

RHODES PRODUCE CO.)
A Partnership)
Plaintiff)
VS)
Lawrence JANES)
Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5167

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C Epperson, a Notary Public, in and for the State of Alabama, at large, personally appeared Charles Rhodes, who being by me first duly sworn deposes and says that he is one of the partners of Rhodes Produce Co. a partnership; that the said Rhodes Produce Co. has a just claim or demand against Lawrence Janes; that the said above named defendant is a nonresident of the State of Alabama, and that this attachment is not sued out for the purpose of vexing or harassing the defendant or for any other purpose that is of improper motive

Charles Rhodes
Affiant

Sworn to and subscribed before me on this the 8th day of June, 1962.

Arthur C Epperson
Notary Public, State of Alabama
at large.

STATE OF ALABAMA)
BALDWIN COUNTY) TO ANY SHERIFF OF THE STATE OF ALABAMA
GREETING:

Whereas, Charles Rhodes for Rhodes Produce Co. A partnership has complained on oath, that Lawrence Janes is a nonresident of the State of Alabama, and that Rhodes Produce Co. has a just claim or demand against the said Lawrence Janes and has caused to be made affidavit as required by law in such cases: you are hereby commanded to attach so much of the estate of said Lawrence Janes as will be of value of \$500.00 or more to satisfy the demand or claim and said costs according to the complaint; and such estate unless replevied so to secure that the same may be liable to further proceedings thereon, to be had at the present session of the Circuit Court of Baldwin County, to be held at

Court House therof, when and where you must make known how you have executed this writ.

Witness my hand, this the 8th day of June, 1962,

Alice J. Hark
Clerk of the Circuit Court

The defendant being a nonresidnet of the State of Alabama no bond is required of the plaintiff.

This the 8th day of June, 1962.

Clerk of the Circhit Court

SHERIFF'S RETURN:

Executed the within writ of attachment this the 8 day of June, 1962, at _____ O'clock by leving on one tractor truck

Florida Lic. #

and storing same at 2260 Hallamill Rd, Gulf Coast
Truck & Equipment Co.

Sheriff

County, Alabama

By: _____
DS

	<i>Shelton Products Co.</i> <u>03</u> <i>Lawrence Jones</i>		ARTHUR C. EPPERSON ATTORNEY AT LAW FOLEY, ALA.	The Tuttle Law Print, Publishers, Rutland, Vt.
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5167

RECEIVED
 JUN 8 1962
 SHERIFF'S OFFICE

RHODES PRODUCE COMPANY, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
versus : AT LAW
LAWRENCE JAMES, :
Defendant. : NO. 5167

STATE OF ALABAMA

COUNTY OF MOBILE

KNOW ALL MEN BY THESE PRESENTS that we, F. A. Scott, John Murray and Harold Sayre are held and firmly bound unto Rhodes Produce Company in the sum of TWELVE HUNDRED FIFTY AND NO/100ths (\$1250.00) DOLLARS, 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, jointly and severally, and firmly by these presents.

We hereby waive the benefits of laws exempting property from levy and sale under execution or other process or provision of collection of debt by the Constitution and Laws of the State of Alabama. And we hereby severally certify that we have property free from all encumbrance to the full amount of the above bond.

Sealed with our seals and dated this 11th day of June, 1962.

The condition of the above obligation is such, that whereas an attachment issued from the Circuit Court of Baldwin County, Alabama, on the 8th day of June, 1962 in favor of Rhodes Produce Company against Lawrence James for the sum of FIVE HUNDRED AND NO/100ths (\$500.00) DOLLARS and said attachment has been executed by the Sheriff of

Mobile County, Alabama, by attaching and taking into his possession the following described property:

1955 6 Cylinder Mack, Cab Over Truck Motor
No. END 673-81-59

Also described as follows:

1-M63T Mack Tag #25 H/3 341 - Ala - Light
Top Two Tone - Blue Dark Bottom - Labeled
Ed Hopson on side of truck.

And whereas the said F. A. Scott has made affidavit that he has just title to said property and claims the same and the right to immediate possession of the same, and upon entry this bond with sufficient surety, as required by law, has obtained possession of said property. Now if the said F. A. Scott shall have the said property above described forthcoming for the satisfaction of the claim of the Plaintiff, if it be found liable therefor, and also for the payment of such costs and damages as may be recovered for interposing the claim for delay, then this obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 11th day of June, 1962.

F. A. Scott (SEAL)

John C. [unclear] (SEAL)

Harold [unclear]
By [unclear]
His Atty in fact (SEAL)

Taken and approved this 11th day of June, 1962.

Ray D. Bridges
Sheriff of Mobile County, Alabama

Certified to be a true copy

Ray D. Bridges, Sheriff

George M. Bellmann
George M. Bellmann, C.C.
By direction

RHODES PRODUCE COMPANY, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
versus : AT LAW
LAWRENCE JANES, :
Defendant. : CASE NO. 5167

STATE OF ALABAMA
COUNTY OF MOBILE

Personally appeared before me, the undersigned Notary Public in and for said State and County, F. A. Scott, known to be, who being by me first duly sworn, deposes and says as follows:

My name is F. A. Scott and I am the owner of the following described motor vehicle:

1955 6 Cylinder Mack, Cab Over Truck Motor
No. END 673-81-59

Also described as follows:

1-H63T Mack Tag #25 H/3 341 - Ala - Light
Top Two Tone - Blue Dark Bottom - Labeled
Ed. Hopson on side of truck.

This motor vehicle was sold by me to Lawrence T. Janes by conditional sales contract dated January 13, 1962 and recorded in Book 342 of Mortgages Page 546 of the records in the office of the Judge of Probate of Conecuh County, Alabama, on April 10, 1962. Under this conditional sales contract there was a principal balance of \$5600.00 payable in consecutive monthly installments of \$233.33 each, the first installment being due and payable on, to-wit, March 1, 1962. The purchaser, Lawrence T. Janes, did not comply with the terms of said contract and said contract is in default. Affiant is the owner of said property, has just title thereto and is entitled to the immediate possession

thereof. Affiant further says that the aforesaid conditional sales contract is also recorded in the Probate Court of Mobile County, Alabama.

J. A. Scott

Subscribed and sworn to before
me this 11th day of June, 1962.

Bryan H. Kilborn
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

Bryan H. Kilborn
att'y

CERTIFIED TO BE A TRUE COPY.

RAY D. BRIDGES, SHERIFF

George M. Bellmann
George M. Bellmann
Chief Clerk
By direction.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, D. W. RHODES, DOUGLAS RHODES, and CHARLES RHODES, a partnership doing business as RHODES PRODUCE CO. as principals are held and firmly bound unto LAWRENCE JANES in the sum of TWO THOUSAND DOLLARS to be paid to the said LAWRENCE JANES, his 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 and firmly, by these presents. Sealed with our seals and dated this the 8th day of June 1962.

The condition of the above obligation is such, that whereas the above bound Rhodes Produce Co. a partnership on this day hath obtained at the suit of Rhodes Produce Co. Vs. Lawrence Janes, a summons and complaint for the recovery of perishable property in specie against said defendant and asks endorsement by the Clerk of the Circuit 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, Alabama, 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.

D W Rhodes (L:S:)
Douglas Rhodes (L:S)
Charles Rhodes (L:S:)

Approved this 10 day of June, 1962.

Reuben L. W. Duke
Clerk of the Circuit Court

3767

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

The Tuttle Law Print, Publishers, Rutland, Vt.

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA
GREETING:

You are hereby commanded to summon LAWRENCE JAMES to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur to or plead to the complaint of Rhodes Produce Co.

You are hereby commanded to execute this process instantler and make return as required by law.

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 give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will within thirty 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 8th day of June, 1962.

Clerk of the Circuit Court, Baldwin
County, Alabama.


RHODES PRODUCE CO.)
A Partnership)
PLAINTIFF)
VS.)
LAWRENCE JAMES)
DEFENDANT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. _____

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

290 bags 50 lbs. each number one B's Irish potatoes
350 bags 50lbs. each number one A's Irish potatoes
located in a Dorsey Produce Van with Florida Trailer license
9L-24, together with the value of the depreciation of the
market value from Wednesday June 6, 1962 at Four p.m. Eastern
Standard time, New York, New York.


Attorney for the Plaintiff

Filed in Office this 8th day of June, 1962.

Clerk of the Circuit Court

Sheriff's Return

Received in Office this _____ day of June, 1962

Sherriff

Executed by serving a copy of the within summons and
complaint on the defendant this

Further executed by taking property into my possession
and delivering into the hands of the plaintiff who has executed
and filed proper bond, this the _____ day of June, 1962.

Sheriff

RHODES PRODUCE CO.)
A Partnership)
 Plaintiff)
VS.)
)
)
LAWRENCE JANES)
 Defendant)

IN THE CIRCUIT COURT OF

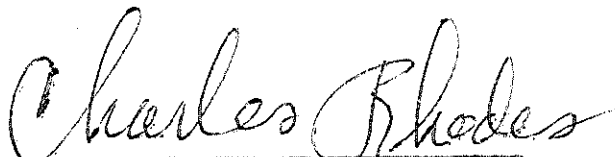
BALDWIN COUNTY, ALABAMA

AT LAW

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public in and
for the State of Alabama, at large, personally appeared Charles
Rhodes, a partner in Rhodes Produce Co., who being duly sworn
deposeth and saith, that the property sued for in the complaint
of Rhodes Produce Co. VS. Lawrence Janes, belongs to Rhodes
Produce Co, the said Plaintiff.


Affiant

Sworn to and subscribed before me this the 8th day
of June, 1962.


Notary Public.

RHODES PRODUCE CO.)
A Partnership)
Plaintiff)
VS)
Lawrence JAMES)
Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 5167

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public, in and for the State of Alabama, at large, personally appeared Charles Rhodes, who being by me first duly sworn deposes and says that he is one of the partners of Rhodes Produce Co. a partnership; that the said Rhodes Produce Co. has a just claim or demand against Lawrence James; that the said above named defendant is a nonresident of the State of Alabama, and that this attachment is not sued out for the purpose of vexing or harassing the defendant or for any other purpose that is of improper motive

Charles Rhodes
Affiant

Sworn to and subscribed before me on this the 8th day of June, 1962.

Arthur C. Epperson
Notary Public, State of Alabama
at large.

STATE OF ALABAMA)
BALDWIN COUNTY) TO ANY SHERIFF OF THE STATE OF ALABAMA
GREETING:

Whereas, Charles Rhodes for Rhodes Produce Co. A partnership has complained on oath, that Lawrence James is a nonresident of the State of Alabama, and that Rhodes Produce Co. has a just claim or demand against the said Lawrence James and has caused to be made affidavit as required by law in such cases: you are hereby commanded to attach so much of the estate of said Lawrence James as will be of value of \$500.00 or more to satisfy the demand or claim and said costs according to the complaint; and such estate unless replevied so to secure that the same may be liable to further proceedings thereon, to be had at the present session of the Circuit Court of Baldwin County, to be held at

Court House thereof, when and where you must make known how you have executed this writ.

Witness my hand, this the 8th day of June, 1962.

Alice J. Duck
Clerk of the Circuit Court

The defendant being a nonresident of the State of Alabama no bond is required of the plaintiff.

This the 8th day of June, 1962.

Clerk of the Circuit Court

SHERIFF'S RETURN:

Executed the within writ of attachment this the ____ day of June, 1962, at _____ O'clock by levying on one tractor truck

Florida Lic. #

and storing same at _____
_____.

Sheriff

County, Alabama

By: _____

DS

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

The Tuttle Law Print, Publishers, Rutland, Vt.

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA
GREETING:

You are hereby commanded to summon LAWRENCE JANES to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur to or plead to the complaint of Rhodes Produce Co.

You are hereby commanded to execute this process instantler and make return as required by law.

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 give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will wihtin thirty 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 8th day of June, 1962.


Clerk of the Circuit Court, Baldwin
County, Alabama.

RHODES PRODUCE CO.)
A Partnership)
PLAINTIFF)
VS.)
LAWRENCE JAMES)
DEFENDANT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5167

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

290 bags 50 lbs. each number one B's Irish potatoes
350 bags 50lbs. each number one A's Irish potatoes
located in a Dorsey Produce Van with Florida Trailer license
9L-24, together with the value of the depreciation of the
market value from Wednesday June 6, 1962 at Four p.m. Eastern
Standard time, New York, New York.

Arthur Epperson
Attorney for the Plaintiff

Filed in Office this 8th day of June, 1962.

Alice D. Smith
Clerk of the Circuit Court

Sheriff's Return

Received in Office this _____ day of June, 1962

Sheriff

Executed by serving a copy of the within summons and
complaint on the defendant this

Further executed by taking property into my possession
and delivering into the hands of the plaintiff who has executed
and filed proper bond, this the _____ day of June, 1962.

Sheriff

RHODES PRODUCE CO.)
A Partnership)
 Plaintiff)
VS.)
)
)
LAWRENCE JANES)
 Defendant)

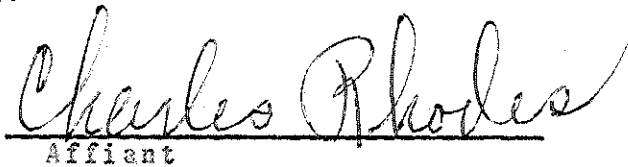
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public in and
for the State of Alabama, at large, personally appeared Charles
Rhodes, a partner in Rhodes Produce Co., who being duly sworn
deposeth and saith, that the property sued for in the complaint
of Rhodes Produce Co. VS. Lawrence Janes, belongs to Rhodes
Produce Co, the said Plaintiff.


Affiant

Swornt to and subscribed before me this the 8th day
of June, 1962.


Notary Public.

COPY

FILED

JUN 8 1962

ALICE J. DUCK, CLERK
REGISTER

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

The Tuttle Law Print, Publishers, Rutland, Vt.

RHODES PRODUCE CO.)
A Partnership)
 Plaintiff)
)
VS)
)
Lawrence JAMES)
 Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. _____

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public, in and for the State of Alabama, at large, personally appeared Charles Rhodes, who being by me first duly sworn deposes and says that he is one of the partners of Rhodes Produce Co. a partnership; that the said Rhodes Produce Co. has a just claim or demand against Lawrence James; that the said above named defendant is a nonresident of the State of Alabama, and that this attachment is not sued out for the purpose of vexing or harassing the defendant or for any other purpose that is of improper motive

Affiant

Sworn to and subscribed before me on this the 8th day of June, 1962.

Notary Public, State of Alabama
at large.

STATE OF ALABAMA)
) TO ANY SHERIFF OF THE STATE OF ALABAMA
BALDWIN COUNTY) GREETING:

Whereas, Charles Rhodes for Rhodes Produce Co. A partnership has complained on oath, that Lawrence James is a nonresident of the State of Alabama, and that Rhodes Produce Co. has a just claim or demand against the said Lawrence James and has caused to be made affidavit as required by law in such cases: you are hereby commanded to attach so much of the estate of said Lawrence James as will be of value of \$500.00 or more to satisfy the demand or claim and said costs according to the complaint; and such estate unless replevied so to secure that the same may be liable to further proceedings thereon, to be had at the present session of the Circuit Court of Baldwin County, to be held at

Court House thereof, when and where you must make known how you have executed this writ.

Witness my hand, this the 8th day of June, 1962.

Clerk of the Circuit Court

The defendant being a nonresident of the State of Alabama no bond is required of the plaintiff.

This the 8th day of June, 1962.

Clerk of the Circuit Court

SHERIFF'S RETURN:

Executed the within writ of attachment this the ____ day of June, 1962, at _____ O'clock by levying on one tractor truck

Florida Lic. #

and storing same at _____

Sheriff

County, Alabama

By: _____

DS

FILED

MAY 28 1963

ALICE J. DUCK, CLERK
REGISTER

RHODES PRODUCE COMPANY, : IN THE CIRCUIT COURT OF
Plaintiff, : MOBILE COUNTY, ALABAMA
versus : AT LAW
LAWRENCE JAMES, :
Defendant. : CASE NO. _____

MOTION FOR RETURN OF PROPERTY, ET AL.

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA:

Comes now F. A. Scott, by and through his attorney,
Benjamin H. Kilborn, and shows unto the Court as follows:

1. Heretofore Rhodes Produce Company filed its suit
in the Circuit Court of Baldwin County, Alabama, At Law,
against Lawrence James, being Case No. 5167 pending in
that Court, seeking to recover certain bags of potatoes.
In connection with said suit attachment was also issued
on the grounds that the defendant was a non-resident of
the State of Alabama and posted bond. In connection with
said attachment, which was forwarded to the Sheriff of
Mobile County, Alabama, the Sheriff of Mobile County levied
upon the following described property:

1 - H 63 T Mack Tag #25 H/3 341, Alabama -
Light Top, Two-Tone Blue Dark Bottom -
Labeled Ed Hopson on side of truck,

said levy being made by the Sheriff of Mobile County, Alabama,
on June 8, 1962. A copy of the original complaint filed in
Baldwin County, the affidavit of attachment, notice of levy
by the Sheriff of Mobile County and his return, notice by
John E. Mandeville to Hon. Arthur C. Epperson dated June 14,
1962, and notice to Mr. Epperson by Benjamin H. Kilborn dated
August 9, 1962, are attached hereto and made a part hereof

as though herein fully set out.

2. Thereafter on, to-wit, June 11, 1962, pursuant to the provisions of Title 7 Section 1168, et seq., of the 1940 Code of Alabama, as amended, and further as specifically required by Title 7, Section 1175, F. A. Scott filed an affidavit and bond as required by law, claiming to be the owner of the truck which was attached, as described-above, and praying that trial of right of property of said truck be had as provided for in Chapter 35, Article 1, Title 7, Section 11-68-1178 of the Code of Alabama. Said papers as required by law were filed with the Sheriff of Mobile County, Alabama, and forwarded to the Circuit Court of Mobile County, Alabama, by the Sheriff of Mobile County as required by Title 7, Section 1175 for trial for right of property. Notice of said action was given to the Circuit Court of Baldwin County, Alabama, in the manner and as required by said Section 1175. At all times Rhodes Produce Company, a partnership composed of D. W. Rhodes, Douglas Rhodes and Charles Rhodes, trading and doing business as Rhodes Produce Company, was represented by Hon. Arthur C. Epperson, attorney at law, Foley, Alabama. Notice of the claim of F. A. Scott was given as required by law and further notice was given by Mrs. Catherine L. Eberlein, clerk of this Court and by Benjamin H. Kilborn, attorney at law, representing F. A. Scott, and notice of the day set for trial of said property. Thereafter said trial for right of said property was postponed at the request of Mr. Epperson and no further action was taken in said case.

3. Thereafter with the full knowledge of the pendency of said trial for right of property in the Circuit

Court of Mobile County, Alabama, the said D. W. Rhodes, Douglas Rhodes and Charles Rhodes, co-partners trading and doing business as Rhodes Produce Company, with the assistance of Forest Christian, attorney at law, Foley, Alabama, proceeded during, to-wit, the month of March 1963, to obtain a judgment in the aforesaid action pending in the Circuit Court of Baldwin County, Alabama, against the defendant, Lawrence Janes (to which said action your petitioner was not a party,) without notice to your petitioner. Thereafter execution was issued by said Baldwin County Circuit Court, levy was made by the Sheriff of Mobile County, Alabama, on the aforesaid truck, which was being stored by petitioner in Mobile, Alabama, at Gulf Coast Truck and Equipment Co., Inc., said truck was sold by the Sheriff of Mobile County to the aforesaid D. W. Rhodes, Douglas Rhodes and Charles Rhodes, co-partners trading and doing business as Rhodes Produce Company for \$348.00 and delivered to their possession, all without notice to your petitioner.

4. Petitioner avers that he has made demand on the said D. W. Rhodes, Douglas Rhodes and Charles Rhodes and their attorneys for the return of said truck, but they have failed and refused to return the same. Petitioner avers said sale of April 18, 1963, is void and nullity and that the action of the said D. W. Rhodes, Douglas Rhodes and Charles Rhodes, jointly and severally is contemptuous of this Court and an attempt by subterfuge and stealth to avoid the jurisdiction of this Court has over the property in question and to avoid having this Court determine as between your petitioner and the said D. W. Rhodes, Douglas Rhodes and Charles Rhodes the right to said property.

WHEREFORE petitioner prays that Your Honors will set this matter down for hearing, will give notice as required by law, and upon hearing of the same will order, adjudge and decree that the said D. W. Rhodes, Douglas Rhodes and Charles Rhodes are in contempt of this Court; will order D. W. Rhodes, Douglas Rhodes and Charles Rhodes to forth with return said truck to the jurisdiction of this Court and to possession of your petitioner; will assess such damages, both punitive and compensatory, as the evidence may justify; will set aside and hold for naught the afore-said sale by the Sheriff of Mobile County to the said D. W. Rhodes, Douglas Rhodes and Charles Rhodes of said truck and will grant unto your petitioner such other, further and different relief as he may show himself entitled to receive.

KILBORN, DARBY AND KILBORN

By Benjamin H. Gilborn
Attorneys for Petitioner

STATE OF ALABAMA

COUNTY OF MOBILE

Before me the undersigned Notary Public in and for said State and County, personally appeared Benjamin H. Kilborn, known to me, who being by me first duly sworn, deposes and says that he is attorney for F. A. Scott and that he is informed and believes and upon such information and belief states that the matters set out in the above and foregoing petition are true.

Benjamin H. Gilborn

Subscribed and sworn to before
me this 17 day of May, 1963.

Franklin H. Hall
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

STATE OF ALABAMA)
BALDWIN COUNTY)

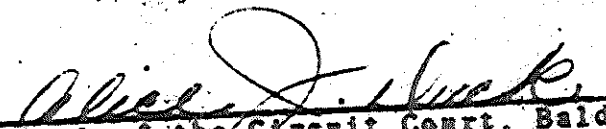
TO ANY SHERIFF OF THE STATE OF ALABAMA
GREETING:

You are hereby commanded to summon LAWRENCE JAMES to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur to or plead to the complaint of Rhodes Produce Co.

You are hereby commanded to execute this process instant and make return as required by law.

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 give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will within thirty 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 8th day of June, 1962.


Clerk of the Circuit Court, Baldwin
County, Alabama.

RHODES PRODUCE CO.
A Partnership

PLAINTIFF

VS.

LAWRENCE JAMES
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

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

290 bags 50 lbs. each number one B's Irish potatoes

350 bags 50lbs. each number one A's Irish potatoes

located in a Dorsey Produce Van with Florida Trailer license
9L-24, together with the value of the depreciation of the
market value from Wednesday June 6, 1962 at Four p.m. Eastern
Standard time, New York, New York.

Arthur C. Epperson
Attorney for the Plaintiff

Filed in Office this 8th day of June, 1962.

Walter J. Duck
Clerk of the Circuit Court
ooooooo

Sheriff's Return

Received in Office this _____ day of June, 1962

Sheriff

Executed by serving a copy of the within summons and
complaint on the defendant this _____

Further executed by taking property into my possession
and delivering into the hands of the plaintiff who has executed
and filed proper bond, this the _____ day of June, 1962.

Sheriff

RHODES PRODUCE CO.)
A Partnership)
Plaintiff)
VS.)
LAWRENCE JAMES)
Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

STATE OF ALABAMA
BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public in and
for the State of Alabama, at large, personally appeared Charles
Rhodes, a partner in Rhodes Produce Co., who being duly sworn
deposeth and saith, that the property sued for in the complaint
of Rhodes Produce Co. ES. Lawrence James, belongs to Rhodes
Produce Co, the said Plaintiff.

Charles Rhodes
Affiant

Sworn to and subscribed before me this the 8th day
of June, 1962.

Arthur C. Epperson
Notary Public.

RHODES PRODUCE CO.
A Partnership
Plaintiff)
VS)
Lawrence JAMES
Defendant)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5147

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur C. Epperson, a Notary Public, in and for the State of Alabama, at large, personally appeared Charles Rhodes, who being by me first duly sworn deposes and says that he is one of the partners of Rhodes Produce Co., a partnership; that the said Rhodes Produce Co. has a just claim or demand against Lawrence James; that the said above named defendant is a nonresident of the State of Alabama, and that this attachment is not sued out for the purpose of vexing or harassing the defendant or for any other purpose that is of improper motive

Charles Rhodes
Affiant

Sworn to and subscribed before me on this the 8th day of June, 1962.

Arthur C. Epperson
Notary Public, State of Alabama
at large.

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA
GREETING:

Whereas, Charles Rhodes for Rhodes Produce Co. A partnership has complained on oath, that Lawrence James is a nonresident of the State of Alabama, and that Rhodes Produce Co. has a just claim or demand against the said Lawrence James and has caused to be made affidavit as required by law in such cases: you are hereby commanded to attach so much of the estate of said Lawrence James as will be of value of \$500.00 or more to satisfy the demand or claim and said costs according to the complaint; and such estate unless replevied so to secure that the same may be liable to further proceedings thereon, to be had at the present session of the Circuit Court of Baldwin County, to be held at

Court House thereof, when and where you must make known how you have executed this writ.

Witness my hand, this the 8th day of June, 1962.

Alvin J. Duck
Clerk of the Circuit Court

The defendant being a nonresident of the State of Alabama no bond is required of the plaintiff.

This the 8th day of June, 1962.

Clerk of the Circuit Court

SHERIFF'S RETURN:

Executed the within writ of attachment this the 8 day of June, 1962, at _____ O'clock by leaving on one tractor truck

Florida Lic. #

and storing same at 2260 Latham Rd, Gulf County

Truck Equipment Co.

Sheriff

County, Alabama

By: _____

DS

SHERIFF'S RETURN

Circuit Court, Baldwin County,
(Attachment) At Law, Case No. 5167.

Rhodes Produce Co.

vs Lawrence Jones

Received the above styled attachment on June 8, 1962 and on June 8, 1962 I executed the attachment by attaching "One H 63 F Mack - Tag #25 H/3 341, Alabama, Light Top, Two Tone Blue - Dark Bottom - Labeled "Ed Hopson" on side of truck. In the meantime, Mr. Ben Kilborn, attorney for the defendant filed a claim and attached hereto is a true copy of the affidavit and bond certified by the Sheriff (Ray D. Bridges) of Mobile County and is made a part of this file. The attachment is hereby returned to the Circuit Court of Baldwin County for further action of the Court.

Ray D. Bridges, Sheriff

By: Ray D. Bellman

by direction.

NOTICE OF LEVY OF ATTACHMENT

RHODES PRODUCE COMPANY

Complainant,

No. 5167 - Baldwin County

vs.

Lawrence James

Defendant.

TO: Lawrence James

Notice is hereby given that in the above entitled cause on the 8th day of June, 19 62, an attachment was issued out of the CIRCUIT Court of Mobile County, Alabama, at the suit of RHODES PRODUCE COMPANY, Plaintiff, versus LAWRENCE JAMES, Defendant, for the sum of \$ 500.00, and that said attachment was executed by the undersigned on the 9 day of June, 19 62, by taking into my possession and levying upon all of the right, title and interest of said defendant in and to the following described personal property, viz:

(Give Detailed Property)

- 1 - H 63 T Mack Tag #25 H/3 341, Alabama - Light Top, Two-Tone Blue Dark Bottom - Labeled Ed Hopson on side of truck

Notice is therefore given you to appear in said Court within the time provided by Law and defend said cause if you think proper.

WITNESS my hand this 8 day of June, 19 62

Ray L. Bridges
Sheriff of Mobile County, Alabama

Deputy Sheriff

LEVY

5167 - Baldwin County Circuit Court
 RHODES PRODUCE COMPANY vs Lawrence James

STATE OF ALABAMA, }
 COUNTY OF MOBILE }

Received on June 8, 1962 and on June 7, 1962

I executed the within Writ by levying on and taking into my possession as the property of defendant the following described personal property, to-wit:

- 1 - 1963 Ford Truck - Tag # 25 N/3 341, Alabama - Light Top, Two Tone Blue - Dark Bottom - Labeled "M Hopson" on side of truck

Sheriff, Mobile County.

Ray L Bridges

The State of Alabama,

Circuit Court

Baldwin County

No. 5167

TERM, 19

To Any Sheriff of the State of Alabama—GREETING:

YOU ARE HEREBY COMMANDED, That of the goods and chattels, lands and tenements of

Lawrence Jones

which were levied on by you, on the 8th day of June, 1962, by virtue of a writ of attachment issued out of Circuit Court, to-wit: One (1) 61 T. Mack - Reg #25R/3341 Alabama, Light Top, Two Tone Blue - Dark Bottom - Labeled "Ed Henson" on side of Truck.

you cause to be made the sum of (\$728.03) Seven Hundred Twenty-eight & 03/100 Dollars, which Rhodes Produce Company, a Partnership recovered of Lawrence Jones

on the 12th day of February, 1962, by the judgment of the Circuit Court of Baldwin County, besides costs of suit, and said property ordered to be sold in satisfaction thereof

and have the same to render to the said Alice J. Duck, Circuit Clerk and make return of this writ, and the execution thereof, according to law.

Witness my hand, this 12 day of Feb, 1962

Alice J. Duck Clerk

CLERK'S FEES:

1. Suits for \$100.00 or less	0.00
2. Suits for over \$100.00 but less than \$1000.00	20.00
3. Suits for \$1000.00 and over	20.00
4. Suits Detinue, ejectment, etc.	20.00
5. Suits not otherwise provided for	20.00
6. Appeal from Justice of Peace, etc.	0.00
7. Garnishment on Judgment, etc.	0.00
8. Workmen's Compensation—Petition Settlement	20.00
9. Appeals from State Dept. of Pub. Safety, etc.	10.00
10. Motion to sell real estate—J. P. Levy	0.00
11. Mandamus, writ of prohibition, etc.	20.00
12. Recording Executions—State Assessor	0.00
13. Copy of Record—per 100 words	.15
14. Certifying Abstract in transcript	5.00
15. Record for Supreme Appeals Ct. per 100 wds.	.15
16. Additional copies Record—Appeals per 100 wds.	.05
17. Taking Appeal Bond	.75
18. Reporter's Transcript on Appeal	10.00
19. Appeals Court Concurrent Jurisdiction	15.00
20. Application—Habeas Corpus	0.00
21.	
22.	

Total Clerk's Fees

SHERIFF'S FEES:

23. Serving summons and complaint	0.10
24. Levying attachment and return	0.25
25. Seizing personal property—Detinue	0.00
26. Approving bond, each	0.00
27. Serving Garnishes—Writ	1.00
28. Serving Sub. Pa. or notice	1.00
29. Serving subpoenas, each	.75
30. Impanelling Jury	.75
31. Serving Contempt Attachment	1.00
32. Collecting execution for cost only	1.00
33. Committals on Execution	
34. Executing Writ of Possession, each	5.00
35. Making Deed to Real Estate sold, each	2.50
36. Mileage, each	.10
37.	
38.	

Total Sheriff's Fees

AMOUNT

10.00

10.00

6.25

1.20

7.75

SUMMARY OF FEES, COSTS AND JUDGMENT:

1. Clerk's Fee	
2. Ex-Clerk's Fee	
3. Sheriff's Fee	
4. Ex-Sheriff's Fee	
5. Trial Fee	
6. Court Reporter's Fee per day	
7. Witness Fee	
8. Commissioner's Fee	
9. Garnisher's Fee	
10. Publisher's Fee	
11.	
12.	
13. Clerk's Fee in Inferior Court	
14. Sheriff's Fee in Inferior Court	
15. Witness Fee in Inferior Court	
16.	
17. Justice of Peace Fee	
18. Constable's Fee	
19.	
20. Cost in Appellate Cases Docketed (Total)	
TOTAL FEES AND COST	

21.	
22. Judgment	
23. 10 per cent Damages	
24. Interest	

TOTAL JUDGMENT

TOTAL FEES, COST AND JUDGMENT

AMOUNT

10.00

7.75

4.20

72.803

760.28

CD 3650 #2298

Page 1

THE STATE OF ALABAMA
COUNTY

CIRCUIT COURT

Charles Rhodes vs. Lawrence James

CD 3650

judgment rendered at 11:13

judgment

Costs \$22.25

Total \$22.25

Execution Doctate

This

19

Plaintiff's Attorney

Defendant's Attorney

Received in	by	of	at	on	for
CD 3650	CD 3650	CD 3650	CD 3650	CD 3650	CD 3650

SHERIFF'S RETURN

Baldwin Co., CD 3650

Rhodes Produce Co., a partnership vs. Lawrence James
ORDER OF SALE received on March 28, 1963 from Sheriff of Baldwin Co., and I executed the within Writ by setting Sheriff's Sale for April 10, 1963 and advertising in the Mobile Press Register. On that date, I sold to the highest bidder, Charles Rhodes, of Rhodes Distributing Co., property involved for the sum of \$348.00. He paid storage in the amount of \$293.00 out of the original bid direct to Gulf Coast Truck and Equipment Co., Inc. and I collected the sum of \$55.00. I paid to Tyler Wilkins, Sheriff of Baldwin Co., the sum of \$22.25 representing court costs and the sum of \$14.03 to be applied on the judgment. And to the Mobile Press Register, I paid the sum of \$2.80 covering the advertising costs. And to Ernest Thomas, County Treasurer, I paid the sum of \$15.92 representing sheriff's commission.

Ray D. Bridges, Sheriff

G. M. Bellman

\$36.24

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, D. W. RHODES, DOUGLAS RHODES, and CHARLES RHODES, a partnership doing business as RHODES PRODUCE CO. as principals are held and firmly bound unto LAWRENCE JAMES in the sum of TWO THOUSAND DOLLARS to be paid to the said LAWRENCE JAMES, his 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 and firmly, by these presents. Sealed with our seals and dated this the 8th day of June 1962.

The condition of the above obligation is such, that whereas the above bound Rhodes Produce Co. a partnership on this day hath obtained at the suit of Rhodes Produce Co. Vs. Lawrence James, a summons and complaint for the recovery of perishable property in specie against said defendant and asks endorsement by the Clerk of the Circuit 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, Alabama, 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.

D. W. Rhodes (L:S:)
Douglas Rhodes (L:S)
Charles Rhodes (L:S:)

Approved this 10 day of June, 1962.

W. J. Smith
Clerk of the Circuit Court

JOHN E. MANDEVILLE
CLERK OF
CIRCUIT COURT OF MOBILE COUNTY, ALABAMA
MYRTLE M. TROTT
CHIEF ASSISTANT, CRIMINAL DIVISION
CATHERINE L. EBERLEIN
CHIEF CLERK, CIVIL DIVISION
P. O. BOX 290
MOBILE, ALABAMA

June 14th, 1962.

Mr. Arthur C. Epperson,
Attorney at law,
Foley, Alabama.

Dear Mr. Epperson:

Sheriff Ray D. Bridges of Mobile County has filed an affidavit and bond on behalf of Mr. R. A. Scott in case 5167 - Rhodes Produce Company versus Lawrence James in this court for right of property.

Judge Joseph M. Hocklander has set this hearing for June 27th, 1962 at 9:30 a.m. in Court Room #3.

If this setting is not satisfactory with you, I would suggest that you notify Judge Hocklander of the same or contact Mr. Ben. H. Kilborn who represents the claimant in this cause.

Yours very truly,

John E. Mandeville
Clerk

cc Mr. Benjamin H. Kilborn,
First National Bank Building,
Mobile, Alabama.

August 9, 1962

Hon. Arthur C. Epperson
Attorney at Law
Foley, Alabama

Re: Rhodes Produce Company vs.
Lawrence Jones - F.A. Scott
Claim, Baldwin County, Case
No. 5167, Our File No. 5673

Dear Mr. Epperson:

Please let me know whether or not you wish to contest the claim of F.A. Scott to the Mack truck you had attached. I seem to recall talking to Mr. Scott on the phone, in which conversation he informed me that you and he were about to conclude this matter. At any rate Mrs. Eberlein, Clerk of the Court, has asked that I write and obtain an indication from you as to your intention in this matter. If you desire that the matter be litigated I will ask her to set it down for hearing.

Sincerely,

BENJAMIN H. KILBORN

BHK:lc

cc: Hon. F.A. Scott
Attorney at Law
Greenville, Alabama

Mrs. Catherine Eberlein
Clerk, Circuit Court
Courthouse
Mobile, Alabama

NOTICE OF LEVY OF ATTACHMENT

RHODES PRODUCE COMPANY

Complainant,

No. 5167 - Baldwin County

vs.

Lawrence James

Defendant.

TO: Lawrence James

Notice is hereby given that in the above entitled cause on the 8th day of June, 19 62,
an attachment was issued out of the CIRCUIT Court of BALDWIN ~~MOBILE~~ County, Alabama, at the suit
of RHODES PRODUCE COMPANY, Plaintiff, versus LAWRENCE JAMES, Defendant, for
the sum of \$ 500.00, and that said attachment was executed by the undersigned on the 9 day of
june, 19 62, by taking into my possession and levying upon all of the right, title and
interest of said defendant in and to the following described personal property, viz:
(Here Describe Property)

1 - H 63 T Mack Tag #25 H/3 341, Alabama - Light Top, Two-Tone
Blue Dark Bottom - Labeled Ed Hopson on side of truck

Notice is therefore given you to appear in said Court within the time provided by Law and defend said
cause if you think proper.

WITNESS my hand this 8 day of june, 19 62.

Ray L. Bridges
Sheriff of Mobile County, Alabama

Deputy Sheriff

LEVY

5167 - Baldwin County Circuit Ct.

RHODES PRODUCE COMPANY VS Lawrence Janes

STATE OF ALABAMA, }

COUNTY OF MOBILE }

Received on June 8, 1962 and on June 9, 1962

I executed the within Writ by levying on and taking into my possession as the property of defendant the following described personal property, to-wit:

1 - H 63 T Mack - Tag # 25 H/3 341, Alabama - Light Top, Two Tone
Blue - Dark Bottom - Labeled "Ed Hopson" on side of truck

Sheriff, Mobile County.

Ray L Bridges

SHERIFF'S RETURN

Circuit Court, Baldwin County,
(Attachment) At Law, Case No. 5167.

Rhodes Produce Co.

vs Lawrence Janes

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Ray D. Bridges, Sheriff

By:

George M. Bellman
By direction.