

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

817 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

FRED G. COLLINS

THOMAS M. GALLOWAY

M. THOMAS MURPHY (1925-1956)

WILLIAM L. GREEN

HEMLOCK 2-0568

FEBRUARY 4, 1958

3453

MRS. ALICE DUCK
CLERK, CIRCUIT COURT
BALDWIN COUNTY COURT HOUSE
BAY MINETTE, ALABAMA

DEAR MRS. DUCK:

I ENCLOSE HERewith THREE DETINUE~~D~~ PROCEEDINGS
BROUGHT ON BEHALF OF SOUTHERN GULF LUMBER COMPANY
A CORPORATION D/E/A DELANEY'S WHICH IF YOU WILL
FILE IN YOUR COURT AND NOTIFY ME OF SUCH FILING IT
WILL BE GREATLY APPRECIATED.

PLEASE NOTE THAT THESE ARE FILED WITH A BOND
AND IT WILL BE APPRECIATED IF YOU WILL DIRECT THE
SHERIFF TO TAKE THIS PROPERTY INTO POSSESSION.

VERY TRULY YOURS,

COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway
THOMAS M. GALLOWAY

TMG/FS

ENCLS:

STATE OF ALABAMA

County of MobileBaldwin

Southern Gulf Lumber Co., Inc.,

KNOW ALL MEN BY THESE PRESENTS, That we, a Corp., d/b/a Delaneysas Principal, and Irene Cochran and Peter V. Crolich, as Sureties, are held and firmly bound unto Herman W. Tucker

in the sum of One Thousand and 00/100 (\$1000.00) Dollars
 for the payment of which well and truly to be made we, jointly and severally, bind ourselves and
 each of us, our heirs, executors and administrators. Sealed with our seals and dated this 22
 day of April in the year of our Lord, one thousand, nine hundred and fifty eight

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said
Southern Gulf Lumber Co., Inc., a Corp., d/b/a Delaneys

did, on the _____ day of _____, 19____, sue out in the Circuit Court
 of Mobile County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, com-
Baldwin
 manding him to take into his possession the following described property, to-wit:

1 G. E. Refrigerator, Model No. LB81N, Serial No. 682325

1 Propane Tank Model No. 150AG, Serial No. 24178

1 Welbilt Range, Model No. 5667, Serial No. 333810

which said writ was placed in the hands of Taylor Wilkins

Baldwin
 Sheriff of the County of Mobile, on the _____ day of _____, 19____ by taking into his
 possession the following described property, to-wit:

1 G. E. Refrigerator, Model No. LB81N, Serial No. 682325

1 Propane Tank Model No. 150 AG, Serial No. 24178

1 Welbilt Range, Model No. 5667, Serial No. 333810

and whereas the said _____
 defendant in said writ, has failed and neglected, for the space of five days from the execution of
 said writ, to give bond and take possession of said property as authorized by law.

Now is the said _____

Southern Gulf Lumber Co., Inc., a Corp., d/b/a Delaneys

upon his failing in said suit, shall deliver the said property to the defendant within thirty days
 after judgment, and pay damages for the detention of the property and costs of suit, then this
 obligation to be void, otherwise to remain in full force and effect.

Southern Gulf Lumber Co., Inc., a Corp. d/b/a Delaneys

By: [Signature] (Seal)

its agent

Irene Cochran & Peter V. Crolich (Seal)

By: [Signature] (Seal)

Taken and approved this the 28 day April, 1958.

[Signature]
 Sheriff, Mobile County, Alabama

I, the undersigned, John E. Mandeville, Clerk of the Circuit Court of Mobile County,
Alabama, do hereby certify that, were this bond presented to me for approval
 I would approve the same.

THE STATE OF ALABAMA,
~~Mobile~~ County
 Baldwin

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Southern Gulf Lumber Co., Inc.,
 a Corp., d/b/a Delaneys ---Irene Cochran & Peter V. Crolich

are held and firmly bound unto Herman W. Tucker

his heirs, executors and administrators, in the
 sum of One Thousand and 00/100 (\$1000.00) 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 27th day of Jan, A. D. 1958

The Condition of the above Obligation is such, That whereas the above bounden
Southern Gulf Lumber Co., Inc., a Corp., d/b/a Delaneys has, on
 the _____ day of _____ 19____, sued out from the office of the
Baldwin
 Clerk of the Circuit Court of ~~Mobile~~, in the State of Alabama, a Writ of Detinue, returnable to the
Baldwin
 present term of said Circuit Court of ~~Mobile~~ against the said _____

Herman W. Tucker

for the recovery of the following property,

to-wit:

1 G. E. Refrigerator, Model No. LB81N, Serial No. 682325

1 Propane Tank Model No. 150AG, Serial No. 20178

1 Welbilt Range, Model No. 5667, Serial No. 333810

NOW, if the said So. Gulf Lumber Co., Inc., a Corp. d/b/a Delaneys shall fail

in said suit, and shall pay to the said Herman W. Tucker

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., Inc., a Corp., d/b/a Delaneys

By: [Signature] (Seal)
 its agent

Irene Cochran & Peter V. Crolich (Seal)

By: [Signature] (Seal)

I, the undersigned, John E. Mandeville, Clerk of the Circuit Court of Mobile County,
 Alabama, do hereby certify that, were this bond presented to me for approval
 I would approve the same.

John E. Mandeville, Clerk, Circuit Court,
 Mobile, County, Alabama.

approved 2-5-58
David A. Duck, Clerk

THE STATE OF ALABAMA

Mobile County

DETINUE AFFIDAVIT

PERSONALLY appeared before me, ~~Thomas M. Galloway, Notary Public,~~
~~and~~ ~~James M. Galloway, Clerk of the Circuit Court of Mobile~~

~~County~~ State of Alabama, at Large, Tom Tuggle

who, being duly sworn, deposes and says, that the property sued for in the complaint of Southern
Gulf Lumber Co., Inc., a Corp., d/b/a Delaneys vs: Herman W. Tucker

to-wit 1 G. E. Refrigerator, Model No. LB81N, Serial No. 682325

1 Propane Tank Model No. 150AG, Serial No. 24178

1 Welbilt Range, Model No. 5667, Serial No. 333810

belongs to So. Gulf Lumber Co., Inc., a Corp., d/b/a Delaneys the said Plaintiff.

Sworn to and subscribed the 27th day

of Jan, 1958 before me.

Thomas M. Galloway Clerk
Notary Public, State of Alabama, at Large

Tom Tuggle

No. 3453

Circuit Court

~~MOBILE~~ COUNTY

BALDWIN

Detinue Affidavit
and Bond
VS.

Filed 5th day of Feb 1958

Alvin J. Smith
Clerk Circuit Court, Mobile County
Baldwin

Attorney

SOUTHERN GULF LUMBER CO., : IN THE CIRCUIT COURT OF
INC., A CORPORATION,
d/b/a DELANEYS : BALDWIN COUNTY
Plaintiff : ALABAMA
VS: :
HERMAN W. TUCKER : AT LAW
Defendant : NO. 3453

COUNT ONE

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

1 G. E. Refrigerator, Model No. LB81N,
Serial No. 682325

1 Propane Tank, Model No. 150 AG,
Serial No. 241780

1 Welbilt Range, Model No. 5667,
Serial No. 333810

With the value of hire or use thereof during the detention
viz: From the 10th day of September, 1957.

Plaintiff avers that the above described property
was purchased by the Defendant by virtue of a conditional
sales contract, wherein he agreed to pay a reasonable
attorney's fee, and the Plaintiff avers that it should be
awarded a reasonable fee in the sum of ONE HUNDRED AND
00/100 (\$100.00) DOLLARS.

Plaintiff further avers that in said conditional
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 Constitution and laws of the State of
Alabama.

COLLINS, GALLOWAY & MURPHY

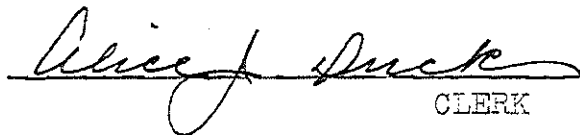
BY: 

ATTORNEYS FOR PLAINTIFF

ADDRESS OF DEFENDANT:

Loxley, Alabama

The Plaintiff, Southern Gulf Lumber Company,
a Corporation, d/b/a Delaneys, 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 Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 3453

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon HERMAN W. TUCKER

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

HERMAN W. TUCKER

, Defendant

by SOUTHERN GULF LUMBER CO. INC. A CORPORATION, d/b/a DELANEYS

, Plaintiff

Witness my hand this 5th day of February 19 58

Alfred J. Parker Clerk