille 4 door Sedan automobile,
Serial Number or Identification Number B9192829

which said writ was placed in the hands of TAYLOR WILKINS
Baldwin
Sheriff of the County of xxx, on the xxx day of February, 19 72, by taking into his possession
the following described property, to-wit:

One 1969 model Cadillac DeVille 4 door Sedan automobile,
Serial Number or Identification Number B9192829

and whereas the said WILLIAM JANSEN, a/k/a PETER JANSEN, a/k/a WILLIAM PETER BOYD
JANSEN
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 TRI-CITY BANK, a corporation,

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.

TRI-CITY BANK

BY: [Signature] (Seal)

FIDELITY AND DEPOSIT COMPANY
OF MARYLAND (Seal)

BY: [Signature] (Seal)

as its Attorney-in-Fact

Taken and approved this the 12 day of Feb, 19 72

[Signature]
Sheriff, Baldwin County, Alabama

[Signature]
Sheriff, Baldwin County, Alabama

No. _____

CIRCUIT _____ COURT

~~XXXXXX COUNTY~~
BALDWIN COUNTY

TRI-CITY BANK, a corporation,
Plaintiff

VS. } **Definue Forthcoming**
Bond by Plaintiff

WILLIAM JANSEN, a/k/a PETER
JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN,

Defendant

RECEIVED
JUL 11 1961
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

No. _____

CIRCUIT

COURT

~~XXXXXX COUNTY~~
BALDWIN COUNTY

TRI-CITY BANK, a corporation,
Plaintiff

VS.

Definue Forthcoming

Bond by Plaintiff

WILLIAM JANSEN, a/k/a PETER
JANSEN, a/k/a WILLIAM PETER
BOYD JANSEN,

Defendant

RECEIVED
FIDELITY AND DEPOSIT
BANK



TRI-CITY BANK, a
corporation,

Plaintiff

VS:

WILLIAM JANSEN, a/k/a
PETER JANSEN, a/k/a
WILLIAM PETER BOYD
JANSEN,

Defendant

) IN THE CIRCUIT COURT OF
BALDWIN COUNTY,

) ALABAMA
AT LAW

)

)

) CASE NO. 10,222

O R D E R

This cause coming on for hearing on Plaintiff's motion for judgment nil dicit for failure of the Defendant to appear and the Plaintiff being represented by Robert F. Clark and the Defendant present and represented per se and after hearing argument by all parties, it is

ORDERED, ADJUDGED and DECREED that Plaintiff's motion for judgment nil dicit should and hereby is granted.

Telfair J. Mashburn
TELFAIR J. MASHBURN, JUDGE
Circuit Court of Baldwin County,
Alabama

FILED

MAY 30 1973

EUNICE B. BLACKMON CIRCUIT
CLERK