

HENRY W. TOLBERT, JR.

PLAINTIFF

VS.

PAUL DUNN

DEFENDANT

IN THE DISTRICT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO: DV-82-206

O R D E R

This matter coming on to be heard for trial on June 15, 1982, and the parties being present in their proper persons and represented by their attorneys of record and the Court having heard the testimony takes the case under advisement for preparation of a Court Order.

The Court having heard the testimony makes the following findings of fact:

1.) The Plaintiff sold to the Defendant a Ford Gran Torino. The Defendant owes, per the Plaintiff's testimony, a balance of \$ 435.00. He states that the Defendant agreed to pay \$ 750.00 for the vehicle and that after the initial payment of \$ 315.00 he never received any money from the Defendant to be applied toward the purchase price.

2.) The Defendant contends that he only owes the Plaintiff \$ 50.00. He said he sent money some eight or nine times the smallest amount being \$ 10.00, the largest amount being \$ 20.00. The Defendant has no records of payments. He contends he mailed cash to the Plaintiff.

3.) The Plaintiff seeks damages for wrongful conversion. The Court finds there was no legal wrongful detention of the vehicle in that it was not until suit was filed that demand was made to return the vehicle. The Court finds that due to the form of the contract and style of the suit filed, that the Plaintiff is entitled only to a judgment for the balance owed. Wherefore, the Court finds for the Plaintiff and against the Defendant in the sum of \$ 435.00 and costs of court.

Done this 4th day of August, 1982.

STATE OF ALA. SHELBY CO.
CLERK OF DISTRICT COURT
CASE NO. DV-82-206

1982 SEP 13 AM 11:48

Rec. 150
Incl. 100
250

Certified a true and complete copy

Kyle L. Crawford
Clerk of Circuit Court

PATRICIA M. SMITH, DISTRICT COURT JUDGE

J. Michael Campbell
1414 City Fed. Bldg.
Sham. 35203