

SOUTHERN GULF LUMBER COMPANY,  
a Corporation, doing business as  
Delaney's,

Plaintiff,

VS.

D. T. HARTLEY, SR.,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2825

WRIT

STATE OF ALABAMA )

\*

BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to seize and deliver to Southern Gulf Lumber Company, a Corporation, doing business as Delaney's, Plaintiff in the above styled cause, the following personal property, viz:

1 Propane A. G. tank, Serial Number 7808

which the said Southern Gulf Lumber Company, a Corporation, doing business as Delaney's, on the 23rd day of February, 1956, by the judgment of our Circuit Court, held for the County of Baldwin, recovered of D. T. Hartley, Sr., if the same can be had; if not, you are hereby commanded that of the goods and chattels, lands and tenements of the said D. T. Hartley, Sr., you cause to be made the sum of Ninety Dollars (\$90.00), the alternate value of the personal property. Also the further sum of \$15.95, costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand, this 24<sup>th</sup> day of February, 1956.

Reice J. Hurck  
Clerk.

JAMES R. OWEN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

February 23, 1956

Mr. Taylor Wilkins  
Sheriff of Baldwin County  
Bay Minette, Alabama

Dear Taylor:

I am handing you herewith a Writ in connection with the case of Southern Gulf Lumber Company, a Corporation, doing business as Delaney's, Plaintiff, vs. D. T. Hartley, Sr., Defendant.

When you are ready to execute this writ, please call, or write Delaney's, at One South Broad Street, Mobile, Alabama, and they will send a man over here to pick up this property. If you write or call Delaney's please ask for Mr. Beck, as he is the man familair with this case.

Yours very truly,



JAMES R. OWEN

JRO/ers

Enclosure

*you may call Delaney's "Collect"*

COLLINS, GALLOWAY & MURPHY  
ATTORNEYS AT LAW  
FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

February 17, 1956

FRED G. COLLINS  
THOMAS M. GALLOWAY  
M. THOMAS MURPHY

Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Court House  
Bay Minette, Alabama

Re: Southern Gulf Lumber Co.  
Vs: D. T. Hartley, Sr.

Dear Mrs. Duck:


I am in receipt of a notice where personal service was had in this matter. My file indicates that this detinue proceeding was filed with a bond as it was our desire that this property be taken into custody by the sheriff.

Would you please check this matter and see if a bond was not filed in order that the sheriff may take this property into custody.

Very truly yours,

COLLINS, GALLOWAY & MURPHY

BY:

  
Thomas M. Galloway

TMG:mah

SOUTHERN GULF LUMBER COMPANY,  
A CORPORATION, d/b/a DELANEYS

PLAINTIFF

VS

D. T. HARTLEY, SR.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA,

AT LAW

NO. 2825

PLEAS

The allegations of the Complaint are untrue.

Walters & Brantley

BY:

Robert M Brantley  
Attorneys for the Defendant

MOTION TO SET ASIDE JUDGMENT BY DEFAULT

SOUTHERN GULF LUMBER COMPANY,  
A CORPORATION, c/s/a DELANEYS

PLAINTIFF

VS

D. T. HARTLEY, SR.

DEFENDANT

IN THE CIRCUIT COURT OF

BALEWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2825

Comes your Petitioner, Dewitt T. Hartley, Sr., by his attorney, and moves the court to set aside the judgment by default heretofore rendered in this cause and for grounds therefor shows unto the Court as follows:

That prior to the time this said default judgment was rendered the Defendant, Dewitt T. Hartley, Sr., had filed a demurrer in this cause and demanded a trial by jury.

Respectfully submitted

Winters & Brantley

BY:

Volbert M Brantley  
Attorney for the Defendant

SOUTHERN GULF LUMBER COMPANY,  
A CORPORATION, d/b/a DELANEYS

PLAINTIFF

VS

D. T. WITLEY, SR.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2025

Comes now the Defendant in the above styled cause and demurs the  
Plaintiff Bill of Complaint as follows:

1.

The Complaint fails to state a cause of action.

Wileys & Brantley

BY:

Albert M. Brantley  
Attorneys for the Defendant

The Defendant demands a trial by jury.

Wileys & Brantley

BY:

Albert M. Brantley  
Attorneys for the Defendant

SOUTHERN GULF LUMBER COMPANY,  
a Corporation, doing business as  
Delaney's,

Plaintiff,

VS.

D. T. HARTLEY, SR.,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2825

WRIT

STATE OF ALABAMA )

\*

BALDWIN COUNTY )

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WITNESS my hand, this 24<sup>th</sup> day of February, 1956.

Alice J. Alcock  
Clerk.

THE STATE OF ALABAMA,  
Mobile County

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, So. GULF LUMBER Co., A CORP.

D/E/A DELANEYS AND UNION BONDING COMPANY

are held and firmly bound unto D. T. HARTLEY, SR.

HIS heirs, executors and administrators, in the  
sum of ONE HUNDRED FIFTY AND 00/100 (\$150.00) 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 JANUARY, A. D. 19 56

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

So. GULF LUMBER Co., A CORP., D/E/A DELANEYS has, on

the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, sued out from the office of the

Clerk of the Circuit Court of BALDWIN ~~MOBILE~~, in the State of Alabama, a Writ of Detinue, returnable to the

present term of said Circuit Court of Mobile against the said

D. T. HARTLEY, SR. for the recovery of the following property,

to-wit: ONE PROPANE UNDERGROUND TANK, SERIAL No. 7808

NOW, if the said So. GULF LUMBER Co., A CORP., D/E/A DELANEYS shall fail

in said suit, and shall pay to the said D. T. HARTLEY, SR.

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.

So. GULF LUMBER Co., A CORP., D/E/A DELANEYS (Seal)

ITS AGENT

Irrene Eckman & Peter V. Eckman (Seal)

by H. L. Sturtevant atty in fact (Seal)

I hereby certify that if this bond were presented to me I would  
approve the same as good and sufficient surety.

John E. Manderhille  
Clerk, Circuit Court, Mobile County, Ala.

Approved,  
this 17th day of Jan. 1956  
David J. Manderhille  
clerk



THE STATE OF ALABAMA }  
Mobile County

DETINUE AFFIDAVIT

THOMAS M. GALLOWAY, NOTARY PUBLIC, STATE OF ALABAMA AT LARGE  
PERSONALLY appeared before me, ~~James M. Galloway, Notary Public, State of Alabama at Large~~

~~XXXXX~~ WILLIAM A. STEELE

who, being duly sworn, deposes and says, that the property sued for in the complaint of SO. GULF LUMBER CO. A CORP., D/E/A DELANEYS VS. D. T. HARTLEY, SR.

to-wit

ONE UNDERGROUND PROPANE TANK, SERIAL No. 7808

belongs to SO. GULF LUMBER CO., A CORP., D/A/E DELANEYS the said Plaintiff.

Sworn to and subscribed the 11<sup>th</sup> day

of January, 1954, before me.

Thomas M. Galloway  
NOTARY PUBLIC, STATE OF ALABAMA, AT LARGE

No. 2-82-5  
RECORDED

Circuit Court

~~XXXXXXXXXXXXXXXXXXXX~~

BALDWIN COUNTY

SO. GULF LUMBER CO., A CORP.

D/E/A DELANEYS

VS. D. T. HARTLEY, SR.

and Bond

D. T. HARTLEY, SR.

Filed day of 19

Clerk Circuit Court, Mobile County

Attorney

SOUTHERN GULF LUMBER CO.,: IN THE CIRCUIT COURT OF  
A CORP., D/B/A DELANEYS  
PLAINTIFF : BALDWIN COUNTY, ALABAMA  
VS: : AT LAW  
D. T. HARTLEY, SR. : NO. 2825  
DEFENDANT

COUNT ONE

THE PLAINTIFF CLAIMS OF THE DEFENDANT THE  
FOLLOWING PERSONAL PROPERTY, VIZ:

ONE PROPANE UNDERGROUND TANK  
SERIAL NUMBER 7808

WITH THE VALUE OF HIRE OR USE THEREOF DURING THE  
DETENTION VIZ: FROM THE 15TH DAY OF AUGUST, 1955.

PLAINTIFF AVERS THAT THE ABOVE DESCRIBED  
PROPERTY WAS PURCHASED BY THE DEFENDANT BY VIRTUE OF  
A CONDITIONAL SALES CONTRACT, WHEREIN THE AGREED TO  
PAY A REASONABLE ATTORNEY'S FEE, AND THE PLAINTIFF  
AVERS THAT IT SHOULD BE AWARDED A REASONABLE FEE IN  
THE SUM OF TWENTY FIVE AND 00/100 (\$25.00) DOLLARS.

PLAINTIFF FURTHER AVERS THAT IN SAID CON-  
DITIONAL SALES CONTRACT WHEREIN THE TITLE TO THE  
ABOVE DESCRIBED GOODS WAS RETAINED BY THE PLAINTIFF  
THAT THE DEFENDANT DID WAIVE ALL RIGHTS IN AND TO  
HIS EXEMPTION OF PERSONAL PROPERTY UNDER THE  
CONSITITUTION AND LAWS OF THE STATE OF ALABAMA.


COLLINS, GALLOWAY & MURPHY

By: Thomas W. Galloway  
ATTORNEYS FOR PLAINTIFF

ADDRESS OF DEFENDANT:

ROUTE 1, OLD BRADY ROAD  
BAY MINETTE, ALABAMA

THE PLAINTIFF, SOUTHERN GULF LUMBER COMPANY,  
A CORPORATION, D/B/A DELANEY'S HAVING MADE AFFIDAVIT  
AND GIVEN BOND, AS REQUIRED BY TITLE 7, SECTION  
918, OF THE CODE OF ALABAMA, THE SHERIFF IS REQUIRED  
TO TAKE THE PROPERTY MENTIONED IN THE WITHIN COMPLAINT  
INTO HIS POSSESSION, UNLESS THE DEFENDANT GIVE BOND,  
PAYABLE TO THE PLAINTIFF, WITH SUFFICIENT SURETY IN  
DOUBLE THE AMOUNT OF THE VALUE OF THE PROPERTY, WITH  
CONDITIONS THAT IF THE DEFENDANT IS CAST IN THE SUIT,  
WILL, WITHIN THIRTY DAYS THEREAFTER, DELIVER THE  
PROPERTY TO THE PLAINTIFF, AND PAY ALL COSTS AND  
DAMAGES WHICH MAY ACCRUE FROM THE DETENTION THEREOF.

  
CLERK

SUMMONS AND COMPLAINT

Moore Printing Co.

THE 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 D. T. Hartley, Sr.

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 \_\_\_\_\_

D. T. Hartley, Sr., Defendant\_\_\_\_\_

by Southern Gulf Lumber Company., A Corp. d/b/a Delaneys

\_\_\_\_\_, Plaintiff\_\_\_\_\_

Witness my hand this 17th day of January 19 56

*W. J. Smith*, Clerk

RECORDED

No. 2825

Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

SOUTHERN GULF LUMBER CO.  
A Corp. d/b/a DELANEYS

Plaintiffs

vs.

D. T. HARTLEY, Sr

237

Defendants

SUMMONS and COMPLAINT

Filed 1-17-56

, 19

Alice J. Duck

, Clerk

*Return*

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Jan. 18, 1956

*Walter Williams*, Sheriff

I have executed this summons

this Jan 19th, 1956  
by leaving a copy with

D. T. Hartley Sr.

and taking into my  
possession the within  
property and the deft  
fail to make bond in  
5 days and plaintiff  
failed to make bond  
in the next five days  
the property has been  
returned to the deft  
without bond

*Walter Williams* Sheriff

Deputy Sheriff

7 mi south of B.M. - 14 mi