

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4315

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon John M. Waters, Sr

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-----

John M. Waters, Sr

-----, Defendant-----

by Southern Gulf Lumber Company, Inc. A Corp. d/b/a Delaneys

-----, Plaintiff-----

Witness my hand this 12 day of July 19 60

Alice J. Black, Clerk

12 *Waters* ✓
No. 1315 Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

~~SOUTHERN GULF LUMBER COMPANY, Inc~~
A Corp d/b/a DELANEYS

Plaintiffs

vs.

JOHN M. WATERS, SR

Defendants

Summons and Complaint

Filed 7-12 19-60

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

7/12 19-60

_____, Sheriff

I have executed this summons

this 7-14 19-60

by leaving a copy with

*John M. Waters, Sr.
and attaching the
within described
property and leaving
with Delaneys
Bond By Delaney's
A. B. Brodman
Co. A. Tray 7/22/60
Property released
to Del.*

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY 68

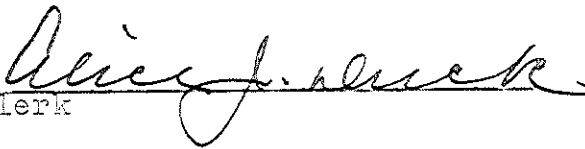
DEPUTY SHERIFF

Taylor McKinnis Sheriff

Edleigh Steadman Deputy Sheriff

Troy, Ala

The plaintiff, Southern Gulf Lumber Company, a Corporation d/b/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 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

SOUTHERN

SOUTHERN GULF LUMBER CO., : IN THE CIRCUIT COURT OF
INC., A Corporation d/b/a :
DELANEY'S : BALDWIN COUNTY,

Plaintiff : ALABAMA

VS: :

JOHN M. WATERS, SR. :

Defendant :

CASE NO. 43-151

COUNT ONE

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

One General Electric
Refrigerator, Serial
No. 673535, Model No.
LM11N.

With the value of hire or use thereof during the
detention, viz: From the 20th day of January, 1959.

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 in the sum of FIFTY AND 00/100 (\$50.00) 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:

Box 35
Loxley, Alabama

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/b/a Delaney's
and E. E. Delaney and E. A. Trigg

are held and firmly bound unto John M. Waters, Sr.

his heirs, executors and administrators, in the
sum of Five Hundred and 00/100 (\$500.00) 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 24 day of June, A. D. 1960

The Condition of the above Obligation is such, That whereas the above bounden Southern Gulf Lumber Co., Inc., a Corp., d/b/a Delaney's has, on
the _____ day of _____, 19____, 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 John M. Waters, Sr.

_____ for the recovery of the following property.
to-wit: _____

One G. E. Refrigerator. Serial No. 673535, Model No. LM11N

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

in said suit, and shall pay to the said John M. Waters, Sr.
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

its agent

(Seal)

(Seal)

(Seal)

If this bond was presented to me, I would approve the same as good and
sufficient surety.

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

approved this
17th day of July 1960
Arice J. Black

THE STATE OF ALABAMA
Mobile County

DETINUE AFFIDAVIT

Mary L. Grimsley, Notary Public, Mobile County, Alabama
PERSONALLY appeared before me, ~~John E. Mandeville, Clerk of the Circuit Court of Mobile County,~~

A. B. Snodgrass

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 Delaney's v. John M. Waters, Sr.

to-wit One G. E. Refrigerator, Serial No. 673535, Model No. LML1N

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

Sworn to and subscribed the 24 day
of June, 1960, before me.

A. B. Snodgrass

Mary L. Grimsley Clerk.
Notary Public, Mobile County
Alabama

No. 4315

Circuit Court
MOBILE COUNTY

VS. { Detinue Affidavit
(and Bond

Filed

FILED

19

JUL 12 1960

Clerk Circuit Court, Mobile County
ALICE J. DUCK, REGISTER

Attorney

STATE OF ALABAMA

County of Mobile.

Southern Gulf Lumber Company, Inc., a
KNOW ALL MEN BY THESE PRESENTS, That we, Corp., d/b/a Delaney's

as Principal, and E. E. Delaney and E. A. Trigg, as Sureties, are held and firmly bound
unto John M. Waters, Sr.

in the sum of Five Hundred and 00/100 (\$500.00) 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 24th day
of June in the year of our Lord, one thousand, nine hundred and Sixty

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 Baldwin County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him
to take into his possession the following described property, to-wit:

One G.E. Refrigerator, Serial No. 673535, Model No. LML1N

which said writ was placed in the hands of Taylor Wilkins

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

One G.E. Refrigerator, Serial No. 673535, Model No. LML1N

and whereas the said John M. Waters, Sr.

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 Delaney's

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 Delaney's

by: (Seal)
its agent (Seal)

(Seal)

Taken and approved this the 22 day of July, 1960.

Sheriff, Mobile County, Alabama

If this bond was presented to me, I would approve the same as good and
sufficient surety.

Clerk, Circuit Court,
Mobile County, Alabama.

No. _____

COURT

MOBILE COUNTY

VS. { Detinue Forthcoming
Bond by Plaintiff

RECEIVED AT THE CLERK'S OFFICE OF MOBILE COUNTY, ALABAMA, THIS 15th DAY OF MAY, 1964.

100

PLAINTIFF

VS

JOHN M. WATERS, SR.

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 4315

Comes now the Defendant in the above styled cause and for answer

to the Plaintiff's Complaint says:

1.

Not guilty.

Wilters & Brantley

BY:

Attorneys for the defendant

The Defendant demands a trial by jury.

Wilters & Brantley

~~BY:~~

Attorneys for the defendant

Filed
8-11-60

4315- *Long*

SOUTHERN GULF LUMBER CO., INC.,
a corpofation, d/b/a DELANEY'S

PLAINTIFF

VS

JOHN M. WATERS, SR.

DEFENDANT

ANSWER

FILED
AUG 11 1960
AUG 11 1960
CLERK
REGISTER

DELAINEY'S d/b/a
SOUTHERN GULF LUMBER CO.,

PLAINTIFF

VS

JOHN M. WATERS,

DEFENDANT

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

) NO. 4315

PLEAS

Comes now the Defendant in the above styled cause and amends
his pleas to read as follows:

1.

Not Guilty

2.

~~The Defendant does not owe the Plaintiff the amount sued for~~
nor any amount to them. The Plaintiff sold the Defendant a new refriger-
erator and warranted it to be in working condition. Whereas in truth
and fact, this refrigerator was not in good mechanical condition. The
refrigerator, at times, failed to make ice and failed to sufficiently
chill the foods put therein, causing a loss to the Defendant. The De-
fendant says further that he repeatedly requested the Plaintiff to
repair his refrigerator or replace it with another. The Plaintiff
failed and refused to do this. For the aforesaid reasons, the Defend-
ant says he does not owe the Plaintiff the amount sued for, or any
amount.

WILTERS & BRANTLEY

FILED
SEP 19 1960
ALICE J. DUCK, CLERK
REGISTER

BY Wm J. Wilters, Jr.
Attorneys for the Defendant

