

# The State of Alabama, {

## Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, \_\_\_\_\_

J. F. Sims

and \_\_\_\_\_

are held and firmly bound unto R. C. Cassity, d/b/a Escambia Feed & Supply Co.in the sum of Five Hundred- \_\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_

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

R. C. Cassity did, on the 20 dayof October 1957 sue out of the Circuit Court of \_\_\_\_\_ a writ of detinue directed to any Sheriff of said State and commanding him to take into his possession the following property, to-wit: \_\_\_\_\_Two (2) Poulan Chain SawsModels F 715; Serial Nos.703238 and 704163which said writ was placed in the hands of Taylor Wilkins,Sheriff of Baldwin County, Alabama, on the 20 day of October, 19 57,and executed by him on the 23 day of Oct., 19 57, by taking into his possession the following property, to-wit: \_\_\_\_\_Two (2) Poulan Chain SawsModels F 715; Serial Nos.703238 and 704163And whereas the above bound J. F. Sims,

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 J. F. Sims 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.

J. F. Sims (SEAL)

James Smith (SEAL)

W. B. Melton (SEAL)

Taken and approved this 26th day of Oct 19 57

Taylor Wilkins  
Sheriff, Baldwin County, Ala.

STATE OF ALABAMA,  
Baldwin County. }

KNOW ALL MEN BY THESE PRESENTS, That We, R. C. Cassity

as principal, and L. D. Anderson and L. D. Grimsley

as surety, are held and firmly bound unto J. F. Simms

in the sum of Fifty and no/100 DOLLARS,

to be paid to the said J. F. Simms, his heirs,

executors, administrators or assigns; for which payment, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally and firmly,

by these presents. Sealed with our seals, and dated this \_\_\_\_\_ day of October

in the year of our Lord, 19-57.

The condition of the above obligation is such, That whereas the above bound R. C. Cassity, d/b/a Escambia Feed and Supply Co., on the day of the date hereof hath obtained at the suit of R. C. Cassity, d/b/a Escambia Feed and Supply Co. vs. J. F. Simms,

a summons and complaint for the recovery of personal property in specie against said defendant and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession," as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of said County, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said Plaintiff shall fail in this suit, and shall pay the Defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

J. F. Vickers Circuit Clerk  
I, Otis R. Emmons, Sheriff, Escambia County, Alabama, do hereby certify that if such bond were presented to me, I would accept the same.

R. C. Cassity (L. S.)

L. D. Anderson (L. S.)

L. D. Grimsley (L. S.)

Approved this 20th day of October 1957

David L. Vickers  
Clerk.

R. C. CASSITY, d/b/a ESCAMBIA  
FEED and SUPPLY COMPANY,

Plaintiff,

VS.

J. F. SIMMS,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 3361

MOTION TO SET ASIDE JUDGMENT BY DEFAULT:

Comes your Petitioner, J. F. SIMMS, the defendant in the above styled cause, and moves the Court to set aside the judgment by default heretofore rendered in this cause and for grounds therefore shows unto the Court as follows:

The present suit was served on your Petitioner, the defendant, on, to-wit: the 23rd day of October, 1957,; that on that same day, your Petitioner went to Honorable Taylor Wilkins, the Sheriff of Baldwin County, Alabama, and made bond for the possession of said property sued for in said suit, and, at that time, your Petitioner was informed by Honorable Taylor Wilkins that the case would come up for trial at the Spring Term of this Honorable Court; that your Petitioner is unlearned in the law and did not know that it was necessary for him to file addition pleading in said cause; that your Petitioner had, and has, an adequate defense to this said suit; and that he was prevented from making his defense by reason of the misinformation given him by the Sheriff as aforesaid.

WHEREFORE, THE PREMISES CONSIDERED, your Petitioner prays that this Honorable Court will set aside, and declare for naught, the default judgment heretofore rendered in this cause against him, and will restore this cause to the trial docket.

STATE OF ALABAMA, 0  
COUNTY OF BALDWIN. 0

J. F. Simms

Before me, the undersigned authority, personally appeared J. F. SIMMS, whose name is signed to the foregoing Motion to Set Aside Default Judgment and who is known to me, who, being by me first duly and legally sworn, deposes and says on oath: That the allegations contained in the above motion are true and correct.

Further deponent says not.

J F Sims

Sworn to and subscribed before me this 7th day of December, 1957.

Z. A. Marlborough Jr.  
NOTARY PUBLIC, BALDWIN COUNTY, ALA.

Defendant

~~XXXXXXXXXX~~ requests that this cause be tried by a jury.

J F Sims  
Defendant

R.C. CASSITY, doing business  
as ESCAMBIA FEED AND SUPPLY  
COMPANY,

PLAINTIFF

VS.

J.F. SIMS,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

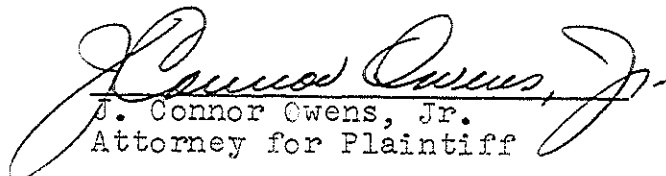
IN LAW

NO. \_\_\_\_\_

DEMURRER

Comes now the plaintiff, by his attorney, and demurs  
to the motion to Set Aside Judgment and as grounds therefor,  
assigns the following separately and severally:

1. That said motion to Set Aside Judgment does not  
allege any facts in support of prayer for relief.
2. Said defendant does not allege any facts showing  
that judgment without fault or negligence on  
his part.
3. No facts are alleged showing that defendant was  
prevented from making his defense by surprise,  
accident, mistake or fraud.
4. That said motion does not allege in what the  
defense consists.
5. That said motion does not allege a good meri-  
torious defense.

  
J. Connor Owens, Jr.  
Attorney for Plaintiff

R. C. CASSITY, doing business as ESCAMBIA FEED AND SUPPLY COMPANY,

PLAINTIFF

VS.

J. F. SIMS,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW NO. \_\_\_\_\_.

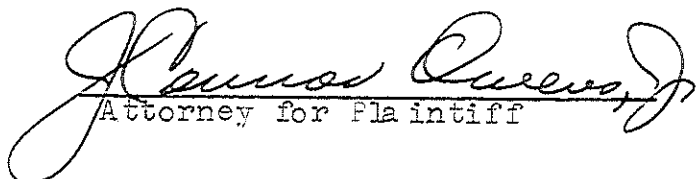
MOTION TO STRIKE

Comes now the plaintiff and moves to strike that portion of the defendant's motion to set aside judgment in which the defendant requests a trial by jury and sets forth the following grounds:

1. That the allegations demanding a jury trial are irrevelant.

2. That the defendant is not entitled to a jury trial in said matter unless issue be taken on said motion.

3. That the defendant waived his right to a jury trial in the detinue action by failing to demand same within thirty days of service of the complaint.

  
Attorney for Plaintiff

# BAILEE'S RECEIPT

BAY MINETTE, ALA., 10-23-57 195....

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:

Two (2) Poulan Chain Saws  
Models F- 715; Serial No. 703239 and 704163

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 F Sims  
Bailee

WITNESS:

J. H. H. H.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Clerk  
of Circuit Court in and for said State and County,  
personally appeared J. Connor Owens, Jr., Attorney of  
Record for R. C. Cassity, doing business as Escambia Feed  
and Supply Company, who being duly sworn, deposes and  
says as follows:

That he is attorney of record in the case of R. C.  
Cassity, doing Business as Escambia Feed and Supply  
Company vs. J. F. Sims, and that the property sued for  
in said complaint belongs to R. C. Cassity, and that the  
same has a value of \$315.93.

J. Connor Owens, Jr.

Sworn to and subscribed to before me, this the  
20 day of October, 1957.

Alice J. Duck  
Clerk



THE STATE OF ALABAMA }  
Baldwin County }

CIRCUIT COURT

No. \_\_\_\_\_ October 19~~57~~ 57

To Any Sheriff of the State of Alabama :

You Are Hereby Commanded to Summon J. F. Sims

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 R. C. Cassity,

doing business as Escambia Feed and Supply Company, as

plaintiff against J. F. Sims, as Defendant.

Witness my hand this \_\_\_\_\_ day of October 19~~57~~ 57.

\_\_\_\_\_, Clerk.

COMPLAINT

R. C. Cassity, doing business as  
Escambia ~~Feeder~~ Feed and  
Supply Company

J. F. Sims

\_\_\_\_\_, Plaintiff \_\_\_\_\_ Versus \_\_\_\_\_ Defendant.

The plaintiff \_\_\_\_\_ claims of the defendant the following personal property, to-wit:

Two (2) Poulan Chain Saws  
Models F 715; Serial Nos.  
703238 and 704163

with the value of the hire or use thereof during the detention, to-wit: \$35.00

from Sept. 25 19~~57~~ 57, to October 19 19~~57~~ 57.

*James Owens Jr.*, Plaintiff's Attorney.