

2561

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jerry Vasko to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County in the place of holding the same, then and there to answer the complaint of Harold Graham.

WITNESS my hand this 8th day of March, 1955.

Res. J. Vasko
Clerk.

HAROLD GRAHAM,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
JERRY VASKO,	)	AT LAW
	)	
Defendant.	)	

COUNT ONE:

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

- One two-piece Walnut bookcase.
- One Maple library table.
- One Mahogany cabinet sewing machine.
- One large hall tree with mirror,
- One packing case of books.
- One laundry stove.
- One ~~riding~~ cultivator.

with the value of the hire or use thereof during the detention, viz: From the 22nd day of October, 1949.

J. T. T. Shaskalew
Attorney for Plaintiff

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

The Plaintiff having given bond and made affidavit as

required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the Defendant gave bond payable to the Plaintiff with securities in double the value of the property, conditioned that if the Defendant is cast in the suit he will, within thirty days thereafter, deliver the property to the Plaintiff, and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this 8th day of March, 1955.

Deirdre. Welch
Clerk.

3-10-56 No 2561 ✓
8 day of Mar 1955
10 day of Mar 1955
I served a copy of this within *Detmice*
on *Jerry Vasko*

TAYLOR WILKINS, Sheriff
by *Elmer Stachewicz*

and attaching the
within described
property and leaving
it in his possession
Except the riding
cultivator
The plaintiff made
bond and property was
delivered to him

COMPLAINT *Detmice*
HAROLD W. GRAHAM,
Plaintiff,
VS.
JERRY VASKO,
Farmer Defendant.
Fish House

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
MAR 8 1955
J. B. BLACKBURN, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

FORTHCOMING BOND

STATE OF ALABAMA)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, Harold Graham,
as principal and Asketon B. Slaughter and J. R.
Wood, Sr., as sureties are held and firmly bound unto

Jerry Vasko in the sum of Two Hundred Dollars (\$200.00), for the
payment of which well and truly to be made we bind ourselves and
each of us or each of our heirs, executors and administrators,
jointly, severally and firmly by these presents.

Sealed with our seals, and dated this the 21st day of
March, 1955.

The condition of the above obligation is such that whereas
the said Harold Graham did on the 8th day of March, 1955, sue out
of the Circuit Court of Baldwin County a writ in detinue, directed
to any Sheriff of the State of Alabama, and commanded him to take
in his possession the following property sued for in said action of
detinue, to-wit:

One two-piece Walnut bookcase.
One Maple library table.
One Mahogany cabinet sewing machine.
One large hall tree with mirror.
One packing case of books.
One laundry stove.
One riding cultivator.

Which said writ was placed in the hands of Taylor Wilkins,
Sheriff of Baldwin County, Alabama, on the 8th day of March, 1955,
and executed by him on the 10th day of March, 1955, by taking into
his possession the property described above. *except riding Cultivator*

And whereas the said Jerry Vasko, defendant in said suit
has failed and neglected, for the space of five days from the taking
into possession of said property by said Sheriff aforesaid, to give
bond and take possession of said property as authorized by law.

Now therefore, if the said Harold Graham, plaintiff in said
suit, shall deliver the above described property to the said Jerry
Vasko, defendant in said suit, within thirty days after judgment,

in case plaintiff shall fail to recover the same in its said suit and pay all damages for the detention of property and costs of suit, then, in that event, this obligation to be void, otherwise to remain in full force and effect.

Harold Graham (SEAL)

Ashton B. Naughton (SEAL)

J R Wood Jr (SEAL)

Taken and approved on this the 21st day of March, 1955.

Saylor Wilkins
Sheriff of Baldwin County, Alabama.

DETINUE BOND

STATE OF ALABAMA)
*
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That we, Harold Graham, as Principal, and the undersigned, as sureties, are held and firmly bound unto Jerry Vasko, his heirs, executors and administrators in the sum of Fifty Dollars (\$50.00), for the payment of which we, the principal and sureties, bind ourselves, our successors, assigns, heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 7th day of March, 1955.

The condition of the above obligation is such that, Whereas, the above bounden Harold Graham has on the 8th day of March, 1955 sued out from the office of the Clerk of the Circuit Court of Baldwin County, Alabama, a writ of detinue, returnable to the said Circuit Court, against the said Jerry Vasko for the recovery of the following described property, to-wit:

One two-piece Walnut bookcase.
One Maple library table,
One Mahogany cabinet sewing machine,
One large hall tree with mirror,
One packing case of books,
One laundry stove,
One riding cultivator.

Now, if the said Harold Graham shall fail in the said suit and shall pay the said Jerry Vasko, the Defendant in the said writ, all such costs and damages as he may sustain by reason of the wrongful complaint in the said cause, then this obligation to be null and void, otherwise to remain in full force and effect.

J. R. Wood Sr. (SEAL)
H. D. Porter (SEAL)
Harold Graham (SEAL)

Taken and approved this 8th day of March, 1955.

Doris J. Duck
Clerk of the Circuit Court of Baldwin
County, Alabama.

DETINUE AFFIDAVIT

STATE OF ALABAMA)
 *)
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared HAROLD GRAHAM, who, after being by me first duly and legally sworn, deposes and says: That the property sued for in the Complaint of Harold Graham, Plaintiff, vs. Jerry Vasko, Defendant, in the Circuit Court of Baldwin County, Alabama, to-wit:

One two-piece Walnut bookcase.
One Maple library table.
One Mahogany cabinet sewing machine.
One large hall tree with mirror.
One packing case of books.
One laundry stove.
One riding cultivator,

belongs to Harold Graham, the said Plaintiff.

Harold Graham,

Sworn to and subscribed before me on
this the 7th day of March, 1955.

James R. Do
Notary Public, Baldwin County, Alabama.

HAROLD GRAHAM,

Plaintiff,

VS.

JERRY VASKO,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

MOTION TO STRIKE

Now comes the Plaintiff by his Attorneys and moves the Court to strike the last paragraph of the Defendant's plea one, plea two and plea three, as last amended, and as grounds of said motion assigns separately and severally the following:

1. It is prolix.
2. It is irrelevant.
3. It is frivolous.
4. It is unnecessarily repeated.

FILED

1935

ALICE L. BUCK, Clerk

John R. O.
J. B. Blaceman

HAROLD GRAHAM

PLAINTIFF

VS

JERRY VASKO

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

AMENDED PLEAS

1.

The Defendant avers that he is not guilty of the matters alleged in the above styled Complaint insofar as it pertains to the items set out:

One two-piece Walnut bookcase.
One Maple library table.
One Mahogany cabinet sewing machine.
One large hall tree with mirror.
One packing case of books.
One laundry Stove.

Further that the Defendant was not at the commencement of this suit nor is he now in the possession or control of the property sued for in the said complaint and described more particularly as, One Riding Cultivator; neither has or does the Defendant claim any right, title or interest in the said cultivator above described; nor has he exercised any ownership or control of said chattel; nor has said chattel been placed in the Defendant's possession or control.

2.

The Defendant avers that the property described in the Complaint, except the cultivator, was brought to the home of the Defendant and at the Plaintiff's request, the Defendant kept and stored it. The defendant says further that the Plaintiff has never made a demand or request for the return of said property. That he does not and has never had the cultivator in his possession.

3.

The Defendant says that at the time of the commencement of this action the Plaintiff was indebted to him for reasonable storage fee for storing the items set out in the Plaintiff's Complaint except the cultivator; that the Plaintiff requested that he be allowed to store said items in the home of your Defendant and promised to pay for said storage; that said Defendant hereby offers to set the same off against the demands of the Plaintiff.

Wilters & Brantley

Hay J. Wilters

FILED
MAY 29 1955
CLARK, Clerk

HAROLD GRAHAM,)
Plaintiff,)
VS.) IN THE CIRCUIT COURT OF
JERRY VASKO,) BALDWIN COUNTY, ALABAMA
Defendant.) AT LAW

DEMURRER

Now comes the plaintiff, by his attorneys, and demurs to the defendant's Pleas 1, 2, 3 and 4 as last amended, separately and severally, and as grounds for such demurrer assigns, separately and severally, the following:

1. The said plea does not constitute a defense to this suit and raises an immaterial issue.
2. The said plea does not allege that this suit is barred by the statute of limitations of three years.
3. The said plea does not allege that this suit is barred by the statute of limitations of six years.

FILED

1935

ALICE J. DUKIN, Clerk

John R. O.
J. B. Blashburn
Attorneys for defendant.

HAROLD GRAHAM
PLAINTIFF
VS
JERRY VASKO
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

VERAS IS LAST AMENDED

The Defendant avers that he is not guilty of the matters alleged in the above styled Complaint insofar as it pertains to the items set out:

One two-piece Walnut bookcase,
One Maple library table,
One Mahogany cabinet sewing machine,
One large hall tree with mirror,
One packing case of books,
One laundry stove.

Further that the defendant was not at the commencement of this suit nor is he now in the possession or control of the property sued for in the said Complainant and described more particularly as, One Riding Cultivator; neither has or does the Defendant claim any right, title or interest in the said cultivator above-described; nor has he exercised any ownership or control of said chattel; nor has said chattel been placed in the Defendant's possession or control.

2.

The Defendant avers that the property described in the Complaint, except the cultivator, was brought to the home of the Defendant and at the Plaintiff's request, the Defendant kept and stored it. The Defendant says further that the Plaintiff has never made a demand or request for the return of said property; that he does not and has never had the cultivator in his possession.

3.

The Defendant says that at the time of the commencement of this action the Plaintiff was indebted to him in the sum of ONE HUNDRED (\$100.00) DOLLARS for reasonable storage fees for storing the items in the Plaintiff's Complaint, except the cultivator; the Defendant says that the Plaintiff requested that he be allowed to store these items in the home of your Defendant and promised to pay for said storage; the Defendant says that he would store these items on to-wit, March 25, 1947, and has kept them stored since that time. The

Defendant hereby offers to set this amount off against the demands of the Plaintiff.

L.

The Defendant says that this matter is barred by the statutes of limitations. That the property the Plaintiff is suing for was left with the Defendant on the 25th day of March, 1947. That if there is any wrongful detention it started on this date and hence is barred by the statutes of limitations.

STATE OF ALABAMA
BALDWIN COUNTY

Jerry Vasko

Before me the undersigned authority in and for said State and County personally appeared Jerry Vasko, who being by me first duly sworn, deposes and says: that the facts contained therein are true and correct.

Jerry Vasko

Sworn to and subscribed before me on this the 18 day of August, 1955.

I Oliver M Brantley
Notary Public, Baldwin County, Alabama

HAROLD GRAHAM

PLAINTIFF

VS

JERRY VASKO

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

PLEAS

1.

Not guilty.

2.

The Defendant avers that the property described in the Complaint, except the cultivator, was brought to the home of the Defendant and at the Plaintiff's request, the Defendant kept and stored it. The defendant says further that the Plaintiff has never made a demand or request for the return of said property. That he does not and has never had the cultivator in his possession.

3.

The Defendant, as a defense to the action of the Plaintiff, saith that, at the time said action was commenced, the Plaintiff was indebted to him for that the Plaintiff promised to pay the Defendant for storing the said property, except the cultivator; which he hereby offers to set off against the demand of the Plaintiff.

Walters & Brantley

BY:

Harry J. Walters
Attorneys for the Defendant

The Defendant demands a trial by jury.

FILED

April 8 1935

ALICE J. DUCK, Clerk

Walters & Brantley

BY:

Harry J. Walters
Attorneys for the Defendant

HAROLD GRAHAM,

Plaintiff,

VS.

JERRY VASKO,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

MOTION TO STRIKE

Now comes the Plaintiff in the above styled cause and moves the court to strike Defendant's pleas two and three and as grounds for said motion assigns the following separately and severally:

1. Said plea is unnecessarily prolix.
2. Said plea is irrelevant.
3. Said plea is frivolous.
4. Said plea does not contain a valid defense to the complaint.

FILED

April 22, 1988

ALICE J. DICK, Clerk

J. T. Blackburn
Attorney for Plaintiff