

TOM HADLEY,

Plaintiff,

VS.

THEODORE B. EXTINE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

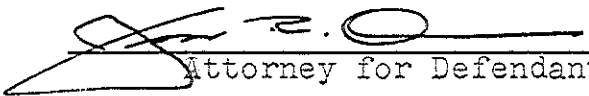
AT LAW

NO. 4320

Now comes the Defendant in the above styled cause and for plea to the complaint heretofore filed in said cause says:

1. Not guilty.

2. The Defendant, Theodore B. Extine, claims of the Plaintiff, Tom Hadley, the sum of SEVEN HUNDRED AND NO/100 DOLLARS (\$700.00) for that heretofore on to-wit, June 16, 1960, on the road known as Majors Creek Road at a point about 4.8 miles North of County Road 47, a public road in Baldwin County, Alabama, the Plaintiff did so negligently operate a motor vehicle as to run on, over or against a motor vehicle owned by the Defendant and being operated by him, and as a direct and proximate result of the negligence of the Plaintiff, the automobile of the Defendant was badly bent, broken or otherwise damages.


Attorney for Defendant

Filed
3-15-61
Cliff J. Hester
Clerk

Use the Survey Liquid for
Defendant not Bulky

Chas L. Conway
4
Fournan

TOM HADLEY	X		
Plaintiff	X	IN THE CIRCUIT COURT OF	
vs	X	BALDWIN COUNTY, ALABAMA	
THEODORE B. EXTINE	X	AT LAW	NO. 4320
Defendant	X		

Comes the plaintiff in the above styled cause and amends the complaint heretofore filed in said cause to read as follows:

TOM HADLEY	X		
Plaintiff	X	IN THE CIRCUIT COURT OF	
vs	X	BALDWIN COUNTY, ALABAMA	
THEODORE B. EXTINE	X	AT LAW	NO. 4320
Defendant	X		

The plaintiff claims of the defendant the sum of Fifteen Hundred (\$1500.00) Dollars as damages for that heretofore on, to-wit: June 16, 1960, the plaintiff's automobile pickup truck while being operated along and upon a public road in Baldwin County, Alabama, to-wit that certain road known as Major Creek Road at a point about 4.8 miles North of County road 47, where he had a right to be and while said automobile pickup truck was being operated and driven along the said Major Creek Road an automobile truck to-wit, a stump wood truck which was being driven by the defendant ran into, upon, over, or against the automobile pickup truck of the plaintiff causing great damages and injuries to the plaintiff's automobile pickup truck: The left front fender, front wheel, radiator, radiator grill, head light, front axle assembly and other parts of plaintiff's automobile pickup truck were broken, bent, smashed or otherwise damaged and injured, all to the damage of the plaintiff as aforesaid. The plaintiff alleges that his said damages to his said automobile pickup truck were proximately caused by the negligence of the defendant, in that he negligently caused, allowed or permitted said automobile truck to run upon, over or against the automobile pickup truck of the plaintiff and as a proximate consequence thereof, the plaintiff's automobile pickup truck was damaged and injured as aforesaid, and further damages arising from the loss of use of said automobile pickup truck.

Filed
3-15-61
Revised
clerk

THOMPSON & WHITE

BY:

C. LeDor Thompson
 Attorneys for plaintiff

TOM HADLEY,

Plaintiff,

VS.

THEODORE B. EXTINE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

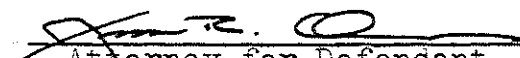
NO. 4320

DEMURRER

Now comes the Defendant in the above styled cause and demurs to the complaint heretofore filed in this cause and as grounds for said demurrer assign the following separately and severally:

1. It does not state a cause of action.
2. The place where the said accident occurred is not described as sufficient certainty.

It is not alleged that the Defendant owed any duty to the Plaintiff.


Attorney for Defendant

FILED

SEP 21 1980

ALICE J. DUCK, CLERK
REGISTER

TOM HADLEY

Plaintiff

vs

THEODORE B. EXTINE

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4320

Comes the Plaintiff by his attorneys of record, Thompson & White and moves this Honorable Court to quash the bond filed by the said plaintiff and as grounds for said motion assigns the following:

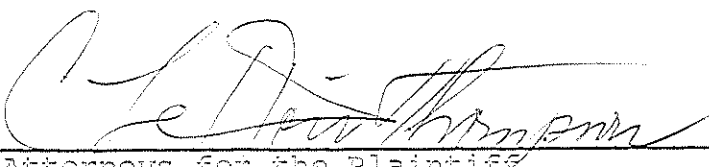
-1-

That the said bond is executed only by one qualified bondsman.

Wherefore, this motion.

THOMPSON & WHITE

BY:


Attorneys for the Plaintiff

FILED

SEP 1 1960

ALICE J. DUCK, Clerk

Don Hadley vs. Thelma W. Thelma -

JURY LIST - SPRING SESSION - MARCH 13, 1961

1. Quinley, Lyman, Farmer, Bay Minette
2. Rider, Charles, Woodsman, Bay Minette
3. Rieba, Alfred, Farmer, Elberta
4. Roberts, Harry W., Motel Oper., Gulf Shores
5. Robertson, George F., Farmer, Robertsdale
6. Rush, Howard, Gov't. Emp., Montrose
7. Sanders, E. Frank, Banker, Foley
8. Shirley, Bud., Laborer, Elseanor
9. Sims, James F., Farmer, Rabon
10. Slaughter, Ashton B., Timberman, Tensas
11. Slaughter, Dupree, Farmer, Tensas
12. Syne, Charles, Merchant, Foley
13. Bankester, Artie, Retired, Robertsdale
14. Britton, Charles, Creamery, Fairhope
15. Stokes, Carl B., Carpenter, Foley
16. Thomas, Jennings, Farmer, Foley
17. Underwood, Vaughn, Farmer, Foley
18. Wright, Justice D., Forester, Stapleton
19. Yarbrough, Clarence, Mechanic, Bay Minette
20. Younce, George, Farmer, Foley
21. Lindsay, James W., Abstrator, Bay Minette
22. Lott, Leonard, Farmer, Rosinton
23. Martin, Auburn W., Farmer, Stockton
24. McGowan, Randolph, Jr., Store Keeper, Bay Minette
25. Nassar, Emile J., Merchant, Bay Minette
26. Novoty, Milton J., Farmer, Robertsdale
27. Nye, Robert J., Plant Mer., Robertsdale
28. Phillips, Mayben, Farmer, Little River
29. Moore, Byrd L., Engineer, Fairhope
30. Mothershead, Lamar, Oil Distributor, Bay Minette
31. Cox, Young Ausphaza, Merchant, Stockton
32. Gerhard, Cassebaum, Farmer, Elberta
33. Hinkelman, Howard, Civil Service, Elberta
34. Minote, Ben, Contrator, Bay Minette
35. Hottles, Thomas E., Gulf Gas Agent, Robertsdale
36. Jones, Sanford, Newport, Bay Minette
37. Joyner, J.H., Jr., Grand Hotel, Fairhope
38. Keldorfer, William E., County Emp., Elberta
39. Kendrick, Rivers, Farmer, Robertsdale
40. Klein, Raymond, Farmer, Fairhope
41. Lazzari, John, Farmer, Selforest
42. Eaden, James T., Salesman, Robertsdale
43. Hansen, Calvin, Bell Telephone, Fairhope
44. Hairston, Robert R., Salesman, Elberta
45. Camp, Lester Daniel, Sanitation, Bay Minette
46. Coleman, Cecil, Brookley Field, Bay Minette
47. Conway, Clyde, Shipyard, Bay Minette

41
12
3 4
17

P. XXXXX XXXXX XXXXX XI
D. XXXXX XXXXX XXXXX XX

THE STATE OF ALABAMA {
Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, _____

_____, of the County of Baldwin _____

are held and firmly bound unto _____

in the sum of _____ Dollars, to

be paid to the said _____

heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the _____ day of _____, 19 ____

The Condition of this Obligation is such:

That whereas, the above bounden _____

_____ ha____, on the day of the date

hereof, prayed an Attachment at the suit of _____

_____ against the estate of above named

for the sum of _____ Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said _____

should prosecute said Attachment to effect, and pay the said Defendant all such damages as _____ may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

_____. (Seal)

_____. (Seal)

_____. (Seal)

_____. (Seal)

Approved, this _____ day of _____, 19 ____

_____, Clerk

THE STATE OF ALABAMA {

Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, Alice J. Duck, Clerk of the Circuit Court
in and for said County, personally appeared Tom Hadley
who, being duly sworn, on oath saith that Theodore B. Evtine, a non resident
justly indebted to
the said Tom Hadley
in the sum of Seven Hundred Sixteen and 36/100 (\$716.36) Dollars,
which said amount is justly due after allowing all just offsets and discounts, and that the said

Theodore B. Evtine, a non-resident, while operating his automobile truck on a public highway in Baldwin County, Alabama, ran his said vehicle into, over or against the pickup truck operated by the said Tom Hadley on to-wit, 6-16-60 at 2:00 P.M. the proximate damage to Complainant's vehicle being Seven Hundred Sixteen and 36/100 (\$716.36).

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Tom Hadley

Subscribed and sworn to before me this 14 day of July, 1960

Alice J. Duck

No. 4320

Page -----

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT
At Bay Minette, Ala.

TO

ATTACHMENT BOND AND AFFIDAVIT

Filed this the ----- day
of -----, 19 -----

Clerk

Attorney

TOM HADLEY,

Plaintiff

vs

THEODORE B. EXTINE

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

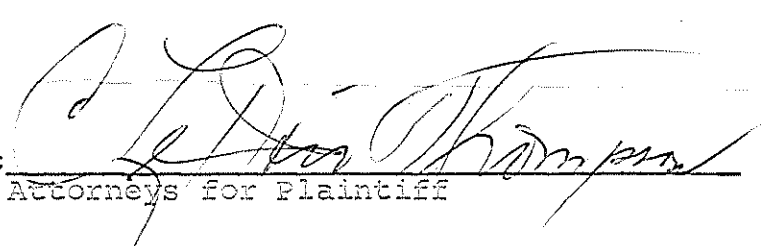
AT LAW

CASE NO. 4320

The plaintiff claims of the defendant the sum of Fifteen Hundred (\$1500.00) Dollars as damages for that heretofore on, to-wit: June 27, 1960, the plaintiff's automobile pickup truck while being operated along and upon a public road in Baldwin County, Alabama, to-wit that certain road known as Major Creek Road at a point about 4.8 miles North of County road 47, where he had a right to be and while said automobile pickup truck was being operated and driven along the said Major Creek Road an automobile truck to-wit, a stump wood truck which was being driven by the defendant ran into, upon, over, or against the automobile pickup truck of the plaintiff causing great damages and injuries to the plaintiff's automobile pickup truck: The left front fender, front wheel, radiator, radiator grill, head light, front axle assembly and other parts of plaintiff's automobile pickup truck were broken, bent, smashed or otherwise damaged and injured, all to the damage of the plaintiff as aforesaid. The plaintiff alleges that his said damages to his said automobile pickup truck were proximately caused by the negligence of the defendant, in that he negligently caused, allowed or permitted said automobile truck to run upon, over or against the automobile pickup truck of the plaintiff and as a proximate consequence thereof, the plaintiff's automobile pickup truck was damaged and injured as aforesaid.

THOMPSON & WHITE

BY:

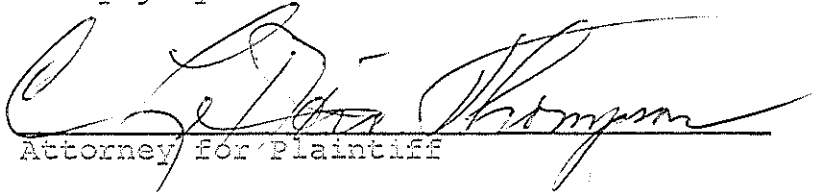

Attorneys for Plaintiff

Plaintiff requests trial by jury.

FILED

Aug. 25, 1960

ALICE J. DUCK, CLERK
REGISTER


Attorney for Plaintiff

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 THEODORE B. EXTINE

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 _____

THEODORE B. EXTINE

_____, Defendant.

by TOM HADLEY

_____, Plaintiff.

Witness my hand this

25

day of

Aug

1960

Alice J. Leach, Clerk

✓ Rendell

No. 4320

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

Tom Hadley

Plaintiffs

vs.

Theodore B. Eptine

Defendants

Summons and Complaint

Filed

8. 25

1960

W. A. Zeller

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

8/25 1960

Sheriff

I have executed this summons

this

Aug - 31

1960

by leaving a copy with

Theodore B Eptine

Sheriff claims

26

miles at

Ten Cents per mile Total \$

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins

Sheriff

W. A. Zeller

Deputy Sheriff

Rendell

THE STATE OF ALABAMA }
 Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, Tom Hadley and

....., of the County of Baldwin, State of Alabama

are held and firmly bound unto Theodore B. Eytine alias Theodore B. Extine

in the sum of Fourteen Hundred Thirty-two and 72/100 (\$1432.72) Dollars, to

be paid to the said Tom Hadley
 heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind our-
 selves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly
 by these presents.

Sealed with our seals and dated the day of, 19

The Condition of this Obligation is such:

That whereas, the above bounden Tom Hadley

..... ha. S, on the day of the date
 hereof, prayed an Attachment at the suit of Tom Hadley

..... against the estate of above named
Theodore B. Eytine alias Theodore B. Extine

for the sum of Seven Hundred Sixteen and 36/100 (\$716.36) Dollars,
 and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said Tom Hadley

should prosecute said Attachment to effect, and pay the said Defendant all such damages as
 may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be
 void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now,
 or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

Tom Hadley (Seal)

A. H. Mattheis (Seal)

James Huie (Seal)

..... (Seal)

Approved, this 24 day of Dec, 19 60

Alfred H. H. H., Clerk

THE STATE OF ALABAMA }
Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, _____
in and for said County, personally appeared _____
who, being duly sworn, on oath saith that _____

_____ justly indebted to
_____ Dollars,
in the sum of _____

which said amount is justly due after allowing all just offsets and discounts, and that the said _____

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this _____ day of _____, 19____

No. _____	Page _____
STATE OF ALABAMA Baldwin County	
CIRCUIT COURT At Bay Minette, Ala.	
TO _____	
ATTACHMENT BOND AND AFFIDAVIT	
Filed this the _____ day	of _____, 19 ____
_____ Clerk	_____ Attorney

ATTACHMENT

The State of Alabama, }
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Tom Hadley

bath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
alias Theodore B. Extine
Theodore B. Eytine/ a non-resident

is justly indebted to the Plaintiff Tom Hadley

in the sum of Seven Hundred Sixteen and 36/100 (\$716.36) Dollars, and

Tom Hadley having made affidavit and ~~given bond~~
as required by law, in such cases, you are hereby commanded to attach so much of the estate of
alias Theodore B. Extine
Theodore B. Eytine/ to-wit, '60 Ford truck 2-ton, License plate No.
F38 156, Mississippi, 1960.

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on _____ Monday of _____ 19____
next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 14 day of July A. D., 1960.

Alice J. Duck Clerk.

Received _____ day of _____ 19____
and on 16 day of Aug. 1960
I served a copy of the within Attachment
on Theodore B. Eytine

By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbert D. S.
Peroliches

Attached
one 60 Ford Truck
2 Ton License plate No
738-156 Miss 1960
Placed Truck in
Jail yard
Bond made by Dep.
8/17/60 by Theodore
B. Eytine A. B.
McDill, Morris
Eytine. Property
Released to Wilt
Sheriff claims 26 miles
Ten Cents per mile Total \$ 2.60
TAYLOR WILKINS, Sheriff
BY Talbert
DEPUTY SHERIFF

No. 4320

ATTACHMENT

Tom Hadley

Vs. { ATTACHMENT

Theodore B. Eytine
alias Theodore B. Eytine

Issued July 14, 1960
Printed by Moore Printing Co.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That we, Theodore B. Extine, as Principal, and the undersigned as Sureties are held and firmly bound unto Tom Hadley in the sum of Two Thousand Dollars for the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally.

Given under our hands and seals this 17th day of August, 1960.

The condition is this, whereas, a writ of attachment issued by the Circuit Court for the County of Baldwin at the suit of Tom Hadley against Theodore B. Extine returnable to the present term of the Circuit Court of Baldwin County, has been placed in the hands of Taylor Wilkins, Sheriff of said Baldwin County, and by him has been levied upon the following property, to-wit, 1960 Ford truck 2-ton, License plate No. F38 156, Mississippi, 1960. And whereas, the said property has been delivered to Theodore B. Extine on his entering into this bond; now, if the defendant shall fail in the action, and the said Theodore B. Extine or his sureties will return to the Sheriff of said County the specific property attached and above mentioned within thirty days after judgment in said suit, then this obligation to be void, otherwise to remain in full force and effect.

Theodore B. Extine (SEAL)

T. B. McMillan (SEAL)

Norris Extine (SEAL)

Approved this, the 17th day of August, 1960.

Taylor Wilkins
SHERIFF

TOM HADLEY,

Plaintiff,

VS.

THEODORE B. EXTINE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4320

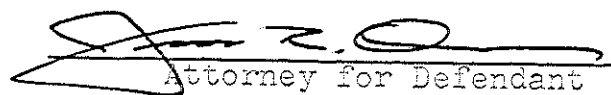
PLEA IN ABATEMENT

Now comes the Defendant in the above styled cause, appearing specially and only for the purpose of filing this plea, and says that the Plaintiff in this cause ought not to have and maintain his said action and the attachment heretofore sued out in this cause should be dismissed and the Defendant says, separately and severally, as follows:

1. The Plaintiff has not filed a complaint in this cause within fifteen days after the attachment was sued out in accordance with Title 7, Section 882 of the 1940 Code of Alabama.

2. The Plaintiff is now and was on the date the said attachment was sued out a resident of Baldwin County, Alabama.

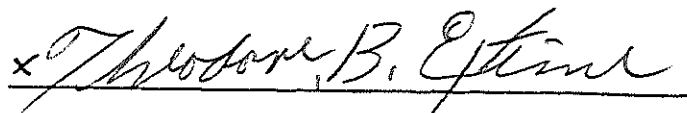
Wherefore, Defendant says that the said attachment should be dismissed out of this Court and that the action should be abated and prays the judgment of this honorable Court whether the Plaintiff should be allowed to further maintain this suit.


Attorney for Defendant

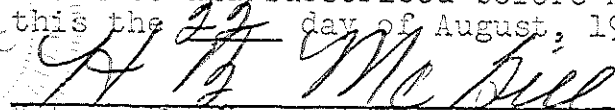
STATE OF ALABAMA)

BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared Theodore B. Extine, who, being known to me, and by me first duly sworn, deposes and says: That he is the Defendant in the above styled cause and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.


x Theodore B. Extine

Sworn to and subscribed before me
this the 22 day of August, 1960.


Notary Public, Baldwin County, Alabama.

FILED
AUG 23 1960

ALICE J. DUCK, Clerk