

2687

TONSMEIRE & HODNETTE  
ATTORNEYS AND COUNSELLORS AT LAW  
ANNEX FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

August 1, 1955

GEORGE A. TONSMEIRE  
ROBERT E. HODNETTE, JR.

STOVA F. MCFADDEN

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

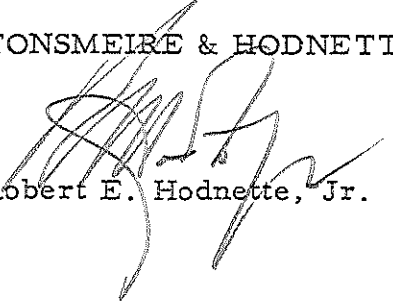
We are enclosing complaint in duplicate together with affidavit and detinue bond in the case of Elizabeth T. Border, as administratrix of the estate of Jay Burns Border, deceased, against Clinton Border.

We call your attention to the fact that Mr. Robert L. Marshall, Jr., executed the bond as agent of the Fidelity Casualty Company of New York and has attached to the bond a power of attorney authorizing him. This power of attorney is recorded in Mobile County, Alabama, in the Probate Court and if the bond is not executed sufficiently, I will appreciate your kindness in calling me on the telephone and reverse charges; however, I give you my personal assurances that the bond is properly executed.

The defendant is a doctor who has recently moved to Foley, Alabama, and I am sending Mr. Crawford of the sheriff's office a copy of this letter in order that he will know where to serve the defendant. For Mr. Crawford's information Dr. Border keeps the automobile in his garage in a home in Foley which he has recently purchased and I am presently attempting to actually locate the house in Foley and should have this information in the next few days. Therefore, I would appreciate Mr. Crawford calling me, reverse charges, if there is any doubt in his mind as to where to serve the papers and seize the property.

Very truly yours,

TONSMEIRE & HODNETTE

  
Robert E. Hodnette, Jr.


vg  
Enclosures

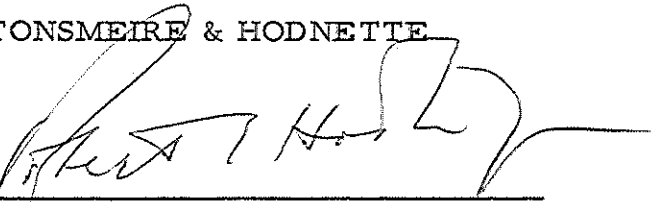
ELIZABETH T. BORDER, etc.	)	IN THE CIRCUIT COURT
Plaintiff	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
CLINTON BORDER	)	AT LAW
Defendant	)	NO. 2687

AGREEMENT OF PARTIES

It is agreed by and between the parties to this suit that the same may be dismissed and that all liability which might accrue on the bonds posted by the parties in connection with this said detinue suit be hereby extinguished.

It is further agreed by the parties that the costs of court incurred will be shared equally and that this agreement may be filed in the cause and the case stand as dismissed.

  
Attorney for Defendant

TONSMEIRE & HODNETTE  
By   
Attorneys for Plaintiff

# The State of Alabama, {

## Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, C. L. BORDER, SR.M.D.

C. P. TAYLOR

and

JOHN G. EVANS

are held and firmly bound unto ELIZABETH T. BORDER

in the sum of FIVE THOUSAND & 00/100 Dollars, for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 4th day of August 1955

The condition of the above obligation is such that whereas the said

Elizabeth T. Border did, on the 2nd day of August 1955 sue out of the Circuit Court of Bay Minette, Ala. a writ of detinue directed to any Sheriff of said State and commanding him to take into his possession the following property, to-wit: One 1953 Jaguar convertible coupe automobile, Serial No. 677981, Motor No. XK 120-W961318; Also, the personal effects and property belonging to the estate of Jay Burns Border, deceased, and marked "J. B. Border " or "Lt. Border" or "AO2221650" listed on the attached Exhibit "A", which is made a part hereof.

which said writ was placed in the hands of Taylor Wilkins, Sheriff of Baldwin County, Alabama, on the 2nd day of August, 1955, and executed by him on the 4th day of August, 1955, by taking into his possession the following property, to-wit:

One 1953 Jaguar convertible coupe automobile, Serial No. 677981, Motor No. XK 120-W961318; Also, the personal effects and property belonging to the estate of Jay Burns Border, deceased, and marked "J. B. Border" or "Lt. Border" or "AO2221650", consisting of one big trunk, two foot-lockers, done duffel bag, all of which are in the same condition and remain unopened as they arrived from the U. S. Army. All of these items have been sealed and are to remain unopened.

And whereas the above bound C. L. BORDER, SR.

Defendant in said suit, has, within five days from the execution of said writ, entered into and executed this bond as required by law and thereby obtained possession of said property seized under this writ.

Now if the said C. L. BORDER, SR. is cast in said suit and within thirty days after judgment deliver the property aforesaid to the Plaintiff and pay all costs and damages which may accrue from the detention thereof, then this obligation to be void, otherwise to remain in full force and effect.

C. P. Taylor (SEAL)

John G. Evans (SEAL)

C. L. Border, Sr. (SEAL)

Taken and approved this 4th day of August 1955

Taylor Wilkins  
Sheriff, Baldwin County, Ala.

THE STATE OF ALABAMA,  
Baldwin Mobile County }

## DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Elizabeth T. Border, as administratrix  
of the estate of Jay Burns Border, deceased, and The Fidelity and Casualty Company  
of New York

are held and firmly bound unto Clinton Border, his

heirs, executors and administrators, in the  
sum of Two Thousand One Hundred and No/100 (\$2,100.00) 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 \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1955

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

Elizabeth T. Border, as administratrix of the estate of Jay Burns / Border has, on

the \_\_\_\_\_ day of \_\_\_\_\_ 1955, sued out from the office of the  
Baldwin

Clerk of the Circuit Court of Mobile, in the State of Alabama, a Writ of Detinue, returnable to the  
Baldwin

present term of said Circuit Court of Mobile against the said Clinton Border

for the recovery of the following property,

to-wit: one 1953 Jaguar convertible coupe automobile, Serial No. 677981, Motor No.  
XK 120-W961318 and also the personal effects and property listed on the attached  
Exhibit A which is made a part hereof.

NOW, if the said Elizabeth T. Border, as such administratrix shall fail

in said suit, and shall pay to the said Clinton Border

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.

Elizabeth T. Border (Seal)  
As Administratrix of the Estate of Jay Burns  
Border (Seal)  
The Fidelity and Casualty Company of New York  
By Robert L. Marshall, Jr. (Seal)  
Robert L. Marshall, Jr.

FILED

AUG 3 1955

ALICE J. DUCK, Clerk

# The Fidelity and Casualty Company of New York

The Pioneer Bonding Company of the United States

BONDING DEPARTMENT

80 MAIDEN LANE, NEW YORK, N. Y.

Know all Men by these Presents:

That The Fidelity and Casualty Company of New York has made, constituted, and appointed, and by these presents does make, constitute, and appoint  
Robert L. Marshall, Jr. of Mobile, Alabama

its true and lawful attorney for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings, and contracts of suretyship to be given to  
all obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of one hundred fifty thousand dollars.

In Witness Whereof The Fidelity and Casualty Company of New York has caused its official seal to be hereunto affixed, and these presents to be signed by one of its vice presidents and attested by one of its assistant secretaries this 2nd day of December, 1953

The Fidelity and Casualty Company of New York

By John C. Brodsky

Vice President.

Attest:

A. J. Miller

Assistant Secretary.

ELIZABETH T. BORDER, as  
administratrix of the estate of  
JAY BURNS BORDER, deceased

Plaintiff

VS

CLINTON BORDER

Defendant

) IN THE CIRCUIT COURT  
) OF BALDWIN COUNTY,

) ALABAMA

) AT LAW

) NO.

The plaintiff claims of the defendant the following personal prop-  
erty, namely:

One 1953 Jaguar convertible coupe automobile, Serial No.  
677981, Motor No. XK 120-W961318;

Also, the personal effects and property belonging to the  
estate of Jay Burns Border, deceased, and marked "J. B.  
Border" or "Lt. Border" or "AO2221650" listed on the  
attached Exhibit "A", which is made a part hereof.

with the value of the hire or use thereof during the detention, namely  
from the 10th day of July, 1955.

TONSMEIRE & HODNETTE

By Robert E. Hodnette Jr.  
Attorneys for Plaintiff

# EXHIBIT "A"

1 trunk	19 books
3 belts	4 picture albums
1 travel clock	1 musical pourer
1 electric razor	1 hand press
5 wash cloths	1 small pocket knife
22 pair sox	4 pipes
1 straw hat	2 pewter tankards
3 sports caps	1 foot locker
1 swim trunks	1 green tarpaulin
1 blue jersey	1 blue suit bag
1 pajama trousers	1 pair boots
2 pair pajamas	4 pair shoes
1 Poplin shirt	2 pair shoe trees
4 blue shirts	1 duffel bag
7 handkerchiefs	1 green pillow
1 beach towel	1 pith helmet
8 white shirts	1 personal history statement
7 shorts	3 USAF ECI booklets
10 T shirts	1 fatigue uniform
12 towels	2 athletic shorts
1 Khaki uniform (shirt & shorts)	1 sweat pants
23 neckties	1 sweat shirt
6 Khaki shirts	1 pair tennis shoes
4 Khaki trousers	1 pair slippers
2 sports jackets	1 athletic supporter
11 sports shirts	1 pair high top leather shoes
4 suits	1 golf bag
10 trousers	1 golf cart
2 sports coats	3 woods
2 gabardine shirts	11 irons
2 gabardine trousers	1 pair golf shoes
1 gabardine blouse	2 golf gloves
1 tuxedo	14 golf balls
4 blue uniform trousers	1 practice ball
1 blue battle jacket	6 cigarette lighters
2 blue uniform blouse	1 pepper mill
1 raincoat	1 occupation medal
1 trenchcoat with lining	1 dissection kit
1 footlocker	1 bill fold
1 polishing cloth	1 key chain
1 can shoe polishing equipment	1 small glass
1 box souvenir programs	2 small brushes
1 box snapshots	1 pair sunglasses
1 can pictures & negatives	2 combs
1 road atlas	1 safety razor
3 ash trays	1 screwdriver
1 extension cord	2 scissors
1 tobacco pouch	1 pliers
1 lens cover	1 tweezers
1 reel for 35 mm negatives	1 nail clipper
1 box flashbulbs	2 belt buckles
1 slide viewer	1 identification bracelet
2 plastic scalp brushes	1 pair shoe strings
1 pocket Kodak	1 civilian pilot license
1 roll film	foreign currency
1 lens brush	foreign coins
1 flash attachment	1 box calling cards
1 tripod	3 campaign ribbons
1 gadget bag	1 money clip and folder
2 boxes color slides	1 mechanical pencil
1 small wooden drawer	1 box stationary
2 pair leather gloves	1 box personal letters

THE STATE OF ALABAMA }  
Baldwin County

CIRCUIT COURT

No. 2687

194

To Any Sheriff of the State of Alabama:

You Are Hereby Commanded to Summon

Clinton Border

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

Elizabeth T. Border, as administrator of the estate of J. Burns Border

Witness my hand this 2nd day of August 1945

*W. J. [Signature]*, 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 194, to 194

, Plaintiff's Attorney.



- 1 letter file
- 1 personal 201 file
- 1 training folder
- 1 roll transparent tape
- 1 imitation leather suitcase
- 1 handbag
- 1 slide projector
- 1 portable projector screen
- 1 flight record (AF Form 5)
- 1 wallet, Brown
- 1 US money order for amt of \$27.75
- 1 Social Security Card
- 1 picture & assorted miscellaneous papers