

SOUTHERN GULF LUMBER CO., : IN THE CIRCUIT COURT
INC., A CORP., D/B/A :
DELANEY'S, : OF BALDWIN COUNTY,

PLAINTIFF, : ALABAMA

VS: : AT LAW

MORRIS M. WINDBIGLER, : NO. 3656

DEFENDANT. :

COUNT ONE

THE PLAINTIFF CLAIMS OF THE DEFENDANT THE
FOLLOWING PERSONAL PROPERTY, VIZ:

ONE G. E. WASHER, MODEL No.
850P2W, SERIAL No. YN138474.

WITH THE VALUE OF HIRE OR USE THEREOF DURING
THE DETENTION VIZ: FROM THE 25TH DAY OF JANUARY,
1958.

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 PLAIN-
TIF 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 CON-
DITIONAL SALES CONTRACT WHEREIN THE TITLE TO THE
ABOVE DESCRIBED GOODS WAS RETAINED BY THE PLAIN-
TIF 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: John W. Galloway
ATTORNEYS FOR PLAINTIFF

ADDRESS OF DEFENDANT:

ROUTE 1
FOLEY, ALABAMA

THE PLAINTIFF, SOUTHERN GULF LUMBER COMPANY,
A CORPORATION, D/E/A DELANEY'S HAVING MADE AFFIDAVIT
AND GIVEN BOND, AS REQUIRED BY TITLE 7 SECTION 218,
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 CASE IN
THE SUIT, WILL, WITHIN THIRTY DAYS THEREAFTER, DE-
LIVER THE PROPERTY TO THE PLAINTIFF, AND PAY ALL
COSTS AND DAMAGES WHICH MAY ACCRUE FROM THE DETEN-
TION THEREOF.


CLERK

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. _____

TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Morris M. Windbigler

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 _____

Morris M. Windbigler

Defendant

by Southern Gulf Lumber Company d/b/a Delaneys

Plaintiff

Witness my hand this 19th day of Sept 1958

Alvin J. French, Clerk

THE STATE OF ALABAMA,
BALDWIN ~~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 AND BROADUS, PIERCE & DICKERSON

are held and firmly bound unto MORRIS M. WINDEIGLER

HIS 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 12th day of Sept., 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 _____, 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 MORRIS M. WINDEIGLER

_____ for the recovery of the following property.
to-wit: ONE G. E. WASHER, MODEL No. 850P2W, SERIAL No.
YN138474

NOW, if the said SO. GULF LUMBER Co., INC., A CORP. D/E/A DELANEY'S shall fail
in said suit, and shall pay to the said MORRIS M. WINDEIGLER
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: Tommy [Signature] (Seal)

BROADUS, PIERCE AND DICKERSON (Seal)

By: [Signature] (Seal)

Mobile, Alabama, Sept. 17, 1958. Were the above bond presented to me as
Clerk of this Court, I would approve the same.

JOHN E. MANDEVILLE, Clerk, Circuit Court,
Mobile County, Alabama.

No. 3656 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

SOUTHERN GULF LUMBER COMPANY

d/b/a DELANEYS

Plaintiffs

vs.

MORRIS M. WINDBIGLER

Defendants

Summons and Complaint

Filed 9-19- 19 58

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Sept 19 19 58

, Sheriff

I have executed this summons

this 12/20/58 19 _____
by leaving a copy with

Morris Windbigler
And leaving at
Cecil Windbigler,
Agent Lumber Company
Windbigler,
supervising Branch Receipt

Good not made by
either party - Property
returned to Defendant
Sheriff claims 72 miles at 720

Ten Cents per mile Total \$ 720

TAYLOR WILKINS, Sheriff

BY Chadwick
DEPUTY SHERIFF

Taylor Wilkins Sheriff
Barbara Wilkins Deputy Sheriff

Foley

THE STATE OF ALABAMA
BALDWIN ~~XXXXX~~ Mobile County

DETINUE AFFIDAVIT

THOMAS M. GALLOWAY, NOTARY PUBLIC STATE OF
PERSONALLY appeared before me, ~~JOHN M. ANDERSON, CLERK OF THE CIRCUIT COURT OF MOBILE COUNTY,~~

ALABAMA AT LARGE, TOM TUGGLE

who, being duly sworn, deposes and says, that the property sued for in the complaint of So. GULF LUMEER
Co., INC., A CORP., D/E/A DELANEY'S VS. MORRIS M. WINDEIGLER

to-wit ONE G. E. WASHER, MODEL No. 850P2W, SERIAL No. YN138474

belongs to So. GULF LUMEER Co., INC., A CORP. D/E/A DELANEY'S the said Plaintiff.

Sworn to and subscribed the 12th day

of Sept, 1938, before me.

Thomas M. Galloway, Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE

Tom Tuggle

No. 3656

Circuit Court
MOBILE COUNTY.

VS. { Detinue Affidavit
and Bond

FILED

Filed day of SEP 10 1938

ALICE J. DUCK, CLERK
REGISTER

Clerk Circuit Court, Mobile County

Attorney