

TRAILMOBILE, INC., a corporation,

Plaintiff

VS

ROY C. DAVIS, JR. AND SEWELL DEVORE,
jointly and individually,

Defendants

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

)

)

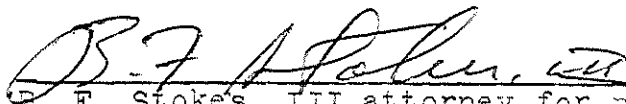
) CASE NO.

)

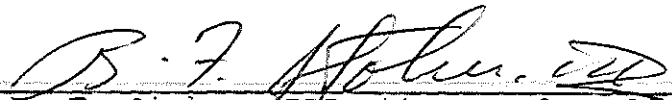
4046

Plaintiff claims of the defendants jointly and individually the sum of ONE THOUSAND TWO HUNDRED SIXTY THREE AND FIFTY FOUR ONE HUNDREDTHS DOLLARS (\$1,263.54) due by a written contract executed by the defendants jointly and severally on, to-wit, March 27, 1957, by which the defendants promised to pay to the plaintiff the sum of, to-wit, \$6,098.00 in twenty-three equal successive monthly payments of \$255.00 each and one final payment of \$233.00 beginning on the first day of May 1957, and the same date of each month thereafter until paid. Plaintiff further avers that said written contract provided that in the event payments were not made in accordance with the terms of said contract that the plaintiff at his option could declare all unpaid amounts immediately due and payable and re-take immediate possession of the property purchased under the terms of said contract and resell the same at a private or public sale, and after deducting all lawful expenses credit the net proceeds thereof to the unpaid balance due under the said contract and further, that by the terms of said contract the defendants agreed to pay to the plaintiff as liquidated damages any difference or deficiency remaining due under the terms of said contract after said resale by the plaintiff. Plaintiff avers that the defendants defaulted under said written contract in that they failed to make the payments as provided for therein, and that at the time of said default there was a balance remaining under said contract of, to-wit, \$3,293.38; that the property mentioned in said contract, in accordance with the provisions of said contract, was repossessed and resold and that the sum of \$2,280.00 was received for said property, which said sum, plaintiff avers was the reasonable market value of said property at the time of said repossession and said resale, and that after deduct-

ing from said resale price of \$2,280.00 the sum of \$284.71, which sum, the plaintiff avers were lawful and just expenses incurred in the course of repossessing and reselling said automobile, the sum of \$1,995.29 remained, which said sum of \$1,995.29 was, together with all other just credits, applied and credited to the balance due under the said contract, and that after so doing, a deficiency balance of \$1,263.54 remains due and unpaid under the terms of said written contract. Plaintiff also avers that the defendants waived all right of exemption as to personal property under the terms of said written contract. Plaintiff further avers that the defendants agreed to pay a reasonable attorney's fee under the terms of said written contract and plaintiff claims said fee in the amount of \$252.70, averring said sum to be a reasonable fee.


B. F. Stokes, III attorney for plaintiff
P. O. Box 1182, Mobile, Alabama

Plaintiff demands a jury trial in this case as to all issues of fact.


B. F. Stokes, III attorney for plaintiff
P. O. Box 1182, Mobile, Alabama

Defendant may be served at Loxley, Alabama.

FILED
NOV 16 1959
ALICE L. DUCK, Clerk

FILED
NOV 6 1959
ALICE J. DUCK, Clerk

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4046

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ROY C. DAVIS, JR. and SEWELL DEVORE,

Jointly and individually

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 ROY C. DAVIS, JR.
and SEWELL DEVORE, Jointly and individually, Defendant.

by TRAILMOBILE, Ind. a corp

-----, Plaintiff

Witness my hand this 6th day of November 1959

Alice J. Duck, Clerk

No. 4046

Page

The State of Alabama

Baldwin County

'CIRCUIT COURT

TRAILMOBILE, INC. A Corp.

Plaintiffs

vs.

ROY C. DAVIS, JR. and SEWELL

DEVORE, Jointly and individually
Defendants

Summons and Complaint

Filed November 6th 19 59

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

11/6 19 59

, Sheriff

I have executed this summons

this 13 Nov 19 59

by leaving a copy with

Ray C. Davis
Sewell Devore

Sheriff claims 80 miles at

Ten Cents per mile Total \$ 8.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff

Ellen Stedley Deputy Sheriff

Kelley

TRAILMOBILE, INC. a corporation)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
VS)	AT LAW
ROY C. DAVIS, JR. and SEWELL)	
DEVORE, jointly and individually,)	
Defendants)	CASE NO. 4046

Comes now the plaintiff in the above styled cause and moves the Court to stay the proceedings insofar as they relate to Roy C. Davis, Jr., and plaintiff avers that the said Roy C. Davis, Jr. has filed a petition in the Federal District Court, Southern District of Alabama, Southern Division, Mobile, Alabama, under the provisions of the Bankruptcy Act as Amended.

FILED
 NOV 21 1959
 ALICE L. DUCK, CLERK
 REGISTER

B. F. Hober, III
 Attorney for plaintiff

TRAILMOBILE, INC. a
corporation

plaintiff

VS

ROY C. DAVIS, JR. and
SEWELL DEVORE, jointly and
individually

Defendant

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

)

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)

CASE NO. 4046

Comes now the plaintiff in the above styled cause and moves
this Honorable Court to allow it to withdraw its demand for a
jury trial.

Filed
1-12-60

B. H. Johnson
Attorney for defendant

4046

FILED
JAN 12 1960
ALICE L. DICK, CLERK
REGISTER

TRAILMOBILE, INC., a
corporation,

PLAINTIFF,

VS:

ROY C. DAVIS, JR., and SEWELL

DEVORE, jointly and individually,

DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW


CASE NO. _____

DEMURRER

Comes the defendant, SEWELL DEVORE, and for answer to the complaint
states as follows:

1. It does not state cause of action.
2. Count I is vague and indefinite.
3. Count II is vague and indefinite.

Filed
12-15-59


FOREST A. CHRISTIAN, Attorney for
Defendant, Sewell Devore

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

TRAILMOBILE, INC., a corporation,
PLAINTIFF

VS:

ROY C. DAVIS, JR., and SEWELL
DEVORE, jointly and individually,
DEFENDANTS

DEMURRER

FILED

DEC 15 1959

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA