

4270

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons EUGENE SMITH, to appear and plead, answer or demur within thirty days from service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama at Law, by J. C. Grimes doing business as Loxley Produce Company, as Plaintiff and against Eugene Smith, as Defendant.

Witness my hand this the 26 day of May, 1960.

Alice J. Duck, Register

Ex 527-60 Sec of State

J. C. GRIMES doing business as LOXLEY PRODUCE COMPANY
Plaintiff
VS
EUGENE SMITH
Defendant
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NO. 1.

The Plaintiff claims of the Defendant ONE THOUSAND TWO HUNDRED EIGHT and 46/100 DOLLARS (\$1,208.46) with interest thereon as damages for the injury of certain goods, the Plaintiff's property, viz. 330 sacks of Irish Potatoes, received by Defendant as a carrier on, to-wit; June 15, 1959, to be delivered by Defendant to Bettendorf Rapp Stores, St. Louis, Missouri, for a reward; and Plaintiff says that said injury was received by said Irish Potatoes while in the possession of Defendant as such carrier, and during the transit.

Plaintiff further avers that Defendant is a non-resident of the State of Alabama and his last known Post Office address was Graceville, Florida and the Plaintiff prays for service of process upon the Defendant be had in accordance with the provisions of the Code of Alabama, 1940, as amended, Title 7, Sec. 199 (1).

WILTERS, BRANTLEY AND NESBIT
BY: Phyllis L. Nesbit

NO. _____

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT

AT LAW

J. C. GRIMES, doing business as
LOXLEY PRODUCE COMPANY

PLAINTIFF

VS

EUGENE SMITH

DEFENDANT

COMPLAINT

WILTERS, BRANTLEY AND NESBIT
ATTORNEYS FOR PLAINTIFF

AFFIDAVIT OF PLAINTIFF THAT STATUTE HAS BEEN COMPLIED WITH

I certify that three copies of this process have been served on the Secretary of State, and a fee of three dollars (\$3.00), which Secretary properly sent notice of such service and a copy of the process to the defendant and, as shown in the affidavit of said Secretary of State, who returned same to the Clerk of the Circuit Court of Baldwin County, I further certify that I have made an affidavit that Title 7, Sec. 199 (1) Code of Alabama, 1940, is applicable in this case, which affidavit also shows the residence and last known Post Office address of the Defendant, and that said affidavit was attached to the writ or process, and a copy of the affidavit to each copy of the writ or process, and the original writ or process and three copies thereof was forwarded to the Sheriff of Montgomery County, Alabama and served on the Secretary of State, and due return of such service was made by the Sheriff of Montgomery County, all of which is contained herein. I further certify that service of process was obtained as outlined above, which is deemed to be sufficient service of summons and process to give any court of this state jurisdiction over the cause of action and over such non-resident defendant, and shall warrant and authorize personal judgment against such non-resident defendant, in the event that the plaintiff prevails in the action.

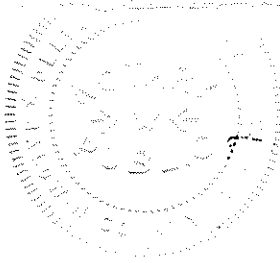
WILTERS, BRANTLEY AND NESBIT

BY: *James Wilter, Jr.*
Attorneys for the Plaintiff

Sworn before me this the 5th day of July, 1960.

Deeta H. Gwaltney
Notary Public,

MY COMMISSION EXPIRES JULY 17, 1960



FILED

JUL 6 1960

**AUREL DUCK, CLERK
REGISTER**

RECORDED

Place in file

No. 4270

THE STATE OF ALABAMA

BAIDWIN COUNTY

IN THE CIRCUIT COURT

AT LAW

J. C. GRIMES d/b/a
LOXLEY PRODUCE COMPANY

PLAINTIFF

VS

EUGENE SMITH

DEFENDANT

WILTERS, BRANTLEY AND NESBIT
ATTORNEYS FOR PLAINTIFF

FILED

JUL 6 1960

ALICE J. DUCK, CLERK
REGISTER



June 9, 1960

J. C. GRIMES doing business as
LOXLEY PRODUCE COMPANY, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
CO., ALA. AT LAW

VS.

EUGENE SMITH, Defendant

CASE NO. 4270

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Nancy H. Turner, a Notary Public in and for said State-at-Large, personally appeared Bettye Frink, Secretary of State of the State of Alabama, who is known to me and who, being duly sworn, deposes and says that in her official capacity as Secretary of State of the State of Alabama she, on the 27 day of May 1960 sent by registered mail in an envelope addressed as follows:

"Eugene Smith
Graceville,
Fla."

"Registered Mail—
Return Receipt Requested
Deliver to Addressee only"

bearing sufficient and proper prepaid postage, a notice bearing her signature and the Great Seal of the State of Alabama in words and figures as follows:

"Eugene Smith
Graceville,
Fla."

You will take notice that on May 27, 1960 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: J. C. GRIMES doing business as LOXLEY PRODUCE COMPANY, Plaintiff VS EUGENE SMITH, Defendant

in the CIRCUIT COURT OF BALDWIN CO., ALA. AT LAW
CASE NO. 4270

a true copy of which Summons and Complaint and Affidavit are attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you, said service being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27 day of May 1960

(Signed) Bettye Frink
Bettye Frink
Secretary of State

Enclosures (2)

Affiant further says that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the Summons and Complaint and Affidavit in the above-styled cause.

Affiant further says that on June 2, 1960 she received the "Return Card" showing "RECEIPT" by the designated addressee of the aforementioned matter at Graceville, Fla. on date not given

Bettye Frink
Affiant—Bettye Frink
Secretary of State

Sworn to and subscribed before me, this the 9 day of June 1960

Nancy H. Turner
Notary Public—State-at-Large
My Commission expires: 10/17/62

Enclosures—"Return Receipt" and
Copy of Process

cc. Honorable Phyllis S. Nesbit
Wilters, Brantley & Nesbit, Attys. at Law
Robertsdale, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons EUGENE SMITH, to appear and plead, answer or demur within thirty days from service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama at Law, by J. C. Grimes doing business as Loxley Produce Company, as Plaintiff and against Eugene Smith, as Defendant.

Witness my hand this the 26 day of May, 1960.

Alice J. Duck
Alice J. Duck, Register

J. C. GRIMES doing business as
LOXLEY PRODUCE COMPANY

Plaintiff

VS

EUGENE SMITH

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

1.

The Plaintiff claims of the Defendant ONE THOUSAND TWO HUNDRED EIGHT and 46/100 DOLLARS (\$1,208.46) with interest thereon as damages for the injury of certain goods, the Plaintiff's property, viz. 330 sacks of Irish Potatoes, received by Defendant as a carrier on, to-wit; June 15, 1959, to be delivered by Defendant to Bettendorf Hagg Stores, St. Louis, Missouri, for a reward; and Plaintiff says that said injury was received by said Irish Potatoes while in the possession of Defendant as such carrier, and during the transit.

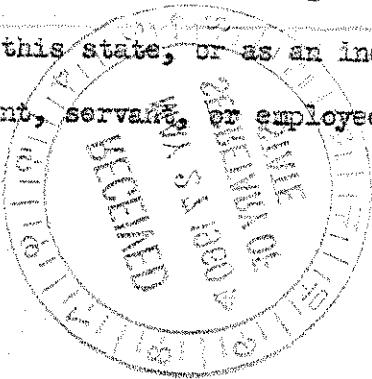
Plaintiff further avers that Defendant is a non-resident of the State of Alabama and his last known Post Office address was Graceville, Florida and the Plaintiff prays for service of process upon the Defendant be had in accordance with the provisions of the Code of Alabama, 1940, as amended, Title 7, Sec. 199 (1).

WITNESS, BRANTLEY AND HESBIT

BY: Philip S. Nesbit

PLAINTIFF'S AFFIDAVIT THAT TITLE 7, SEC, 199 (1) IS APPLICABLE

I certify that the Defendant, Eugene Smith, doing business as a sole proprietor, is and was prior, to-wit, to June 1959, a non-resident of the State of Alabama; and did do business and perform work and services for the Plaintiff, J. C. Grimes, doing business as Loxley Produce Company, in Loxley, Alabama, and while performing such work and services through his agent, servant or employee, did give rise to this action by the Plaintiff against the Defendant. Plaintiff further avers that the last known Post Office address of said Defendant is Graceville, Florida, and the Plaintiff prays that service of process upon the Defendant may be had in accordance with the provisions of Code of Alabama, 1940, Title 7, Sec. 199 (1), which provides for service upon the Secretary of State, or his successor or successors in office, as the true and lawful attorney or agent of such non-resident, upon whom process may be served in any action accrued or accruing from the doing of business or the performing of work or service in this state, or as an incident thereto by any such non-resident, or his agent, servant, or employee.



WILTERS, BRANTLEY AND NESBIT

BY:

Philip S. Nesbit
Attorneys for the Plaintiff

Sworn before me this 26th day of May, 1960.



FILED

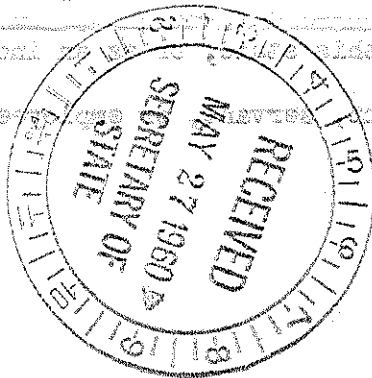
MAY 26 1960

ALICE L. DICK, CLERK
REGISTER

Evelyn Watts
Notary Public,

PLAINTIFF'S AFFIDAVIT THAT TITLE 7, SEC. 199 (1) IS APPLICABLE

I certify that the defendant, Eugene Smith, doing business as a sole proprietor, is and was prior, to-wit, to June 1959, a non-resident of the State of Alabama; and did do business and perform work and services for the defendant, J. B. Smith, doing business as Henry Thomas Company, in Mobile, Alabama, and while performing such work and services through his agent, servant or employee, did give rise to this action of the Plaintiff against the defendant. Plaintiff further avers that the last known post office address of said defendant is Greenville, Florida, and the Plaintiff prays that service of process upon the defendant may be had in accordance with the provisions of Code of Alabama, 1901, Title 7, Sec. 199 (1), which provides for service upon the Secretary of State, or his successor or successors in office, at the time and lawful attorney or agent of such non-resident, upon whom process may be served in any action awarded or accruing from the doing of business or the performing of work or service in this State by such non-resident, or by any such non-resident, or his agent.



WITNES, HENRY AND ROBERT

BY:

Attorney for the Plaintiff

Sworn before me this 27 day of May, 1960.

46-7-11

FILED

MAY 28 1960

CLERK

NOTARY PUBLIC

AFFADAVIT OF PLAINTIFF THAT STATUTE HAS BEEN COMPLIED WITH

I certify that three copies of this process have been served on the Secretary of State, and a fee of three dollars (\$3.00), which Secretary properly sent notice of such service and a copy of the process to the defendant and, as shown in the affidavit of said Secretary of State, who returned same to the Clerk of the Circuit Court of Baldwin County, I further certify that I have made an affidavit that Title 7, Sec. 199 (1) Code of Alabama, 1940, is applicable in this case, which affidavit also shows the residence and last known Post Office address of the Defendant, and that said affidavit was attached to the writ or process, and a copy of the affidavit to each copy of the writ or process, and the original writ or process and three copies thereof was forwarded to the Sheriff of Montgomery County, Alabama and served on the Secretary of State, and due return of such service was made by the Sheriff of Montgomery County, all of which is contained herein. I further certify that service of process was obtained as outlined above, which is deemed to be sufficient service of summons and process to give any court of this state jurisdiction over the cause of action and over such non-resident defendant, and shall warrant and authorize personal judgment against such non-resident defendant, in the event that the plaintiff prevails in the action.

WILTERS, BRANTLEY AND NESBIT

BY:

Attorneys for the Plaintiff

Sworn before me this the ____ day of _____, 1960.

Notary Public,

AFFADAVIT OF PLAINTIFF THAT STATUTE HAS BEEN COMPLIED WITH

I certify that three copies of this process have been served on the Secretary of State, and a fee of three dollars (\$3.00), which Secretary properly sent notice of such service and a copy of the process to the defendant and, as shown in the affidavit of said Secretary of State, who returned same to the Clerk of the Circuit Court of Baldwin County, I further certify that I have made an affidavit that Title 7, Sec. 199 (1) Code of Alabama, 1940, is applicable in this case, which affidavit also shows the residence and last known Post Office address of the Defendant, and that said affidavit was attached to the writ or process, and a copy of the affidavit to each copy of the writ or process, and the original writ or process and three copies thereof was forwarded to the Sheriff of Montgomery County, Alabama and served on the Secretary of State, and due return of such service was made by the Sheriff of Montgomery County, all of which is contained herein. I further certify that service of process was obtained as outlined above, which is deemed to be sufficient service of summons and process to give any court of this state jurisdiction over the cause of action and over such non-resident defendant, and shall warrant and authorize personal judgment against such non-resident defendant, in the event that the plaintiff prevails in the action.

WILTERS, BRANTLEY AND NESBIT

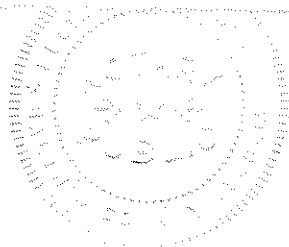
BY: [Signature]

Attorneys for the Plaintiff

Sworn before me this the 5th day of July, 1960.

[Signature]
Notary Public,

MY COMMISSION EXPIRES JULY 17, 1960



PLAINTIFF'S AFFIDAVIT THAT TITLE 7, SEC, 199 (1) IS APPLICABLE

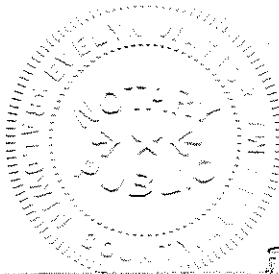
I certify that the Defendant, Eugene Smith, doing business as a sole proprietor, is and was prior, to-wit, to June 1959, a non-resident of the State of Alabama; and did do business and perform work and services for the Plaintiff, J. C. Grimes, doing business as Loxley Produce Company, in Loxley, Alabama, and while performing such work and services through his agent, servant or employee, did give rise to this action by the Plaintiff against the Defendant. Plaintiff further avers that the last known Post Office address of said Defendant is Graceville, Florida, and the Plaintiff prays that service of process upon the Defendant may be had in accordance with the provisions of Code of Alabama, 1940, Title 7, Sec. 199 (1), which provides for service upon the Secretary of State, or his successor or successors in office, as the true and lawful attorney or agent of such non-resident, upon whom process may be served in any action accrued or accruing from the doing of business or the performing of work or service in this state, or as an incident thereto by any such non-resident, or his agent, servant, or employee.

WILTERS, BRANTLEY AND NESBIT

BY:

Phyllis S. Nesbit
Attorneys for the Plaintiff

Sworn before me this 26th day of May, 1960.



Evelyn Watts
Notary Public,

FILED

MAY 26 1960

ALICE L. DUCK, CLERK
REGISTER

918

RECEIVED IN OFFICE

MAY 27 1960

M. S. BUTLER, Sheriff

3

Executed by serving.....³ copies of
the within on *Betty Franks*
Secretary of State of The State of
Alabama.

This the *27* day of *May* 19*60*

Sheriff of Montgomery County
M. S. Butler,
By *Rameo* D. S.

The Sheriff claims.....².....
miles at 10c per mile for a total
of \$.....²⁰.....

M. S. Butler, Sheriff
Montgomery County, Ala.

RECORDED

NO. *4270*

THE STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT

AT LAW

J. C. GRIMES doing business as
LOXLEY PRODUCE COMPANY

Plaintiff

VS

EUGENE SMITH

Defendant

COMPLAINT

FILED

MAY 26 1960

ALICE I. DUCK, CLERK
REGISTER

Wilters, Brantley and Nesbit
Robertsdale, Alabama
Attorneys for the Plaintiff

