

3133

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John F. Smith 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 to complaint of S. M. Adams, Inc., a corporation.

Witness my hand, this 21 day of January, 1957.

Heriberto H. H. H.
Clerk

S. M. ADAMS, INC., a
corporation,

PLAINTIFF

VS

JOHN F. SMITH,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

COUNT ONE

The plaintiff claims of the defendant the following personal property, viz: one 1951 1½ ton G. M. C. truck, Motor No. A248147022, and one 1953 1½ ton G. M. C. truck, Motor No. A248191422, with the value of the hire or use thereof during detention, viz: from the 31st day of December, 1956.

COUNT TWO

The plaintiff claims of the defendant the sum of \$ 537.50, balance due by promissory note executed by him to the American National Bank & Trust Company of Mobile, Alabama, on the 27th day of January, 1956, in the sum of Twelve Hundred Ninety (\$1290.00) Dollars, and payable on the 1st day of September, 1956, which said note was, for a valuable consideration, transferred and assigned by the American National Bank & Trust Company of Mobile, Alabama, to plaintiff on December 31, 1956, balance on which said note, together with interest thereon from the 1st day of September, 1956,

The State of Alabama, {

Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, _____

Daniel E. Sullivan and W. T. Walley

and John F. Smith

are held and firmly bound unto S. M. Adams, Inc.

in the sum of One Thousand Seventy Five Dollars 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 8th day of April 1957

The condition of the above obligation is such that whereas the said S. M. Adams, Inc.

_____ did, on the 21st day

of January 1957 sue out of the Circuit Court of Baldwin County 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 (1) 1951 1½ ton G. M. C. truck, Motor No.

A248147022 and one (1) 1953 1½ ton G. M. C. truck, Motor No.

A248191422

which said writ was placed in the hands of Taylor Wilkins

Sheriff of Baldwin County, Alabama, on the 21st day of January, 1957,

and executed by him on the 5th day of April, 1957, by taking into his possession the following property, to-wit:

property as set forth above

And whereas the above bound John F. Smith

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 John F. Smith 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.

Daniel Sullivan (SEAL)

W. T. Walley (SEAL)

John F. Smith (SEAL)

Taken and approved this 8th day of April 1957

Taylor Wilkins
Sheriff, Baldwin County, Ala.

is still unpaid.

Plaintiff further alleges that in and by said note the defendant waived all right of exemption as to personal property under the laws of the State of Alabama and plaintiff claims the benefit of the said waiver.

Plaintiff further alleges that in and by the said note the defendant promised to pay all cost of collection, including a reasonable attorney's fee and plaintiff claims of the defendant the further and additional sum of One Hundred Fifty (\$150.00) Dollars as a reasonable attorney's fee in the premises.

Beebe & Swearingen

By

J. G. Swearingen
Attorneys for Plaintiff.