

FORD MOTOR CREDIT COMPANY,
a corporation,

Plaintiff,

VS.

HOLLIS LUKER

Defendant.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 10,427

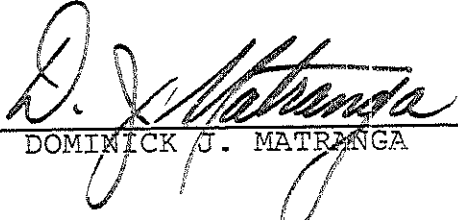
Plaintiff claims of the Defendant the following described
personal property, to-wit:

One (1) 1965 Pontiac GTO two-door hardtop
vehicle identification number 227375Z124777,

the property of the Plaintiff.

MATRANGA, HESS & SULLIVAN
Attorneys for Plaintiff
919 Dauphin Street
Mobile, Alabama 36604

BY


DOMINICK J. MATRANGA

Instructions to the deputy:

Defendant resides on Rabun Road in the Rabun community,
near Perdido, Alabama. For more specific instructions
please call Mr. Raymond Leary, Bay Minette, phone 937-8804,
after 4:00 P.M.

FILED

MAY 30 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

No. 10,427

19.....

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon Hollis Luker

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 Ford Motor Credit
Company, a corporation

Witness my hand this 30th day of May 1972

Ernie 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

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

FORD MOTOR CREDIT COMPANY,

A Corporation

Plaintiff....

VS.

HOLLIS LUKER

Recall by atty
Defendant....

Detinue Summons and Complaint

Filed MAY 30 1972 19.....

EUNICE B. BLACKMON Clerk
CLERK

MAY 30 1972

TAYLOR WILKINS
SHERIFF

Plaintiff's Attorney

Defendant's Attorney

JUN 26 1972
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

Received *20* day of *May* 19 *72*
and on *20* day of *May* 19 *72*
I served a copy of the within *Det. Sum.*
on *Hollis Luker*
By service on
TAYLOR WILKINS, Sheriff
Sheriff claims *0* miles of
Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff
BY *Taylor Wilkins* DEPUTY SHERIFF

Defendant lives at

Received in office

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

....., Sheriff

I have executed this summons

this 19.....

by leaving a copy with

....., Sheriff

....., Deputy Sheriff

Returned *26* day of *June* 19 *72*
Not found in my county after diligent search and in-
quiry
By *Taylor Wilkins* Sheriff
Debra Deputy Sheriff
112-03

275-334
PAGE 412
69
TOM

10,427

STATE OF ALABAMA)

COUNTY OF MOBILE)

DETINUE BOND AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS, that we, Ford Motor

Credit Company, a corporation as principal, and Insurance Company

of North America as surety, are held and firmly bound unto

HOLLIS LUKER, his heirs, executors and administrators, in the

sum of ONE THOUSAND (\$1,000.00) 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 30th day of May,

1972, A.D.

The condition of the above Obligation is such, That whereas the above bounden Ford Motor Credit Company, a corporation, has, on the 30th day of May, 1972, sued out from the office of the Clerk of the Circuit Court of Baldwin County, State of Alabama, a Writ of Detinue, returnable to the present term of said Circuit Court of Baldwin County against the said HOLLIS LUKER, for the recovery of the following property, to-wit:

One (1) 1965 Pontiac GTO two-door hardtop automobile, vehicle identification number 227375Z124777.

NOW, if the said Ford Motor Credit Company, a corporation, shall fail in said suit, and shall pay to the said HOLLIS LUKER, 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.

FORD MOTOR CREDIT COMPANY, a Corporation

BY Harry L. Poole (SEAL)

INSURANCE COMPANY OF NORTH AMERICA

BY Edwin A. Zehnder (SEAL)

Approved 5-30-72.
Eunice B. Blackmon
Clerk

STATE OF ALABAMA)

COUNTY OF MOBILE)

PERSONALLY appeared before me, the undersigned notary public, H. L. POOLE, Collection Coordinator for Ford Motor Credit Company, who, being duly sworn deposes and says, that the property sued for in the complaint of Ford Motor Credit Company, a corporation, to-wit: One (1) 1965 Pontiac GTO two-door hardtop automobile, vehicle identification number 227375Z124777, belongs to Ford Motor Credit Company, a corporation, the said Plaintiff. Sworn to and subscribed this 30th day of May, 1972, before

me.

Julian K. Merrill
NOTARY PUBLIC, MOBILE COUNTY,
ALABAMA

H. L. Poole
H. L. POOLE

POWER OF ATTORNEY

INSURANCE COMPANY OF NORTH AMERICA

PHILADELPHIA, PA.

Know all men by these presents: That the INSURANCE COMPANY OF NORTH AMERICA, a corporation of the Commonwealth of Pennsylvania, having its principal office in the City of Philadelphia, Pennsylvania, pursuant to the following Resolution, which was adopted by the Board of Directors of the said Company on June 9, 1953, to wit:

"RESOLVED, pursuant to Articles 3.6 and 5.1 of the By-Laws, that the following Rules shall govern the execution for the Company of bonds, undertakings, recognizances, contracts and other writings in the nature thereof:

(1) "Such writings shall be signed by the President, a Vice President, an Assistant Vice President, a Resident Vice President or an Attorney-in-Fact.

(2) "Unless signed by an Attorney-in-Fact, such writings shall have the seal of the Company affixed thereto, duly attested by the Secretary, an Assistant Secretary or a Resident Assistant Secretary. When such writings are signed by an Attorney-in-Fact, he shall either affix an impression of the Company's seal or use some other generally accepted method of indicating use of a seal (as by writing the word "Seal" or the letters "L.S." after his signature).

(3) "Resident Vice Presidents, Resident Assistant Secretaries and Attorneys-in-Fact may be appointed by the President or any Vice President, with such limits on their authority to bind the Company as the appointing officer may see fit to impose.

(4) "Such Resident Officers and Attorneys-in-Fact shall have authority to act as aforesaid, whether or not the President, the Secretary, or both, be absent or incapacitated; and shall also have authority to certify or verify copies of this Resolution, the By-Laws of the Company, and any affidavit or record of the Company necessary to the discharge of their duties.

(5) "Any such writing executed in accordance with these Rules shall be as binding upon the Company in any case as though signed by the President and attested by the Secretary."

does hereby nominate, constitute and appoint EDWIN A. ZELNICKER, JR., ROLAND G. FRY and CHARLES R. LUKER, all of the City of Mobile, State of Alabama

its true and lawful agent and attorney -in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed any and all bonds and undertakings in penalties not exceeding TWO HUNDRED FIFTY THOUSAND DOLLARS (\$ 250,000.00) each in its business of guaranteeing the fidelity of persons holding places of public or private trust, and in the performance of contracts other than insurance policies, and executing and guaranteeing bonds or other undertakings not exceeding TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) each as aforesaid, required or permitted in all actions or proceedings or by law required or permitted.

All such bonds and undertakings as aforesaid to be signed for the Company. and the Seal of the Company attached thereto by any one of the said Edwin A. Zelnicker, Jr., Ronald G. Fry or Charles R. Luker, individually.

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 Philadelphia, Commonwealth of Pennsylvania, in their own proper persons.

IN WITNESS WHEREOF, the said D. H. GARLOCK, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said INSURANCE COMPANY OF NORTH AMERICA this 16th day of September 19 69.

INSURANCE COMPANY OF NORTH AMERICA

(SEAL)

by D. H. GARLOCK Vice-President

STATE OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss.

On this 16th day of September, A.D. 19 69., before the subscriber, a Notary Public of the Commonwealth of Pennsylvania, in and for the County of Philadelphia, duly commissioned and qualified, came D. H. GARLOCK

Vice-President of the INSURANCE COMPANY OF NORTH AMERICA to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and, being by me duly sworn, deposeth and saith, that he is the officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia, the day and year first above written.

(SEAL)

LILA E. BAILEY Notary Public.

My commission expires May 22nd, 1972

I, the undersigned, Assistant Secretary of INSURANCE COMPANY OF NORTH AMERICA, 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.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 30 day of May 19 72.

(SEAL)

Matthew L. Young Assistant Secretary.

STATE OF ALABAMA }
Baldwin County }

No. 10,427

CIRCUIT COURT

..... 19.....

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon Hollis Luker

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 Ford Motor Credit
Company, a corporation

Witness my hand this 30th day of May 1972..

James B. Blackmon, 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

VS.

Plaintiff....

Defendant....

Detinue Summons and Complaint

Filed 19.....

....., Clerk

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.

Emilia B. Jackson Clerk

Defendant lives at

Received in office

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

....., Sheriff

I have executed this summons

this 19.....

by leaving a copy with

....., Sheriff

....., Deputy Sheriff

LAW OFFICES OF
MATRANGA, HESS & SULLIVAN
919 DAUPHIN STREET
MOBILE, ALABAMA
36604

JOSEPH M. MATRANGA
BARRY HESS
DOMINICK J. MATRANGA
JAMES D. SULLIVAN
RODERICK P. STOUT

AREA CODE 205
TELEPHONE 433-1634
433-6580

June 22, 1972

Circuit Court Clerk
Baldwin County Courthouse
Bay Minette, Ala. 36507

ATTENTION: Mrs. Blackman

REFERENCE: Detinue Action
Ford Motor Credit Company bs.
Hollis Luker

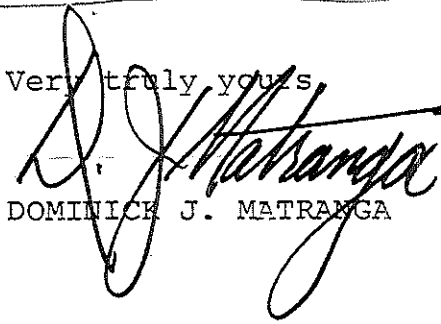
10,427

Dear Mrs. Blackman:

Recently Ford Motor Credit filed a complaint in detinue along with a bond for the seizure of one (1) 1965 Pontiac automobile in the possession of the Defendant. A recent United States Supreme Court opinion severely restricts the use of detinue on bond.

Please reissue a summons to the Sheriff directing him only to serve the Defendant with the complaint in detinue but not to seize the vehicle described in said complaint.

Very truly yours,


DOMINICK J. MATRANGA

DJM:et

LAW OFFICES OF
MATRANGA, HESS & SULLIVAN
919 DAUPHIN STREET
MOBILE, ALABAMA
36604

JOSEPH M. MATRANGA
BARRY HESS
DOMINICK J. MATRANGA
JAMES D. SULLIVAN
RODERICK P. STOUT

AREA CODE 205
TELEPHONE 433-1634
433-6589

September 1, 1972

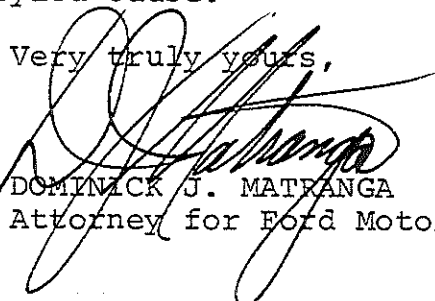
Clerk, Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama 36507

Re: Ford Motor Credit Company
vs.
Hollis Luker
Case No. 10,427

Dear Madam:

At the request of the plaintiff, please
enter a non-suit in the above styled cause.

Very truly yours,


DOMINICK J. MATRANGA
Attorney for Ford Motor Credit

DJM:et