

3029

ELBERT JOHNSON,

Plaintiff,

vs.

H. L. McALISTER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

DETINUE AFFIDAVIT

Before me, the undersigned authority, personally
appeared Elbert Johnson, who being duly sworn deposes and says
that the property sued for in the case of Elbert Johnson,
Plaintiff, vs. H. L. McAlister, Defendant, to-wit:

One 1949 Chevrolet Tudor Styline Sedan, Motor #GAA958⁶³⁹~~36~~
belongs to the said Elbert Johnson, the said Plaintiff.

Sworn to and subscribed before

me on this the 7th day of September, 1956.

John R. O.
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. L. McAlister to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of Elbert Johnson.

WITNESS my hand this 8 day of September, 1956.

Reine J. Hunk
Clerk.

ELBERT JOHNSON,

Plaintiff,

vs.

H. L. McALISTER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

COUNT ONE:

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

One 1949 Chevrolet Tudor Styline Sedan, Motor #GAA⁹⁵⁸⁶³⁹~~95836~~
with the value of the hire or use thereof during the detention
viz: From the 3rd day of September, 1956.

John R. O
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 valuable of the property, conditional 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 8 day of September, 1956.

Reice J. Duck
Clerk.

The State of Alabama, }
Baldwin County

BOOK **016** PAGE **181**KNOW ALL MEN BY THESE PRESENTS, That we, H. L. McAlister

and _____

are held and firmly bound unto Elbert Johnson

in the sum of Five Hundred and 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 _____ day of September 19 56The condition of the above obligation is such that whereas the said Elbert Johnson

_____ did, on the 8th day of September 19 56 sue out of the Circuit Court of Baldwin 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 1949 Chevrolet Tudor Styline Sedan, Motor #GAA95836

which said writ was placed in the hands of Taylor Wilkins, Sheriff of Baldwin County, Alabama, on the _____ day of September, 19 56, and executed by him on the _____ day of September, 19 56, by taking into his possession the following property, to-wit:

One 1949 Chevrolet Tudor Styline Sedan, Motor #GAA95836

And whereas the above bound H. L. McAlister,

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 H. L. McAlister 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.

H. L. McAlister (SEAL)

Tom Gray (SEAL)

Russ Kendrick (SEAL)

Taken and approved this 21st day of Sept 19 56

Taylor Wilkins
 Sheriff, Baldwin County, Ala.

ELBERT JOHNSON

PLAINTIFF

VS

H. L. McALISTER

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 3029

Comes now the Defendant in the above styled cause and for answer to
the Plaintiff's Bill of Complaint says:

1.

Not guilty.

Wilters & Brantley

BY: Sam J. Wilters Jr.
Attorneys for the Defendant

ELBERT JOHNSON

PLAINTIFF

VS

H. L. McALISTER

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 3029

Comes now the Defendant in the above styled cause and amends his answer to the Plaintiff's Bill of Complaint to read as follows:

1.

Not guilty.

2.

That the Plaintiff did on the 2nd day of June, 1956, execute and deliver to the Defendant a chattel mortgage which included as security the property sued for in this cause. The said mortgage was for the amount of TWO HUNDRED ONE and 13/100 (\$201.13) DOLLARS, payable at the rate of TEN (\$10.00) DOLLARS weekly beginning on the 2nd day of June, 1956, and interest at the rate of 8% per annum. The mortgage provided in the event of default in such payments the mortgagee was empowered to seize said property; without protest, and after giving five days notice at three public places in the county, to sell the same, at public outcry. That prior to the date the Plaintiff instituted this cause of action he was in default of such payments and that the Plaintiff delivered the property, the subject of the action, to the Defendant. That the Defendant has not advertised and sold this property as provided for in the mortgage because of this action. Further that upon the Plaintiff paying the Defendant the amount due under the said mortgage he is willing to deliver the property sued for to the Plaintiff and mark the aforesaid mortgage paid.

Walters & Brantley

By: Ray Walters

Attorney for the Defendant

H. L. McAlister

Defendant

STATE OF ALABAMA

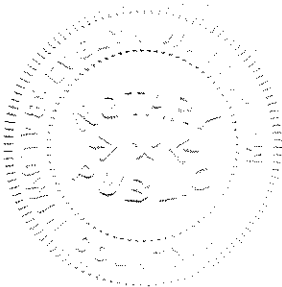
BALDWIN COUNTY

Personally appeared before me, the undersigned authority, in and for said county, in said state, H. L. McAlister, who being by me first duly sworn, deposes and says that the facts contained in the foregoing amended answer are true and correct.

H. L. McAlister

Sworn to and subscribed before me on this the 5th day of December, 1956.

Evelyn Watts
Notary Public, Baldwin County, Alabama



STATE OF ALABAMA

DETINUE BOND

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, Elbert Johnson as Principal, and the undersigned, as sureties, are held and firmly bound unto H. L. McAlister, 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 September, 1956.

The condition of the above obligation is such that Whereas, the above bounden Elbert Johnson, has on the 8th day of September, 1956, 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 H. L. McAlister for the recovery of the following described property to-wit:

One 1949 Chevrolet Tudor Styline Sedan
Motor #GAA9583639

Now, if the said Elbert Johnson shall fail in the said suit and shall pay the said H. L. McAlister, 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.

Elbert Johnson
Cornwall
D. W. Northcutt

Taken and approved this 7th
day of September, 1956.

David J. Duck
Clerk of Circuit Court of Baldwin
County, Alabama.

BAILEE'S RECEIPT

BAY MINETTE, ALA., 9-17 1954

THE STATE OF ALABAMA, }

County of Baldwin

I hereby agree to take, care for and preserve as the Bailee of Taylor Wilkins, Sheriff of Baldwin County, Alabama, the following described personal property this day levied upon under Writ of Fieri Facias, Attachment, Detinue, issued out of the Circuit Justice Civil Court of Baldwin County, Alabama, in the above styled case, to-wit:

one 1949 Chevrolet Tudor Style Sedan
Motor No. GAA95836

I further agree to deliver the above described personal property to the said Taylor Wilkins, Sheriff of Baldwin County, Alabama, upon his written order of demand.

J. L. McAlister
Bailee

WITNESS:

Cliff Steadman

Elbert Johnson,
Plaintiff

vs
H. L. McAlister,
Defendant

In the Circuit Court

of Bibb County, Alabama

at Law. No 3029

Memorandum to Amended Plea 2.

Now comes the Plaintiff in the above styled
cause and submits to the definite amended plea 2
heretofore filed in this cause and as grounds
for said answer assigns the following
separately and jointly:

1. The said plea does not constitute a
defense to this action -
2. The said plea, if true, is admissible
under the plea of the general issue -
3. The matters alleged in Plea 2 are
mere conclusions of the pleader -

James R. Oney
Attorney for Plaintiff -