

ATTACHMENT NOTICE

Moore Printing Co.

The State of Alabama, {
Baldwin County

No. 3073

CIRCUIT COURT

Term, 19__

B.E. EASTBURN & W.M. PATTERSON IND. & d/b/a

GULF PRODUCE CO. A PARTNERSHIP

vs.

PLAINTIFFS

ATTACHMENT

LOCKWOOD GRADER CORP.

DEFENDANTS

WHEREAS, B.E. EASTBURN & W.M. PATTERSON IND. & d/b/a GULF PRODUCE CO. A PARTNER-SHIP

as Plaintiffs in said cause, has obtained an Attachment out of this Court, issued the 29th.

day of October 19 56, against the estate of the said defendant

LOCKWOOD GRADER CORP.

which Attachment has been levied upon the following described PROPERTY

as the property of the said defendant, to-wit:

1- Bundle Sponge Rubber	10- 55 gal. Wax
1-Bundle Wood Rollers	60- Rolls Digger Chain
2- Rolls Rubber Belt (Conveyer)	37- Rolls Grader Chain
50- Iron Shafts	1- 5 ft. section (Waxer)
1- Iron Cutter	1- 5 ft. section (frame)
1- 4 ft. Conveyer	3- sk. rolles wood
1- Desk	37- Roller Wood
1- Folding Chair	1- bundle waxers
6- Bins of Bolts	14 box rollers (Wood)
1- Bin of Washers	105- Rollers (Wood)
1- Box Steel Washers	90- rollers (Rubber)
2- Bins of Alemite Fittings	16- rolls sizing chairs
60- Plaster bushings	1-12 ft. elevator chains
2 Sigmamotors	3-box Wax tickets
3- box Speed Pulley 3/4 in.	39 Rubber Rollers
97- Sprockets (Assorted Size)	33- hair brushes
82 - Bushings (Iron)	11- Iron Belt Roller Roller
10 Brass Bushing	5- Bags driver chain
50- Bearings	3- drive chains
36- Bearings	4- box rollers
1- box Leather washers	6- bundle sprockets
4- box Brass jets (sprayer)	36- rubber brushes
2- Hance Trucks	27- Sprockets
20- V. drive belts	1- Pipe cutter
1- 15 gal. keg	1- sk. rubber in belt
1- box welding rods	1- Electric welder (Will weld)
	1- 1hp. elec. Motor

and whereas, it appears that the said LOCKWOOD GRADER CORP.

Defendant as aforesaid is non-resident of the State of Alabama

NOW, THEREFORE, the said LOCKWOOD GRADER CORP. wherever THEY may reside are hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 5th. day of December, 19 56

Verie J. Smith, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, personally appeared W. M. Patterson, who is known to me, and who, after being by me, first duly and legally sworn, did depose and say as follows:

That his name is W. M. Patterson and that he is one and the same person as one of the Plaintiffs in that certain cause in the Circuit Court of Baldwin County, Alabama wherein B. E. Eastburn and W. M. Patterson, individually and doing business as Gulf Produce Company, a Partnership, are the Plaintiffs, and the Lockwood Grader Corporation, a corporation, is the Defendant and that the Defendant is justly indebted to the Plaintiffs in the amount of Fifteen Thousand Dollars (\$15,000.00) and that said amount is justly due. That the Defendant is a foreign corporation and that the attachment is not sued out for the purpose of vexing or harassing the Defendant.

W. M. Patterson
W. M. Patterson

Sworn to and subscribed before
me on this 26 day of October, 1956.

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

The Defendant being a foreign corporation the Plaintiffs elect
not to give bond

CHASO E STONE
By: Marlene P. Stone
Attorneys for Plaintiffs

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Lockwood Grader Corporation, a corporation, 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 same, then and there to answer the complaint of B. E. Eastburn and W. M. Patterson, individually and doing business as Gulf Produce Company, a partnership.

Witness my hand this 26 day of September, 1956.

Reid J. Smith
Clerk

B. E. EASTBURN and W. M. PATTERSON, individually and doing business as GULF PRODUCE COMPANY, a partnership,	¶	
	¶	
Plaintiffs,	¶	IN THE CIRCUIT COURT OF
	¶	BALDWIN COUNTY, ALABAMA
vs.	¶	AT LAW
LOCKWOOD GRADER CORPORATION, a corporation,	¶	
	¶	
Defendant.	¶	

COUNT ONE:

The Plaintiffs claim of the Defendant Fifteen Thousand and No/100 Dollars (\$15,000.00), damages for a breach of warranty in the sale of a potato bagging machine by the Defendant to the Plaintiffs, on the 1st day of April, 1956, which the Defendant warranted would bag an average of Three Thousand (3000) ten pound sacks of potatoes per hour and would properly weigh each such bag so as to give consistent correct weights on each ten pounds of potatoes; when in fact the said bagging machine did not correctly weigh and bag an average Three Thousand (3000) ten pound sacks of potatoes per hour; but, on the contrary, the scales on said machine failed to function properly and failed to give consistent correct weights and only bagged an average of Seven Hundred and Fifty (750) ten pound sacks of potatoes per hour

of operation and as a result of the failure of the said machine to function properly and of the breach of warranty by the Defendant the Plaintiffs were damaged in the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00), wherefore they bring this suit and ask judgment in that amount.

CHASON & STONE

By: Marlone S. Stone
Attorneys for Plaintiffs

The Plaintiffs demand a trial of this cause by a jury.

CHASON & STONE

By: Marlone S. Stone

*Filed Fed.
Court Mobile, Ala
on 1-16-1957.
JSS*

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DIVISION OF THE SOUTHERN
DISTRICT OF ALABAMA

B. E. EASTBURN and W. M.
PATTERSON, individually
and doing business as GULF
PRODUCE COMPANY, a part-
nership,

Plaintiffs,

VS.

LOCKWOOD GRADER CORPORATION,
a corporation,

Defendant.

CIVIL ACTION NO. 1754

PETITION TO REMOVE CAUSE FROM STATE TO UNITED
STATES DISTRICT COURT.

Now comes Lockwood Grader Corporation, defendant in this cause, hereby making a special appearance for the sole purpose of presenting this petition for removal, and files this its petition for removal of this cause from the law side of the Circuit Court of Baldwin County, Alabama, in which it is now pending, to the District Court of the United States for the Southern Division of the Southern District of Alabama, and respectfully represents unto the court the following facts:

1. This suit was filed in the Circuit Court of Baldwin County, Alabama, Law Side, on the 26th day of October, 1956. There has been no service on this defendant.

2. A Writ of Attachment has been issued and levied on certain personal property alleged to belong to the defendant and situated in Baldwin County, Alabama, which is described in the attachment notice hereinafter referred to. An attachment notice was issued in this cause by the Clerk of the Circuit Court of Baldwin County, Alabama, dated December 5, 1956, which notice was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which said notice appeared in the issues of said paper of December 13, December 20, December 27, 1956, and January 3, 1957.

3. This suit is a cause removable from the said state court to the District Court of the United States under the provisions of Title 28, United States Code, Section 1441.

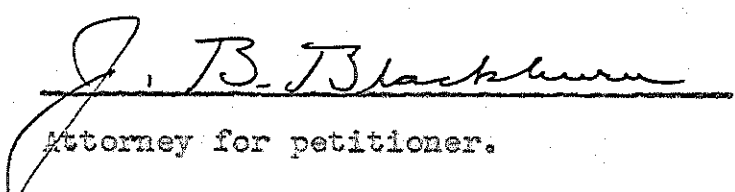
4. The matter in controversy by the plaintiffs named and the defendant in said suit is monetary in character and exceeds the sum of Three Thousand Dollars (\$3,000.00), exclusive of interest and costs.

5. At the time of the commencement of the suit sought to be removed hereby and since that time, and now, the plaintiff, B. E. Eastburn, was and is a citizen and resident of Baldwin County, Alabama, and the plaintiff, W. M. Patterson, was and is a citizen and resident of Escambia County, Alabama, and the Gulf Produce Company is a partnership composed of the said parties, which does business in Baldwin County, Alabama. The defendant, Lockwood Grader Corporation, was at the time of the commencement of said suit and since that time and is now a corporation organized and existing under the laws of the State of Nebraska, with its principal place of business in the City of Giles, Nebraska.

6. Petitioner attaches hereto and makes a part of this petition a copy of the summons and complaint that has been filed in this cause, and a copy of the attachment notice which is referred to above, together with the publisher's affidavit of publication.

7. Petitioner has made and has filed herewith a good and sufficient bond under the statute in such cases made and provided, conditioned that it shall pay all costs and disbursements incurred by the removal of said cause should it be determined that this case is not removable or was improperly removed.

WHEREFORE, petitioner prays that this court assume jurisdiction in this case and make such order or orders in the premises as are needful and necessary under the statute in such cases made and provided.


Attorney for petitioner.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

J. B. Blackburn, of lawful age, being duly sworn upon his oath, says that he is attorney for the petitioner herein; that he has prepared and read the foregoing petition for removal and the matters and things contained therein are true, as he verily believes.

J. B. Blackburn

Sworn to and subscribed before me on
this the 16 day of January, 1957.

Alice L. Miller

Notary Public, Baldwin County, Alabama

Affix seal.

My commission expires: 3-6-57

STATE OF ALABAMA }
BALDWIN COUNTY }

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Lockwood Grader Corporation, a corporation, 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 same, then and there to answer the complaint of B. E. Eastburn and W. M. Patterson, individually and doing business as Gulf Produce Company, a partnership.

Witness my hand this 26 day of September, 1956.

(S) ALICE J. DUCK
Clerk

B. E. EASTBURN and W. M.
PATTERSON, individually
and doing business as GULF
PRODUCE COMPANY, a part-
nership,

Plaintiffs,

vs.

LOCKWOOD GRADER CORPORATION,
a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiffs claim of the Defendant Fifteen Thousand and No/100 Dollars (\$15,000.00), damages for a breach of warranty in the sale of a potato bagging machine by the Defendant to the Plaintiffs, on the 1st day of April, 1956, which the Defendant warranted would bag an average of Three Thousand (3000) ten pound sacks of potatoes per hour and would properly weigh each such bag so as to give consistent correct weights on each ten pounds of potatoes; when in fact the said bagging machine did not correctly weigh and bag an average Three Thousand (3000) ten pound sacks of potatoes per hour; but, on the contrary, the scales on said machine failed to function properly and failed to give consistent correct weights

and only bagged an average of Seven Hundred and Fifty (750) ten pound sacks of potatoes per hour of operation and as a result of the failure of the said machine to function properly and of the breach of warranty by the Defendant the Plaintiffs were damaged in the amount of Fifteen Thousand and No/100 Dollars (\$15,000.00), wherefore they bring this suit and ask judgment in that amount.

CHASON & STONE

By: (S) NORBORNE C. STONE
Attorneys for Plaintiffs

The Plaintiffs demand a trial of
this cause by a jury.

CHASON & STONE

By: (S) NORBORNE C. STONE

Filed: Oct. 26, 1956

Alice J. Duck, Clerk

LEGAL NOTICE

ATTACHMENT NOTICE

THE STATE OF ALABAMA
BALDWIN COUNTY

NO. 3073

Circuit Court

B. E. EASTBURN & W. M.
PATTERSON IND. & d/b/a
GULF PRODUCE CO. a Partner-
ship, Plaintiffs

vs.

LOCKWOOD GRADER CORP.,
Defendants.

Whereas B. E. Eastburn & W. M. Patterson Ind. & d/b Gulf Produce Co., a Partnership, as Plaintiffs in said cause, has obtained an Attachment out of this Court, issued the 29th day of October, 1956, against the estate of the said defendant Lockwood Grader Corp., which Attachment has been levied upon the following described property as the property of the said defendant, to-wit:

- 1-Bundle Sponge Rubber
- 1-Bundle Wood Rollers
- 2-Rolls Rubber Belt (Conveyor)
- 50-Iron Shafts
- 1-Iron Cutter
- 1-4 ft. Conveyor
- 1-Desk
- 1-Folding Chair
- 6-Bins of Bolts
- 1-Bin of Washers
- 1-Box Steel Washers
- 2-Bins of Alemite Fittings
- 60-Plaster Bushings
- 2-Sigmamotors
- 3-Box Speed Pulley 3/4 in.
- 97-Sprockets (Assorted Size)
- 82-Bushings (Iron)
- 10-Brass Bushing
- 50-Bearings
- 38-Bearings
- 1-Box Leather Washers
- 4-Box Brass Jets (Sprayer)
- 2-Hance Trucks
- 20-V. Drive Belts
- 1-15 Gal. Keg
- 1-Box Welding Rods
- 10-55 Gal. Wax
- 60-Rolls Digger Chain
- 37-Rolls Grader Chain
- 1-5 ft. Section (Waxer)
- 1-5 ft. Section (Frame)
- 3-Sk. Roller Wood
- 37-Roller Wood
- 1-Bundle Waxers
- 14-Box Rollers (Wood)
- 105-Rollers (Wood)
- 90-Rollers (Rubber)
- 16-Rolls Sizing Chairs

1-12 ft. Elevator Chains
 3-Box Wax Tickets
 39-Rubber Rollers
 33-Hair Brushes
 11-Iron Belt Roller
 5-Bags Driver Chain
 3-Drive Chains
 4-Box Rollers
 6-Bundle Sprockets
 36-Rubber Brushes
 27-Sprockets
 1-Pipe Cutter
 1-Sk. Rubber Belt
 1-Electric Welder (Will Weld)
 1-1 hp. Electric Motor

and whereas, it appears that the said Lockwood Grader Corp. Defendant as aforesaid is non-resident of the State of Alabama.

NOW, THEREFORE, the said Lockwood Grader Corp. wherever they may reside hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 5th day of December, 1956.

ALICE J. DUCK,
 Clerk.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
 BALDWIN COUNTY

E. R. Morrisette, Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of Eastburn vs. Lockwood Grader Corp.

COST STATEMENT

368 WORDS @ 6½ cents. . . \$ 23.92

(I hereby certify this is correct, due
 and unpaid.

(S) E. R. MORRISSETTE, JR.
 Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication	Dec. 13, 1956	Vol. 67	No. 48
Date of 2nd publication	Dec. 20, 1956	Vol. 67	No. 49
Date of 3rd publication	Dec. 27, 1956	Vol. 67	No. 50
Date of 4th publication	Jan. 3, 1957	Vol. 67	No. 51

Subscribed and sworn before the undersigned this 3 day of Jan. 1957.

(S) DOROTHY MARTIN
 Notary Public, Baldwin County.

(S) E. R. MORRISSETTE, JR.
 Editor.

STATE OF ALABAMA

BALDWIN COUNTY

WRIT OF ATTACHMENT

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS:

Whereas W. M. Patterson hath complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, that Lockwood Grader Corporation, a corporation, a foreign corporation, is justly indebted to W. M. Patterson and B. E. Patterson, individually and doing business as Gulf Produce Company, a partnership, in the amount of \$15,000.00; and the said W. M. Patterson having made an affidavit as required by law in such cases;

YOU ARE HEREBY COMMANDED to attach so much of the estate of the said Lockwood Grader Corporation, a corporation, a foreign corporation, as will be of value to satisfy the said debt and costs according to the complaint; and such estate, unless replevied so to secure that the same may be liable to future proceeding thereon to be had at the present session of the Circuit Court of Baldwin County, Alabama, to be held at the Court House thereof when and where you must make known how you have executed this writ.

Witness my hand and the seal of the Circuit Court of Baldwin County, Alabama, this the ____ day of October, 1956.

Circuit Clerk

The Defendant being a foreign corporation of the State of Alabama, the Plaintiffs have elected not to give bond.

Circuit Clerk

Legal Notice

ATTACHMENT NOTICE
THE STATE OF ALABAMA
BALDWIN COUNTY,
NO. 3073

Circuit Court

B. E. EASTBURN & W. M.
PATTERSON IND. & d/b/a
GULF PRODUCE CO. a Partner-
ship. Plaintiffs

vs.

LOCKWOOD GRADER CORP.,
Defendants.

Whereas B. E. Eastburn & W.
M. Patterson Ind. & d/b/ Gulf
Produce Co., a Partnership, as
Plaintiffs in said cause, has ob-
tained an Attachment out of this
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- 1-Box Wax Tickets
- 3-Rubber Rollers
- 39-Hair Brushes
- 33-Bags Driver Chain
- 5-Drive Chains
- 3-Box Rollers
- 4-Bundle Sprockets
- 4-Rubber Brushes
- 6-Sprockets
- 1-Pipe Cutter
- 36-Sk. Rubber Belt
- 27-Electric Welder (Will Weld)
- 1-Electric Motor

THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says
that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published
at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Eastburn vs. Lockwood
Grader Corp.

COST STATEMENT

368 WORDS @ 6 1/2 cents \$ 23 ⁹²
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

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Date of 2nd publication Dec. 20, 1956 Vol. 67 No. 49

Date of 3rd publication Dec 27, 1956 Vol. 67 No. 50

Date of 4th publication Jan- 3, 1957 Vol. 67 No. 51

Subscribed and sworn before the undersigned this 3 day of Jan, 1957

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.