

SHERILL OIL COMPANY,
A CORPORATION,

PLAINTIFF,

VS.

J. B. WILTERS,

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This being the day heretofore fixed by the court for a consideration of the motion of the plaintiff to set aside the judgment and for a new trial in this cause and the same coming on to be heard, the court having fully understood said motion and being of the opinion that the same should be granted, - IT IS THEREFORE ORDERED by the court that the judgment heretofore entered against the plaintiff and in favor of the defendant be and the same is hereby set aside, that a new trial be granted in said cause and that the same be restored to the docket for ^{further} proceedings thereon in accordance with this order.

Dated this the 1st day of May, 1953.

F. W. Hare

Judge of the Circuit Court.

The Clerk will enter the foregoing order on the motion docket.

F. W. Hare

Judge of the Circuit Court.

NO 9445

RECORDED

Order Setting Judgment
Aside & granting New Trial.

Sherrill Oil Co,
a corp.

vs.

J. B. Winters.

Filed May 15, 1933.

M. Richardson
Clerk.

SHERRILL OIL COMPANY,
A CORPORATION,

PLAINTIFF,

VS.

J. B. WILTERS,

DEFENDANT.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

The hearing of the motion of the plaintiff to
set aside the judgment and for a new trial in this case
is hereby specially set down for hearing on the 2nd
day of March, 1933.

Dated this the 3rd day of February, 1933.

F. W. Hare
Judge of the Circuit Court.

3/2/33: Continued to 3/25/33.

F. W. Hare
Judge

no 9445

Sherrill Oil Co.

vs.

J. B. Witter,

Order setting date
of hearing of motion

Filed Jan Feb 14, 1933

W. H. Harrison
Clerk.

RECORDED

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SHERRILL OIL COMPANY,
A CORPORATION,

PLAINTIFF,

VS.

J. B. WILTERS,

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Comes the plaintiff, Sherrill Oil Company, a corporation, by its attorney, and makes and files this motion that the court set aside the judgment rendered against the plaintiff on January 10, 1933 and for a new trial, and assigns the following causes or grounds therefor:

1. That the verdict and judgment was not sustained by the great preponderance of the evidence.
2. That the verdict and judgment were contrary to law.
3. That the damages awarded to the defendant were excessive with respect to the value placed by the jury upon the property sued for.
4. That the damages awarded to the defendant were excessive by reason of the valuation by the jury of the use and hire of the property sued for.
5. That the court erred in giving the general or affirmative charge at the request of the defendant that the jury if they believed the evidence should find for the defendant.
6. That the court erred in holding that the plaintiff was not entitled to recover the property sued for because it was purchased by the plaintiff at a sale by the sheriff, at which the property was not physically present.

Henry S. Brink
Attorney for Plaintiff.

Filed Feb 3rd 1933
NOTICE TO MESSRS. HYBART, HEARD & CHASON,
ATTORNEYS FOR THE DEFENDANT.

No 9445
Sherill Oil Co

VS
J. B. Wilters

FILED
Feb 3, 1933
T. W. RICHMOND

Recorded by T. W. R.

RECORDED
INDEXED
FEB 3 1933
T. W. RICHMOND

THE COURT OF COMMONS, CHANCERY DIVISION, do hereby certify that the following is a true and correct copy of the original as filed in the office of the Clerk of the said Court of Commons, Chancery Division, on the 2nd day of February, 1933.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court of Commons, Chancery Division, at London, this 2nd day of February, 1933.

CLERK OF THE COURT OF COMMONS, CHANCERY DIVISION.

James J. Wilters

James J. Wilters

DEEDS & CONVEYANCES, RECORDS OF THE
CHANCERY DIVISION, COURT OF COMMONS

The State of Alabama,
Baldwin County.

CIRCUIT COURT.
No. June 18, 1931. 192

To any Sheriff of the State of Alabama:

You are hereby commanded to summon

J. B. Wilters

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
Sherrill Oil Company, a Florida Corporation.

Witness my hand this 18 day of June 1931. 192

J. B. Wilters

Clerk.

COMPLAINT

Sherrill Oil Company, a

Florida Corporation, Plaintiff Versus J. B. Wilters Defendant.

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

One Dodge Bus Motor Number 19972, of the value of \$700.00

with the value of the hire or use thereof during the detention, to-wit;

from January 1st. 1930x, to date of trial. 192

W. T. Hawk Plaintiff's Attorney.
C. W. Crockett

Original **RECORDED**

No. _____ Page _____

State of Alabama,
Baldwin County.

Circuit Court

Sherrill Oil Company, a Corp.

vs. Plaintiffs

J. B. Wilters.

Defendants

Detinue Summons and Complaint

Filed June 18th. 1931. 192

W. H. Hawkins, Clerk.

W. H. Hawkins,

A. H. Grovatt.

Plaintiff's Attorney.

Defendant's Attorney.

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof

W. H. Hawkins Clerk.

We, the jury find for the defendant, and value the bus at time of sale at \$1250.00 and damages for detention plus at \$700.00

L. D. Owen
J. B. Wilters

Defendant lives at

Received in office

June 19th 1931

Sheriff

I have executed this summons

this *June 19th 1931*

by leaving a copy with

J. B. Wilters the
Deft. And taking
into my possession
the property described
in the within
Complaint. One
1927 Buick
Model Motor Number
19972.

W. H. Stuart SHERIFF.
J. B. Wilton DEPUTY SHERIFF.

Removing Box from
Robertable to Bay Minette
by order of Mr. Hawkins Atty # 15⁰⁰
Storage Van Box 5⁰⁰
\$ 20⁰⁰

6/25/31

Gentlemen of the jury
If you believe the evidence
you must find for the
defendant in this case -

GIVEN
J. W. Hare
Judge