

REX H. MOORE

PLAINTIFF

VS

NORMAN McMILLIAN AND
IDA MAE McMILLIAN

DEFENDANTS

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 4372

Comes now the Defendants in the above styled cause and to each count, separately and severally files the following separately and severally grounds:

1. The complaint does not state a cause of action.
2. The complaint is vague, indefinite and uncertain.
3. It does not appear with certainty what property is claimed.
4. It does not appear that any money is due the Plaintiff.

W. L. Haynes
Attorney for Defendants

Defendants demands trial by jury.

W. L. Haynes
Donald F. Colquett
P. O. Box 52
Opp, Alabama
Plaintiff's Attorney

FILED

AUG 17 1960

ALICE L. DUCK, CLERK REGISTER

NUMBER: 4372

REX H. MOORE

PLAINTIFF

VS

NORMAN McMILLIAN AND
IDA MAE McMILLIAN

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

FILED
AUG 17 - 60
A. L. DICK, CLERK
REGISTER

RECEIVED
BALDWIN COUNTY, ALABAMA
AUG 17 1960

RECEIVED
BALDWIN COUNTY, ALABAMA
AUG 17 1960

RECEIVED
BALDWIN COUNTY, ALABAMA
AUG 17 1960

RECEIVED
BALDWIN COUNTY, ALABAMA
AUG 17 1960

The State of Alabama, {
Baldwin County

KNOW ALL MEN BY THESE PRESENTS, That we, Ida Mae McMillian

and Thomas J. Earle

are held and firmly bound unto Rex H. Moore

in the sum of THREE-HUNDRED and NO/100 (\$300.00) Dollars, for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this 8th day of August 1960

The condition of the above obligation is such that whereas the said Rex H. Moore

did, on the 5th day

of August 1960 sue out of the Circuit Court of Baldwin

a writ of detinue directed to any Sheriff of said State and commanding him to take into his possession the

following property, to-wit: One Philco Electric Refrigerator; One Cedar Robe;

One 3-piece Blond Bedroom Suite; One three piece Living Room

Suite; One Chifferobe; One Gas Range

which said writ was placed in the hands of Taylor Wilkins,

Sheriff of Baldwin County, Alabama, on the 5th day of August, 1960,

and executed by him on the 5th day of August, 1960, by taking into his possession the following property, to-wit:

One Cedar Robe; One 3-piece Blond Bedroom Suite; One three
piece Living Room Suite; One Chifferobe.

And whereas the above bound Ida Mae McMillian

Defendant in said suit, has, within five days from the execution of said writ, entered into and executed this bond as required by law and thereby obtained possession of said property seized under this writ.

Now if the said Ida Mae McMillian is cast in said suit and within thirty days after judgment deliver the property aforesaid to the Plaintiff and pay all costs and damages which may accrue from the detention thereof, then this obligation to be void, otherwise to remain in full force and effect.

Ida Mae McMillian (SEAL)

Thomas J. Earle (SEAL)

Thomas J. Earle (SEAL)

Taken and approved this 8th day of Aug 1960
Taylor Wilkins
Sheriff, Baldwin County, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Circuit Court, Baldwin County

**REPLEVY BOND
OF DEFENDANT**

vs.

Taken and approved this _____

day of _____, 193_____

State of Alabama

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

BALDWIN COUNTY

Before me, Beina L. Moore, a Notary Public in and for said County, personally appeared Rex H. Moore who being by me

duly sworn deposes and says that the property sued for in the complaint of REX H. MOORE, PLAINTIFF VS. NORMAN McMILLION and IDA MAE McMILLION, DEFENDANTS filed in said Court, to-wit:

One Philco Electric Refrigerator; One Cedar Robe; One 3-piece Blond Bedroom Suite; One three piece Living Room Suite; One Chifferobe; One Gas Range

belongs to Rex H. Moore, the plaintiff.

Sworn to and subscribed before me this 5th

day of August, 1960

Beina L. Moore
Notary Public

State of Alabama

IN THE CIRCUIT COURT OF

BALDWIN COUNTY

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, Rex H. Moore, and the Undersigned sureties _____, Principal, and _____, Sureties, are held and firmly bound unto Norman McMillion and Ida Mae McMillion, their heirs, executors and administrators in the sum of Three Hundred Sixty and No/100th Dollars, for the payment of which we jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated the _____ day of August, 1960.

The condition of the above obligation is such that whereas, the above bound Rex H. Moore has on the 5th day of August, 1960 sued out a writ of detinue in the Circuit Court of _____

County, returnable to the said Circuit Court against the said Norman McMillion and Ida Mae McMillion for the recovery of the following described property, to-wit:

One Philco Electric Refrigerator; One Cedar Robe; One 3-Piece Blond Bedroom Suite; One three piece Living Room Suite; One Chifferobe; One Gas Range

Now, if the said Rex H. Moore shall fail in said suit and shall pay to the said Norman McMillion and Ida Mae McMillion, the defendant in said suit, all such costs and damages as he may sustain by the wrongful complaint, then this obligation to be void, otherwise, to remain in full force and effect.

Taken and approved this 5 day of August, 1960.

Beina L. Moore
Clerk, Circuit Court

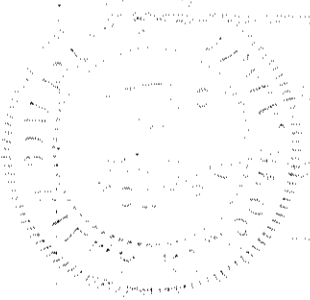
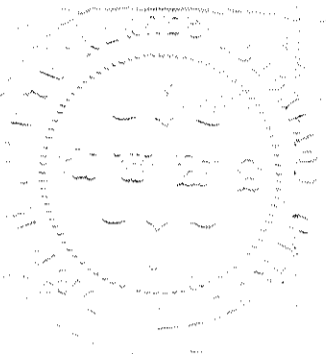
Rex H. Moore (SEAL)
J. R. Jones (SEAL)
L. J. Herrington (SEAL)

Covington County,
State of Alabama

I, Curtis H. Rodgers, Clerk of the Circuit Court Covington County
State of Alabama, do hereby certify that this is a good and sufficient
bond and if it was presented to me for approval, I would accept it as
a good and sufficient bond.

Done this August 5, 1960

Curtis H. Rodgers
Curtis H. Rodgers, Clerk
Circuit Court, Covington
County, State of Alabama



144

No. 4372

The State of Alabama

BALTIMOR COUNTY

CIRCUIT COURT

REX H. MOORE

Plaintiff

vs.

NORMAN McMILLION & IDA MAE McMILLION

Defendants

Detinue - Affidavit and Bond

Filed this 5 day of Aug, 1960

Alice J. Smith
Clerk

SUMMONS AND COMPLAINT IN DETINUE

State of Alabama
BALDWIN
COVINGTON COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:—Greetings:

YOU ARE HEREBY COMMANDED TO SUMMON Norman McMillion and Ida Mae McMillion

to appear within thirty days from the service of this writ in the Circuit Court of said county, at the place of holding the same, and plead, answer or demur to the complaint of Rex H. Moore

Witness my hand this 5th day of August 1960

Alice J. Duck, Clerk

COMPLAINT

<u>REX H. MOORE</u>		<u>NORMAN McMILLION and</u>
	vs.	<u>IDA MAE McMILLION</u>
Plaintiff.		Defendant.

COUNT I
The Plaintiff claims of the Defendant the following personal property, to-wit:

One Philco Electric Refrigerator; One Cedar Robe; One 3-piece Blond Bedroom Suite;
One three piece Living Room Suite; One Chifferobe; One Gas Range

with the value of the hire or the use thereof during the detention, to-wit: from the 16th day of Jan. 1960

COUNT II

And the Plaintiff claims of the Defendants One Hundred Twenty Dollars by promissory note made by them on the 19th day of December, 1959 and payable on the 16 day of January, 1960, with interest thereon. And Plaintiff avers that in said note and as a part thereof the Defendants expressly waived all their right to have any of their personal property exempted to them under the Constitution and Laws of the State of Alabama. And Plaintiff avers that in said note and as a part thereof the Defendants expressly agreed to pay a reasonable attorney's fee; hence the Plaintiff claims of the Defendant the further sum of Sixty Dollars as a reasonable attorney's fee.

Donald F. Colquett
Donald F. Colquett Plaintiff's Attorney
P. O. Box 52, Opp, Alabama

No. 4372

State of Alabama
BALDWIN
COVINGTON COUNTY

CIRCUIT COURT

REX H. MOORE

Plaintiff

vs.

NORMAN McMILLION and

IDA MAE McMILLION

Defendant

Summons and Complaint in Detinue

Filed in office this _____ day of

FILED

AUG 5 1960

19

ALICE J. DUCK, Clerk

Clerk

Donald J. Colby

Plaintiff's Attorney

Received in office this _____ day of

19

Sheriff

Executed this 6th day of

Aug 1960, by

leaving a copy of the within Summons and, Com-

plaint with Norman McMillion

Ida Mae McMillion

Defendant

Taylor Wilkins

Sheriff.

W. I. Talbot

Deputy Sheriff

Attached

one Cedar Robe; one 3-
piece Blood Bedroom suite
one three piece Living
Room suite one chifferade

Def. made bond 4/8/60
By Norma McMillion
Thomas J. Colby

60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS
Talbot

DEPUTY SHERIFF

State of Alabama
COVINGTON COUNTY

To Any 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 the complaint into your possession, unless the Defendant give bond payable to the plaintiff with sufficient surety, in double the amount of the value of the property.

with condition that if the Defendant _____

are _____ cast in the suit

they _____ will, within

thirty days thereafter, deliver the property to the plaintiff and pay all cost and damages which may accrue the detention thereof.

Alice J. Duck
Clerk

COVINGTON COUNTY

COVINGTON COUNTY