


JOE E. SMITH,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
vs.) AT LAW
DAVID McBRIDE, JR.,)
Defendant) CASE NO. 10,306

C O M P L A I N T

COUNT I.

Plaintiff claims of the defendant the sum of One Thousand Dollars (\$1000.00) for that heretofore on, to-wit, the 18th day of April, 1971, the defendant so negligently operated an automobile in the driveway of a business establishment, to-wit, the driveway of the GEORGE JONES business establishment just off of old U. S. Highway 98 between Daphne and Montrose in Baldwin County, Alabama, that the same was run upon or against the plaintiff, and as a proximate consequence thereof, plaintiff's back and legs were badly wrenched, sprained and bruised, his body was bruised, and he was caused to suffer great physical and mental pain and anguish, and he was caused to incur expense in and about curing and healing his said wounds and injuries, and he was caused to spend eight (8) days in the hospital, and he was caused to make numerous other visits to the doctors, and he was caused to have to hire someone to take care of his home chores. And plaintiff avers that he suffered said injuries and consequent damages as a proximate consequence of the aforesaid negligence of the defendant.


DANIEL A. BENTON, Attorney for Plaintiff

OF COUNSEL:

RICKARBY & BENTON
Fairhope, Alabama

FILED

MAR 21 1972

Defendant can be served
at his residence in
Whispering Pines
Daphne, Alabama

EUNICE B. BLACKMON CIRCUIT
CLERK

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon~~DAVID McBRIDE, JR.~~.....

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.....

.....DAVID McBRIDE, JR. Defendant.....

by

.....JOE E. SMITH Plaintiff.....

Witness my hand this.....21.....day of.....March.....1972.....

.....Eunice B. Blackmon Clerk

B-6
No. 10,306

(B-8)
Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOE E. SMITH

Plaintiffs

vs.

DAVID McBRIDE, JR.

Defendants

FILED

SUMMONS AND COMPLAINT

MAR 2 1972

Filed 19.....

EUNICE B. BLACKMON CIRCUIT
CLERK

Clerk

MAR 2 1 1972

JAYLOR WILKINS

SHERIFF

RICKARBY & BENTON

Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Whispering Pines
Daphne, Alabama

Received In Office

MAR 2 1 1972

19.....

JAYLOR WILKINS
SHERIFF

Sheriff

I have executed this summons

this 22 March 1972

by leaving a copy with

David McBride, Jr.

Sheriff charges 5.44 miles @

Ten Cents per mile Total \$ 5.44

JAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Taylor Wilkins

Sheriff

David H. Johnson Deputy Sheriff

Serve in Daphne

E. G. RICKARBY
DANIEL A. BENTON
TELEPHONE
(205) 928-2308

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
316 MAGNOLIA AVENUE
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH
EARLE REALTY BUILDING
HIGHWAY 98
TELEPHONE
(205) 626-2608

March 20, 1972

Mrs. Eunice Blackmon
Clerk of the Circuit Court
Bay Minette, Alabama 36507

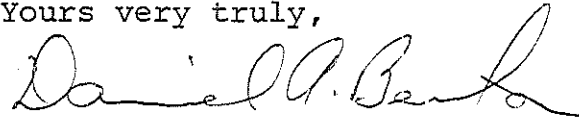
Re: Joe E. Smith v. David McBride, Jr. 10,306

Dear Mrs. Blackmon:

Enclosed is summons and complaint in the above styled matter.
Please process.

Thank you.

Yours very truly,



Daniel A. Benton

W

DAB:w
Enc.

10,306 1/2

THE STATE OF ALABAMA
Baldwin County

Circuit Court

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State
aforesaid DANIEL A. BENTON

who being duly sworn, on oath says, that a regular Term

of the Circuit Court of Baldwin County, to-wit: on the 12th day of ..December.....

19.72....., JOE E. SMITH,

recovered a judgment against DAVID McBRIDE, JR.

..... for the sum of

..... ONE THOUSAND AND NO/100..... Dollars

besides costs of suit; that said judgment remains wholly unsatisfied and in full force and effect: that

..... LINDEN CONSTRUCTION COMPANY, INC., a corporation,

supposed to be indebted to or have effects of the said DAVID McBRIDE, JR.

in its possession, or under its Control, and that he believes process of

Garnishment against said LINDEN CONSTRUCTION COMPANY, INC., a corporation

is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 21st

day of May A. D. 1973

Ernie D. Blackner

Clerk.

Alice J. Duck

NO. 10,306 ^{1/2}

Circuit Court

JOE E. SMITH

vs.

DAVID McBRIDE, JR.

LINDEN CONSTRUCTION CO., INC.
Garnishee

A F F I D A V I T
G A R N I S H M E N T O N J U D G M E N T

Filed this day of

....., 19.....

.....
Clerk.

MOORE PRINTING CO. - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

TODAVID McBRIDE, JR....., Defendant.....:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of..

.....JOE E. SMITH....., Plaintiff.....,

versusDAVID McBRIDE, JR....., Defendant.....,

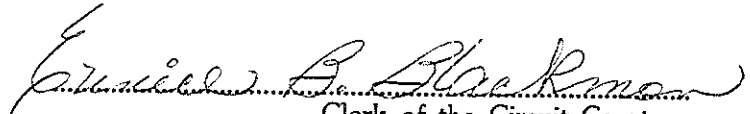
now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which

.....LINDEN CONSTRUCTION COMPANY, INC., a corporation,.....

has... been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the

11th day of May, 1923.


Clerk of the Circuit Court.

10,306 1/2

NOTICE
TO DEFENDANT OF GARNISHMENT
BY
CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
TO

JOE E. SMITH

Plaintiff....

VS.

DAVID M. McBRIDE, JR.

Defendant....

RECEIVED

MAY 28 1973

TAYLOR WILKINS
SHERIFF

Sheriff claim 54

Ten Cents per mile Total 5.40

Returned by H. H. McBRIDE

Not found in my county after diligent search and inquiry

Taylor Wilkins Sheriff

Received 23 day of May 1973

and on 11 day of June 1973

I served a copy of the writ on the undersigned

on DAVID McBRIDE

By service on DAVID Mc BRIDE

TAYLOR WILKINS, Sheriff

By H. H. McBRIDE

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19.....

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular..... Term, 19....., of the Circuit Court of Baldwin County, to-wit: On the 12th day of December, 1972, being a regular day of said term,

JOE E. SMITH

recovered judgment against

DAVID MCBRIDE, JR.

for the sum of ONE THOUSAND AND NO/100 Dollars, and cost of suit,

and affidavit having been made by DANIEL A. BENTON

that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the following named persons or corporations, vis:

LINDEN CONSTRUCTION COMPANY, INC., a corporation

has or is believed to have in its possession, or under its control money or effects belonging to said defendant or that it is, or is believed to be indebted to said defendant or to be liable to them, or to one of them on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

LINDEN CONSTRUCTION COMPANY, INC., a corporation

to file an answer in duplicate to the Circuit Court for Baldwin County, at the Court House thereof, in the city of Bay Minette, within 30 days from the service of the garnishment, or at the making its answer, or at any time intervening the time of serving the garnishment, and making the answer it was indebted to said defendant and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing it is, or are, liable to said defendants for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether it has not in its possession or under its control money or effects belonging to the defendant

Herein fail not, and have you then and there this Writ.

Witness, EUNICE BLACKMAN, Clerk of said Court, this 21st day of May, A. D., 1973

Issued 21st day of May, A. D., 1973

ATTEST:

Eunice B. Blackman Clerk

Sheriff claims 60 miles at
Ten Cents per mile Total \$ 6.00
TAYLOR WILKINS, Sheriff
BY D. J. Benton
DEPUTY SHERIFF

Received 7 day of May 1973
and on 7 day of June 1973
I served copy of the writ
of Seizure on Charles Crest Co.
By service on Joyce M. Smith
TAYLOR WILKINS, Sheriff
By D. J. Benton
60 mi
J. Hill

J. Hill
CIRCUIT COURT, BALDWIN COUNTY

No. 10,306 1/2

JOE E. SMITH

VS. } GARNISHMENT ON JUDGMENT

DAVID McBRIDE, JR.

LINDEN CONSTRUCTION COMPANY, INC.,
Garnishee

Issued _____ day of _____ 19____

Returnable _____ day of _____ 19____

MAY 28 1973
TAYLOR WILKINS
SHERIFF
DANIEL A. BENTON
Fairhope, Alabama

Attorney

E. G. RICKARBY
DANIEL A. BENTON
TELEPHONE
(205) 928-2308

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
316 MAGNOLIA AVENUE
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH
EARLE REALTY BUILDING
HIGHWAY 98
TELEPHONE
(205) 626-2608

August 31, 1973

Honorable Telfair J. Mashburn
Judge of the Circuit Court
Bay Minette, Alabama 36507

Re: Joe E. Smith v. David McBride, Jr.
Case No. 10,306-1/2

Dear Sir:

Please release the garnishment in the above-styled matter.

Respectfully submitted,

Daniel A. Benton

DAB:w
cc-Circuit Clerk