

SOUTHERN GULF LUMBER COM- : IN THE CIRCUIT COURT OF  
PANY, INC., A CORP., DOING  
BUSINESS AS DELANEY'S, :

PLAINTIFF, : BALDWIN COUNTY, ALABAMA

VS: :

M. J. TAYLOR AND DAISY O. : AT LAW  
TAYLOR, SEPARATELY AND  
SEVERALLY, :

DEFENDANTS. : NO. 3591

COUNT ONE

THE PLAINTIFF CLAIMS OF THE DEFENDANTS, SEPARATELY  
AND SEVERALLY, THE FOLLOWING PERSONAL PROPERTY, VIZ:

1. ONE KELVINATOR REFRIGERATOR, MODEL  
No. K42611, SERIAL No. 3A741752.
2. ONE MAYTAG WASHER, MODEL No. E2LP,  
SERIAL No. 149097W.
3. ONE KELVINATOR 20 FT. HOME FREEZER,  
MODEL No. FR203, SERIAL No. 6476120.
4. ONE MOTOROLA T. V. SET, MODEL No.  
21T8, SERIAL No. 124321.

WITH THE VALUE OF HIRE OR USE THEREOF DURING THE  
DETENTION VIZ: FROM THE 7TH DAY OF DECEMBER, 1957.

PLAINTIFF AVERS THAT THE ABOVE DESCRIBED PROPERTY  
WAS PURCHASED BY THE DEFENDANT BY VIRTUE OF A CON-  
DITIONAL 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 FORTY AND 00/100 (\$40.00) 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 DEFENDANTS  
DID WAIVE ALL RIGHTS IN AND TO THEIR EXEMPTION OF  
PERSONAL PROPERTY UNDER THE CONSTITUTION AND LAWS OF  
THE STATE OF ALABAMA.

COLLINS, GALLOWAY & MURPHY

By: Glenn M. Galloway  
ATTORNEYS FOR PLAINTIFF

ADDRESS OF DEFENDANTS:  
OLD DAPHNE ROAD  
BAY MINETTE, ALABAMA

THE PLAINTIFF, SOUTHERN GULF LUMBER COMPANY,  
INC., A CORPORATION, D/E/A DELANEY'S, 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 GIVES 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 CASE IN THE SUIT, WILL WITHIN THIRTY  
DAYS THEREAFTER, DELIVER THE PROPERTY TO THE PLAIN-  
TIFF, AND PAY ALL COSTS AND DAMAGES WHICH MAY ACCRUE  
FROM THE DETENTION THEREOF.

Reverend J. Duck  
CLERK

SUMMONS AND COMPLAINT

Moore Prg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 3591

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon M J. TAYLOR AND DAISY O. TAYLOR separately and  
severally

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

M.J TAYLOR & DAISY O. TAYLOR separately & severally, Defendant.

by SOUTHERN GULF LUMBER COMPNAY INC. A CORP. d/b/a DELANEY'S

Plaintiff.

Witness my hand this 23rd day of June 1958

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Ellice Henshaw, Clerk

THE STATE OF ALABAMA,  
Mobile County

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, SOUTHERN GULF LUMBER Co., INC.  
A CORP., D/E/A DELANEY'S & BROADUS, PIERCE & DICKERSON BONDING  
COMPANY

are held and firmly bound unto M. J. TAYLOR AND DAISY O. TAYLOR, SEPARATELY  
AND SEVERALLY, THEIR heirs, executors and administrators, in the  
sum of FOUR HUNDRED AND 00/100 (\$400.00) 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 21<sup>st</sup> day of JUNE, A. D. 1958

The Condition of the above Obligation is such, That whereas the above bounden SOUTHERN GULF  
LUMBER Co., INC., A CORP., D/E/A DELANEY'S has, on  
the \_\_\_\_\_ day of JUNE 1958, sued out from the office of the  
Clerk of the Circuit Court of Mobile, in the State of Alabama, a Writ of Detinue, returnable to the present  
term of said Circuit Court of Mobile against the said M. J. TAYLOR AND DAISY O. TAYLOR  
\_\_\_\_\_ for the recovery of the following property.

to-wit: KELVINATOR REFRIGERATOR, MODEL No. K42611, SERIAL No. 3A741752,  
MAYTAG WASHER, MODEL No. E2LP, SERIAL No. 149097W, KELVINATOR 20FT.  
HOME FREEZER, MODEL No. FR203, SERIAL No. 6476120, MOTOROLA T.V.  
MODEL No. 21T8, SERIAL No. 124321.

NOW, if the said SO. GULF LER. Co., INC., A CORP., D/E/A DELANEY'S shall fail  
in said suit, and shall pay to the said M. J. TAYLOR AND DAISY O. TAYLOR  
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.

SOUTHERN GULF LUMBER Co., INC., A CORP., D/E/A DELANEY'S  
By: [Signature] (Seal)

BROADUS, PIERCE & DICKERSON BONDING COMPANY (Seal)

By: [Signature] (Seal)

June 23rd, 1958 - Were the above bond presented to me, as Clerk of this  
Court, I hereby certify that I would approve the same.

[Signature]  
JOHN W. MAUNDELL, CLERK, CIRCUIT COURT, MOBILE  
COUNTY, ALABAMA.

# The State of Alabama, {

Baldwin County

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

M. J. Taylor and Daisy O. Taylor

and \_\_\_\_\_

are held and firmly bound unto Southern Gulf Lumber Company, Inc. A Corp.

in the sum of Eight 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 \_\_\_\_\_

Southern Gulf Lumber Company, Inc. A Corp. did, on the 23 day of June 1958 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 Kelvintor Refrigerator, Model #KH2611, Serial #3A741752

One Maytag Washer, Model #E2LP, Serial #149097W

One Kelvinator 20 ft. Home Freezer, Model #FR203,

Serial #6476120

One Motorola T.V. Set, Model #21T8, Serial #124321 which said writ was placed in the hands of Taylor Wilkins

Sheriff of Baldwin County, Alabama, on the 23 day of June, 1958,

and executed by him on the 2 day of July, 1958, by taking into his possession the following property, to-wit: \_\_\_\_\_

Same as Above Described Property

And whereas the above bound M. J. Taylor & Daisy O. Taylor,

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 M. J. Taylor & Daisy O. Taylor 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.

M. J. Taylor (SEAL)

Daisy O. Taylor (SEAL)

Marvin Strickland (SEAL)

Taken and approved this 7th day of July 1958

Taylor Wilkins  
(Sheriff, Baldwin County, Ala.)

SOUTHERN GULF LUMBER COMPANY,  
INC., a corporation, d/b/a  
Delaney's

PLAINTIFF

VS

M. J. TAYLOR AND  
DAISY D. TAYLOR

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 3591

Comes now the Defendants in the above styled cause and files the following demurrers to the Plaintiff's complaint:

1.

The Complaint fails to state a cause of action.

2.

The Complaint fails to allege that a demand has been made on the Defendants for the property being sued for or that their holding is unlawful or wrong.

3.

The Complaint asks for value for hire and use from the 7th day of December, 1957, but fails to allege that a demand was made at that time or at any time prior to the filing of this suit.

Wilters & Brantley

BY:

*Robert M Brantley*  
Attorneys for the Defendants

The Defendants demand a trial by jury.

Wilters & Brantley

BY:

*Robert M Brantley*  
Attorneys for the Defendants

*Filed July 25, 1958*