

4/605

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF TO SAID COUNTY, GREETINGS:-

The Plaintiff having given Bond and made Affidavit as required by law, you are hereby required to take the property mentioned in the Complaint into your possession, unless the Defendant gives Bond payable to the Plaintiff, with security double the value of the property, conditioned that if the Defendants, ELIZABETH A. SWIRN and ANDREW J. SWIRN, are cast in the suit, they will, within thirty (30) days thereafter, deliver the property to the Plaintiff, and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this the 21 day of February, 1961.

Deirdre Duck
Clerk

Executed by serving a copy of the within summons and complaint on the Defendants this the 23 day of February, 1961.

Gaylon Wilkins
Sheriff
By Charles L. Wilkins

Further executed by taking into my possession and storing property described within. At Annel Valley, in Orange Beach
This the 23 day of February, 1961.

Gaylon Wilkins
Sheriff
By Charles L. Wilkins

Pay made bond 3/3/61
By: Betty Merrill Quinn,
W. J. Merrill. Property
released to City.
-2-

720.4605

SUMMONS AND COMPLAINT

DETINUE ACTION

BETTY MORRILL SWIRN

-VS-

ELIZABETH A. SWIRN and
ANDREW J. SWIRN

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA
AT LAW

Received 22 day of Feb 1961
and on 23 day of Feb 1961
served a copy of the within Detinue
on Elizabeth A. Swirn
Andrew J. Swirn
by service on _____

TAYLOR WILKINS, Sheriff

By Deputy Sheriff D.A.

Sheriff claims 24 miles at
Ten Cents per mile Total \$ 2.40
TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

Filed 2-21-61
Deputy Clerk

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

BETTY MORRILL SWIRN,

Plaintiff,

-vs-

ELIZABETH A. SWIRN and
ANDREW J. SWIRN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Before me C. G. Chason, a Notary Public in and
for said County and said State personally appeared BETTY MORRILL SWIRN,
who is known to me and who after being by me first duly and legally
sworn, deposes and says under oath as follows: That property sued for
in that certain action wherein she is the Plaintiff and ELIZABETH A.
SWIRN and ANDREW J. SWIRN are the Defendants, belongs to her the said
Plaintiff.

Betty Morrill Swirn

Sworn to and subscribed before me

on this the 21 day of February,

1961

C. G. Chason

FILED

2-21 1961

ALICE L. DUCK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, BETTY MORRILL SWIRN, as principal, and W. S. Morrill as surety, are held and firmly bound unto ELIZABETH A. SWIRN and ANDREW J. SWIRN, in the sum of TWO THOUSAND DOLLARS (\$2000.00), to be paid to the said ELIZABETH A. SWIRN and ANDREW J. SWIRN, their heirs, executors, administrators or assigns; for which payment, well and truly be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally and firmly, by these presents. Sealed with our seals, and dated this ____ day of February, in the year of our Lord, one thousand nine hundred and sixty-one.

The condition of the above obligation is such, That whereas the above bound BETTY MORRILL SWIRN, on the day of the date hereof hath obtained at the suit of ELIZABETH A. SWIRN and ANDREW J. SWIRN, a summons and complaint for the recovery of personal property in specie against said defendant and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession", as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of Baldwin County for said county, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said plaintiff shall fail in this suit, and shall pay the defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

Betty Morrill Swirn (SEAL)
As Principal

W. S. Morrill (SEAL)
As Surety

Approved this 21 day of Feb, 1961.

Alfred L. Newell
Clerk

STATE OF ALABAMA

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, BETTY MORRILL SWERN, as principal, and W. S. MORRILL, as surety are held and firmly bound unto ELIZABETH A. SWERN and ANDREW J. SWERN in the sum of Two Thousand dollars (\$2000.00), for the payment of which well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, successors and assigns, jointly, severally and firmly by these presents.

Sealed with our seals, and dated this, the 1st day of March, 1961.

The condition of the above obligation is such, that whereas, the said BETTY MORRILL SWERN did, on the 22nd day of February A. D., 1961, sue out of the Circuit Court of Baldwin County a writ in detinue, directed to any Sheriff of the State of Alabama, and commanding him to take in his possession the following property sued for in said action of detinue, to-wit:-

One Horse - A Bay Gelding with a blazed face, seven years of age, formerly named "COFFEE" and later named "KHAN"

which said writ was placed in the hands of Taylor Wilkins, Sheriff of the County of Baldwin on the 23rd day of February, A. D., 1961 and executed by him on the 24th day of February, A. D., 1961, by taking into his possession the property hereinabove described.

And whereas the said ELIZABETH A. SWERN and ANDREW J. SWERN, defendants in said suit have failed and neglected, for the space of five days from the taking into possession of said property by said Sheriff aforesaid, to give bond and take possession of said property as authorized by law.

Now therefore, if the said BETTY MORRILL SWERN, plaintiff in said suit, shall deliver the above described property to the said ELIZABETH A. SWERN and ANDREW J. SWERN, defendants in said suit, within thirty days after judgment, in case plaintiff shall fail to recover the same in said suit, and pay all damages for the detention of property and costs of suit, then, in that event, this obligation to be void, otherwise to remain in full force and effect.

Betty Morrill Swern
As Principal

Dated 3/3/61

W. S. Morrill
As Surety

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, BETTY MORRILL SWERN, as principal, and W. S. Morrice as surety, are held and firmly bound unto ELIZABETH A. SWERN and ANDREW J. SWERN, in the sum of TWO THOUSAND DOLLARS (\$2000.00), to be paid to the said ELIZABETH A. SWERN and ANDREW J. SWERN, their heirs, executors, administrators or assigns; for which payment, well and truly be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally and firmly, by these presents. Sealed with our seals, and dated this _____ day of February, in the year of our Lord, one thousand nine hundred and sixty-one.

The condition of the above obligation is such, That whereas the above bound BETTY MORRILL SWERN, on the day of the date hereof hath obtained at the suit of ELIZABETH A. SWERN and ANDREW J. SWERN, a summons and complaint for the recovery of personal property in specie against said defendant and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession", as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of Baldwin County for said county, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said plaintiff shall fail in this suit, and shall pay the defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

Betty Morrill Swern (SEAL)
As Principal

W. S. Morrice (SEAL)
As Surety

Approved this _____ day of _____, 1961.

Clerk

CECIL G. CHASON

**ATTORNEY-AT-LAW
FOLEY, ALABAMA**

Mrs. Alice J. Duck
Register
Circuit Court of Baldwin County Alabama
Bay Minette Alabama

Dear Mrs. Duck:

Mr. Chason ask me to mail this to you. He forgot to take it to Bay Minette with him ,it belongs with the Detinue Suit in Swirn vs Swirn.

Yours very truly

Betty N. Swirn

Secretary to Cecil G. Chason

CECIL G. CHASON

ATTORNEY-AT-LAW

FOLEY, ALABAMA

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Circuit Court of Baldwin County Alabama
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