

10,302

THE STATE OF ALABAMA,  
MOBILE COUNTY.

## DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Coca-Cola Bottling Company, Inc.,  
a corporation, as Principal, and The Fidelity and Deposit Company of  
Maryland, Baltimore, Maryland, as Surety  
are held and firmly bound unto Cartoon-a-Rama, Inc., a corporation, its  
successors and assigns, ~~heirs, executors and administrators,~~ in the  
sum of One Thousand One Hundred Fifty-Three and 6/100 (\$1,153.06) 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 15<sup>th</sup> day of March, A. D. 19 72

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

Coca-Cola Bottling Company, Inc., a Corporation, has, on  
the 15<sup>th</sup> day of March 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  
term of said Circuit Court of Mobile against the said Cartoon-a-Rama, Inc., a corporation,  
Baldwin County

for the recovery of the following property.

to-wit: (1) One Scotsman Icemaker, Model No. CC225, bearing  
cabinet serial No. JK 337293 and company No. 9862;  
and

(2) One Popcorn Machine, Whiz Bang Model

NOW, if the said Coca-Cola Bottling Company, Inc., a Corporation, shall fail  
in said suit, and shall pay to the said Cartoon-a-Rama, Inc., a corporation,  
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.

COCA-COLA BOTTLING COMPANY, INC.

**FILED**

MAR 16 1972

EUNICE B. BLACKMON  
CIRCUIT CLERK

By Bruce B. Jordan (Seal)

As its duly authorized attorney  
THE FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, BALTIMORE, MARYLAND (Seal)

By Samuel B. [Signature] (Seal)  
As its Attorney-in-Fact

Approved: 3-16-72

Eunice B. Blackmon, Clerk

THE STATE OF ALABAMA,  
Mobile County

DETINUE AFFIDAVIT

PERSONALLY appeared before me, ~~John E. Mandeville, Clerk of the Circuit Court of Mobile County,~~ the undersigned authority in and for said

~~State and County, Brock B. Gordon,~~

who, being duly sworn deposes and says, that the property sued for in the complaint of

~~Coca-Cola Bottling Company, Inc., a Corporation,~~

to-wit: (1) One Scotsman Icemaker, Model No. CC225, bearing cabinet serial No. JK 337293 and company No. 9862; and

(2) One Popcorn machine, Whiz Bang Model

belongs to Coca-Cola Bottling Company, Inc., a Corporation, the said Plaintiff

Sworn to and subscribed the 15th day  
of March 19 72, before me.

*Brock B. Gordon*  
Notary Public, State of Alabama,  
at Large

*Brock B. Gordon*

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

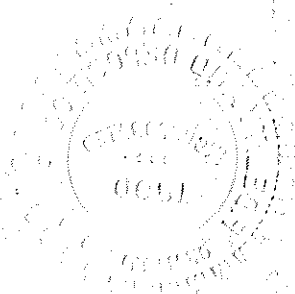
CIRCUIT COURT  
MOBILE COUNTY

VS. { Detinue Affidavit  
and Bond

Filed \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Clerk Circuit Court, Mobile County

Attorney



Power of Attorney  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by WM. H. C. GRIFFITH, Vice-President, and J. C. McHUGH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint Russell Ladd, III, Edward B. Ladd and Orlin F. Naiman, all of Mobile, Alabama, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 14th day of May, A.D. 1968.

ATTEST: **FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

(SIGNED)

J. C. McHUGH

(SEAL)

Assistant Secretary

By WM. H. C. GRIFFITH

Vice-President

STATE OF MARYLAND } ss:  
CITY OF BALTIMORE

On this 14th day of May, A.D. 1968, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED)

EVELYN D. JONES

(SEAL)

Notary Public Commission Expires July 1, 1969

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate is signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 19th day of October, 1966.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this

15th day of March, 1972

J. J. Moore  
Assistant Secretary

COCA-COLA BOTTLING COMPANY,  
INC., a corporation,

Plaintiff,

=vs=

CARTOON-A-RAMA, INC., a  
corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,312

COUNT ONE

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

(1) One Scotsman Icemaker, Model No. CC225, bearing  
cabinet serial No. JK 337293 and company No. 9862;  
and

(2) One Popcorn Machine, Whiz Bang Model,

or in the alternative the value thereof which is, to-wit,  
the sum of One Thousand One Hundred Fifty-Three and 6/100  
(\$1,153.06) Dollars, with the value of the hire or use thereof  
during the detention, viz, from, to-wit, the 1st day of October,  
1971.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By Brock B. Gordon  
Attorneys for Plaintiff

Defendant's address:

Gulf Shores, Alabama

**FILED**

MAR 16 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

STATE OF ALABAMA }  
Baldwin County }

No. 10,302.....

CIRCUIT COURT

..... 19.....

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon .....Cartoon-a-Rama Inc.,...a corporation.....

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 Coca-Cola Bottling....  
Company, Inc., a corp.

Witness my hand this.....16th.....day of.....March..... 19..72..

*Ernie B. Bliskner* 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

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

COCA COLA BOTTLING COMPANY, INC.,

A Corporation

Plaintiff....

VS.

CARTOON-A-RAMA, INC., A Corporation

Defendant....

Detinue Summons and Complaint

Filed March 16, 1972

Eunice B. Blackmon, Clerk

MAR 16 1972

TAYLOR WILKINS  
SHERIFF

Johnstone, Adams, May, Howard & Hill  
Plaintiff's Attorney

Defendant's Attorney

MAR 28 1972

TAYLOR WILKINS  
SHERIFF

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  
Returned 3/24/72 without action - No officer or employee of defendant corporation located for service.

Property herein listed surrendered to Coca Cola Bottling Co. by an married third party.

Taylor Wilkins  
Sheriff

by: J.M. Boyd, Deputy Sheriff

Defendant lives at

Received in office

March 16, 1972

1972

Sheriff

I have executed this summons

this 1972

by leaving a copy with

Cartoon-A-Rama, Inc.

Sheriff claims miles at

Ten Cents per mile Total \$

TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Sheriff

Deputy Sheriff

997 69 1041

Received 30 Day of March 1972  
and on 1 Day of March 1972  
I served a Copy of this within Detinue 848  
on Cartoon-A-Rama, Inc., A Corp.

by service on Mr. Thomas D. Williams

RAY D. BRIDGES, Sheriff

By Thomas D. S.

JOHNSTONE, ADAMS, MAY, HOWARD AND HILL

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

POST OFFICE BOX 1988

MOBILE, ALABAMA 36601

TELEPHONE 432-7683

AREA CODE 205

C. A. L. JOHNSTONE, JR.  
R. F. ADAMS  
JAMES L. MAY, JR.  
ALEX. T. HOWARD, JR.  
J. JEPHTHA HILL  
CHARLES B. BAILEY, JR.  
BROCK B. GORDON  
BEN H. HARRIS, JR.  
WILLIAM M. HARDIE, JR.

DOUGLAS INGE JOHNSTONE  
E. WATSON SMITH  
JACK MCLENDON PATE  
CHARLES A. BENTLEY, JR.  
DAVID C. HANNAN

March 15, 1972

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER (1886-1968)

Honorable Eunice B. Blackmon  
Clerk of the Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Dear Mrs. Blackmon:

We enclose for filing complaint and detainee bond on behalf of Coca-Cola Bottling Company, Inc. against Cartoon-a-Rama, Inc., a corporation. The Defendant operates a Cartoon-a-Rama at Gulf Shores, Alabama in a trailer situated near the red light intersection, on the west side of the street, across from the drug store.

I shall very much appreciate it if you or the Deputy Sheriff, if that would be more appropriate, would telephone me collect to let us know when service and custody of the property has been effected. If, in the meantime, there should be any questions, please do not hesitate to call me collect.

Thank you very much for your assistance in this matter.

Very truly yours,



Brock B. Gordon

BBG:dk  
Enclosures

COPY

JOHNSTONE, ADAMS, MAY, HOWARD & HILL  
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

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DOUGLAS INGE JOHNSTONE  
E. WATSON SMITH  
JACK MCLENDON PATE  
CHARLES A. BENTLEY, JR.  
DAVID C. HANNAN

March 27, 1972

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER (1886-1968)

Mr. T. M. Byrd, Deputy Sheriff  
Baldwin County Sheriff's Department  
Bay Minette, Alabama 36507

Re: Coca-Cola Bottling Co. v. Cartoon-a-Rama, Inc.

Dear Mr. Byrd:

Thank you for your letter of March 24, 1972. Even though you were not able to effect service of the writ, we wish to proceed with this case. The summons and complaint may be served on Cartoon-a-Rama, Inc. by service upon Mrs. Thomas D. Williamson, 3810 Austill Lane, Mobile, Alabama, or upon an agent, servant or employee of the company who may be found at its principal office at Office Park Building No. 1, Suite 101, Mobile, Alabama.

In the event the summons and complaint have already been returned to the Clerk's office, I am sending a copy of this letter to the Clerk with the request that an alias summons and complaint be issued and served on the Defendant as outlined above.

Should either you or the Clerk have any questions regarding the foregoing, please do not hesitate to call me collect.

Very truly yours,

*Brock B. Gordon*

Brock B. Gordon

BBG:dk

cc: Honorable Eunice B. Blackmon



# Coca-Cola Bottling Company, Inc.

ROYAL & ST. ANTHONY STREETS P. O. DRAWER 1427 Phone 432-3561  
MOBILE, ALABAMA 36601

CARTOON-A-RAMA  
OFFICE PARK BLDG.  
SUITE 101  
MOBILE, ALABAMA 36609

PER WEEK  
\$8.05

GLOVERLEAF PLAZA

DATE	INVOICE NUMBER	PAST DUE PAYMENTS			RT. NO.	CHARGES	CREDITS	BALANCE ON COOLER
		DATE MISSED	NO.	AMOUNT				
SEP 14 70	2160	1 NEW CO-225 STYLE CO-225 J-1 SER. 479720 QAB. JK337293 CO.#9862			33	1,395.33		1,395.33 *
EB 5 71	2009	DOWN PAYMENT					139.53	1,255.80 *
EB 19 71	2046	9/21-28	2	16.10			66.84	1,188.96 *
AR 12 71	3030	10/5-12-19-26	6	48.30			64.40	1,124.56 *
AY 13 71	5029	11/2-9-16-23-30	11	88.55			34.00	1,090.56 *
Y 26 71	5060	12/7-14-21-28	15	120.75			12.50	1,078.06 *
N 1 71	6001	1/4-11-18-25	19	152.95			12.50	1,065.56 *
N 9 71	6020	2/1-8-15-22	14	112.70			12.50	1,053.06 *
N 18 71	6049	3/1-8-15-22-29	11	88.55			12.50	1,040.56 *
N 25 71	6063	4/5-12-19-26	15	120.75			12.50	1,028.06 *
L 20 71	7044	Bal as of 5/31	13 1/2	108.65			12.50	1,015.56 *
UG 3 71	8004	Bal as of 6/30	11	90.85			12.50	1,003.06 *
		Bal as of 7/31	12	98.05				
		Bal as of 8/31	14 1/2	117.75				
		Bal as of 9/30	19 1/2	158.00				
		10/5-12-19-26	22 1/2	189.15				
		11/2-9-16-23-30	28 1/2	229.40				
		12/7-14-21-28	32 1/2	261.60				
		1/4-11-18-25	36 1/2	293.80				

LAST AMOUNT IN THIS COLUMN PAST DUE AS OF \_\_\_\_\_  
PLEASE PAY PROMPTLY

JOHNSTONE, ADAMS, MAY, HOWARD AND HILL

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

POST OFFICE BOX 1988

MOBILE, ALABAMA 36601

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DOUGLAS INGE JOHNSTONE  
E. WATSON SMITH  
JACK MCLENDON PATE  
CHARLES A. BENTLEY, JR.  
DAVID C. HANNAN

July 10, 1972

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER (1886-1968)

Honorable Eunice B. Blackmon, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Re: Coca-Cola Bottling Company, Inc. vs. Cartoon-a-Rama, Inc.  
Circuit Court of Baldwin County Case No. 10,302

Dear Mrs. Blackmon:

In line with my telephone conference of today with your Ms. Amy Gunn, this is to request that a judgment by default be entered in favor of the Plaintiff and against the Defendant in the above styled cause for the property sued for or its alternate value which is \$1,153.06. With regard to the value of the property, I am enclosing a copy of our client's ledger card regarding the Scotsman Ice Maker which you will note shows a balance of \$1,003.06 as being due after the last payment in August, 1971. The Popcorn Machine was on loan to the Defendant and had a reasonable market value of \$150.00 according to our client.

I am enclosing a duplicate copy of this letter with the request that you set forth below the judgment entered in this case, showing the date thereof, and return same to me in the envelope provided for that purpose.

We very much appreciate your assistance. Should there be any questions as to the foregoing, please do not hesitate to call me collect.

Very truly yours,



Brock B. Gordon

BBG:dk  
Enclosures

CERTIFICATE OF JUDGMENT

Moore Printing Company, Bay Minette, Alabama

STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT ..... Term, 19.....

COCA COLA BOTTLING CO. INC.

Plaintiff....

vs. #10,302

CARTOON-A-RAMA INC.

Defendant....

I, EUNICE B. BLACKMON, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify on the 11th day of July, 1972...

a judgment was rendered by said Court in the above stated cause, wherein...

COCA COLA BOTTLING CO. INC.

was Plaintiff and ...

CARTOON-A-RAMA INC.

was Defendant, in

Property Sued For

favor of the said Plaintiff and against the said Defendant for the sum of ~~XXXXX~~ Alternate Value Fixed \$1,153.06

One Thousand Five Hundred Fifty-three and 06/100-----DOLLARS

and for the sum of (\$24.00) Twenty-four & no/100-----DOLLARS

the costs in said suit, and that Johnston, Adams, May, Howard & Hill

are the Attorneys of record for the Plaintiff

in said cause.

Witness my hand this 11th day of July, 1972...

Eunice B. Blackmon  
Clerk, Circuit Court, Baldwin County, Alabama