

STATE OF ALABAMA
BALDWIN COUNTY

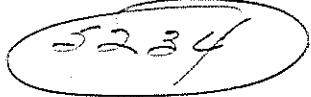
IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Walter E. Johnston to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Walter C. Holman.

Witness my hand this 8 day of August, 1962.


Clerk

WALTER C. HOLMAN,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
WALTER E. JOHNSTON,	I	
Defendant.	I	AT LAW
	I	

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Four Hundred Dollars (\$400.00) as damages for that on, to-wit: April 25, 1962, in Baldwin County, Alabama, at a point on Greeno Road, a public highway, about one-half mile South of the intersection of said Greeno Road with Murphy Avenue in or near Fairhope, Alabama, the Defendant so negligently drove a motor vehicle as to cause an automobile which the Plaintiff was driving along said highway at said time and place, to run into or against a piece of farm equipment being pulled by or attached to said motor vehicle being driven by the Defendant and as a proximate result of such negligence of the Defendant, the Plaintiff was injured in this: he received severe contusions and abrasions in and around his chest, he was caused to suffer much pain and mental anguish, he was caused to lose time from his employment and he was caused to incur medical expenses, all to the damage of the Plaintiff in the sum above

mentioned, hence this suit.

COUNT TWO:

The Plaintiff further claims of the Defendant the further and additional sum of \$800.00 as damages for that, on to-wit: April 25, 1962, in Baldwin County, Alabama, at a point on Greeno Road, a public highway, about one-half mile South of the intersection of said Greeno Road with Murphy Avenue in or near Fairhope, Alabama, the Defendant so negligently drove a motor vehicle as to cause an automobile which the Plaintiff was driving along said highway at said time and place, to run into or against a piece of farm equipment being pulled by or attached to said motor vehicle being driven by the Defendant and as a proximate result of such negligence of the Defendant, the Plaintiff's automobile was damaged in this: the front bumper and its brackets and supports were bent, damaged or broken, the front grill and its supports and the right headlamp and parking lamp were bent, damaged or broken, the right fender and the hood were bent, damaged or broken, the right door was bent, damaged or broken and the steering wheel was bent, damaged or broken, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON & STONE

By: John Earl Chason
Attorneys for Plaintiff

Plaintiff demands a
trial by jury.

CHASON & STONE

By: John Earl Chason
Attorneys for Plaintiff

FILED

AUG 8 1962

ALICE J. DUCK, CLERK
REGISTER

EX-8-10-62

5234

Received 8 day of Aug 1962
and on 10th day of Aug 1962
I served a copy of the within on Walter E. Johnston
on _____
By service on _____

TAYLOR WILKINS, Sheriff
By Red Wilkins D. S.
J. Hope

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Wilkins, Jr.
DEPUTY SHERIFF

WALTER C. HOLMAN,
Plaintiff,

vs.

WALTER E. JOHNSTON,
Defendant.
805 Swain Beach Rd
Fairhope

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND COMPLAINT

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

WALTER C. HOLMAN,	℥	
Plaintiff,	℥	IN THE CIRCUIT COURT OF
vs.	℥	BALDWIN COUNTY, ALABAMA
WALTER E. JOHNSTON,	℥	AT LAW
Defendant.	℥	

PLEA

Comes now the Plaintiff in the above styled cause,
Walter C. Holman, by his attorneys, and for answer to plea
"FOUR" heretofore filed in said cause pleads as follows:

1. Not guilty.

CHASON & STONE

FILED

JAN 21 1963

ALICE L. DUCK, CLERK
REGISTER

By:

John Earle Chason
Attorneys for Plaintiff

WALTER C. HOLMAN,
Plaintiff

V.

WALTER E. JOHNSTON,
Defendant

§
§
§
§
§
§
§

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

5234

DEMURER

Comes now the Defendant in the above styled cause, and demures to the Bill of Complaint filed herein, and for grounds assigns the following, separately and severally:

ONE

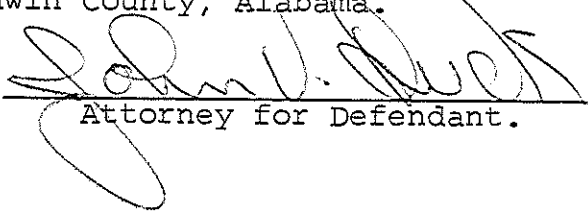
That said County One of the Bill of Complaint fails to allege a duty owing by the Defendant to the Plaintiff.

TWO

That said Count One fails to allege with particularity the place of said accident.

THREE

That said Count One fails to allege that said accident happened on a public highway in Baldwin County, Alabama.


Attorney for Defendant.

FILED

AUG 22 1962

ALICE J. DUCK, CLERK
REGISTER

WALTER C. HOLMAN,	℥	
Plaintiff,	℥	IN THE CIRCUIT COURT OF
vs.	℥	
	℥	BALDWIN COUNTY, ALABAMA
WALTER E. JOHNSTON	℥	
Defendant	℥	AT LAW
	℥	

AMENDED COMPLAINT

Comes the Plaintiff in the above styled cause, by his Attorneys, and amends the complaint heretofore filed in said cause so that the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Four Hundred Dollars (\$400.00) as damages for that on, to-wit: April 25, 1962, in Baldwin County, Alabama, at a point on Greeno Road, a public highway, about one-half mile South of the intersection of said Greeno Road with Morphy Avenue in or near Fairhope, Alabama, the Defendant so negligently drove a motor vehicle as to cause an automobile which the Plaintiff was driving along said highway at said time and place, to run into or against a piece of farm equipment being pulled by or attached to said motor vehicle being driven by the Defendant and as a proximate result of such negligence of the Defendant, the Plaintiff was injured in this: he received severe contusions and abraisions in and around his chest, he was caused to suffer much pain and mental anguish, he was caused to lose time from his employment and he was caused to incur medical expenses, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO:

The Plaintiff further claims of the Defendant the further and additional sum of \$800.00 as damages for that, on to-wit: April 25, 1962, in Baldwin County, Alabama, at a point on Greeno Road, a public highway, about one-half mile South of the intersection of said Greeno Road with Morphy Avenue in or near Fairhope, Alabama, the Defendant so negligently drove a motor vehicle as to cause an automobile which the Plaintiff was driving along said highway at

said time and place, to run into or against a piece of farm equipment being pulled by or attached to said motor vehicle being driven by the Defendant and as a proximate result of such negligence of the Defendant, the Plaintiff's automobile was damaged in this: the front bumper and its brackets and supports were bent, damaged or broken, the front grill and its supports and the right headlamp and parking lamp were bent, damaged or broken, the right door was bent, damaged or broken and the steering wheel was bent, damaged or broken, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON & STONE

By: John Earl Chason
Attorneys for Plaintiff

Plaintiff demands a trial by jury.

CHASON & STONE

By: John Earl Chason
Attorneys for Plaintiff

FILED

NOV 21 1962

ALICE J. DICK, CLERK
REGISTER

5734

WALTER C. HOLMAN,

Plaintiff,

vs.

WALTER E. JOHNSTON

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

AMENDED COMPLAINT

FILED

NOV 21 1962

WILLIE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

*are the true
and proper
defendants
Furner
should not be*

WALTER C. HOLMAN,)	IN THE CIRCUIT COURT OF
	:	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
	:	
-vs-)	
	:	AT LAW
WALTER E. JOHNSTON,	:	
	:	
Defendant.)	

P L E A

Comes now the Defendant in the above styled cause, and for answer to the Bill of Complaint filed herein, pleads separately and severally, as follows:

ONE

As to Count One of the Bill of Complaint, the Defendant says that he is not guilty of the matters therein alleged.

TWO

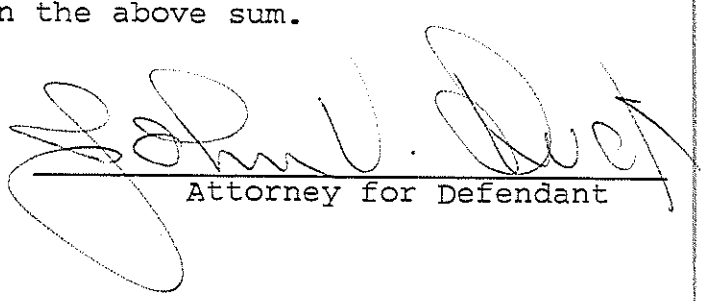
As to Count Two of the Bill of Complaint, the Defendant says that he is not guilty of the matters therein alleged.

THREE

That the Plaintiff was guilty of negligence at the time and place complained of in his Complaint, which proximately contributed to his alleged damages, in that the Plaintiff so negligently operated his motor vehicle as to cause or allow the same to run into, upon, or against the motor vehicle which was then and there being driven by the Defendant, hence he should not recover.

FOUR

For further plea and by way of recoupment, the Defendant claims of the Plaintiff a sum of ONE THOUSAND FIVE HUNDRED TWENTY-SEVEN DOLLARS and NINETY_NINE CENTS (\$1,527.99) as damages for that heretofore, on, to-wit: April 25, 1962, in Baldwin County, Alabama, at a point on Greeno Road, a public highway, about one-half mile South of the intersection of the said Greeno Road and Morphy Avenue in or near Fairhope, Alabama, the Plaintiff so negligently operated a motor vehicle as to cause or allow it to run into or against the motor vehicle, a tractor being driven by the Defendant on said highway at said time and place, and as a proximate result of said negligence of the Plaintiff, the Defendant's tractor and planter was damaged in this: the planter being pulled by the said Defendant was rendered a total loss, the tractor was bent, damaged and broken; the transmission frame and housing were broken, the transmission housing cover was broken, the rear axle housing and rear axle was broken and bent, the rear tail-light was smashed, the differential was broken, the draw bar was damaged, bent and broken, all to the damage of the said Defendant in the above sum.


Attorney for Defendant

FILED

JAN 26 1963

ALICE J. DUCK, CLERK
REGISTER

M. 5234

Walter C. Holman

05. Walter E. Johnson

JURY LIST - MARCH 11, 1963

1. Bishop, Woodrow, Farmer, Fairhope
2. Bodenhamer, O.L., Contractor, Foley
3. Bornholt, Roy H., Farmer, Elberta
4. Brown, Wesley, Farmer, Perdido
5. Childress, Calvin, Farmer, Summerdale
6. Coley, Luke Mc., Fisherman, Gulf Shores
7. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores
8. Dubose, Jim, Civil Service, Foley
9. Early, L.J., Timber & Lumber, Foley
10. Hastings, Donald E., Farmer, Rosinton
11. Hobbs, Tom, Farmer, Rosinton
12. Hortman, Charles W., Baker, Foley
13. Howell, Elvin, Farmer, Bay Minette
14. Evans, John G., Farmer, Foley
15. Ellison, W.V., Farmer, Robertsdale
16. Gill, James, Brookley Field, Robertsdale
17. Kriss, Phillip, Farmer, Silverhill
18. Lazzari, Joe, Farmer, Daphne
19. Lee, Cecil E., Farmer, Gateswood
20. Little, Fred, State Emp., Bay Minette
21. Lovell, M.A., Jr., Farmer, Loxley
22. Mikkelsen, Robert, Savings & Loan, Robertsdale
23. Moravac, Edward P., Farmer, Robertsdale
24. Nittberg, Harry, Carpenter, Robertsdale
25. Nix, Ellis, Feed Mill, Silverhill
26. Teem, Kenneth, Linesman, Foley
27. Parker, Sim M., Farmer, Bon Secourt
28. Patterson, Elbert, Salesman, Fairhope
- ~~29. [REDACTED]~~
30. Powers, James, Farmer, Summerdale
31. Pucky, Charlie, Farmer, Rosinton
32. Sellars, James R., Chemstrand, Robertsdale
33. Simmons, Martin, Brookley Field, Bay Minette
34. Slaughter, Ashton B., Timberman, Tensaw
- ~~35. [REDACTED]~~
36. Jansen, Claude A., Mfg., Fairhope
37. Anderson, Evar, Civil Service, Elberta
38. Weston, Harold, Clerk, Fairhope
39. Weeks, Hugh, Farmer, Mag. Spgs.
40. White, Harold, Trk, Driver, Foley
41. Whitten, Lewis S., Electrician, Fairhope
42. Stuckey, Whit Nelson, Millman, Bay Minette
43. Langston, Shelby, Brookley Field, Bay Minette
44. Bryars, Ewing E., Reserve Fleet, Bay Minette
45. Hand, Charles C., Jr., Brookley Field, Bay Minette
46. Staplenton, Albert L., Clerk, Bay Minette
47. Moorner, Uhle, Newport, Bay Minette
48. Murrah, Wendel A., Production, Bay Minette
- ~~49. Davison, T.J., Jr., Merchant, Bay Minette,~~

P XXXXX XXXXX XX

D XXXXX XXXXX X

49
2
47
12
35
12
47

11/2

R. H. JOHNSON, M. D.
OFFICE PHONE WA 8-9261
RESIDENCE PHONE WA 8-5351

MEDIC
THE JORDAN **CLIC**
25 N. SECTION STREET
FAIRHOPE, ALABAMA

H. C. JORDAN, M. D.
OFFICE PHONE WA 8-9261
RESIDENCE PHONE WA 8-9263

Mr. Walter C. Holman,
102 South Ingleside Avenue,
Fairhope, Alabama.

ACCIDENT

\$ _____

DETACH AND RETURN ABOVE STUB WITH REMITTANCE.

CANCELLED CHECK IS YOUR RECEIPT.

DATE	FOLIO	CHARGES	CREDITS	BALANCE
BALANCE FORWARD				1
4-26-62	1	5.00		5.00
4-26-62	21	25.00		30.00
4-28-62	1	4.00		34.00
5-3-62	1	4.00		38.00
5-11-62	1	4.00		42.00
H.C. JORDAN, M.D. 25 NORTH SECTION STREET, FAIRHOPE, ALABAMA.				

PAY LAST AMOUNT IN BALANCE COLUMN **2**

1. OFFICE CALL
2. HOUSE CALL
3. ROOM & BOARD

4. MEDICINE
5. SURGERY
6. ANAESTHESIA

7. ASSIST
20. OPERATING ROOM
21. X-RAY

22. LABORATORY
23. DELIVERY
24. PROFESSIONAL

Garrett-Swoboda Equipment Co., Inc.

Quality - Service - Satisfaction

Phone: Windsor 7-4362

ROBERTSDALE, ALABAMA

No 1782

Ticket No 1



NAME

Walter Johnson

ADDRESS

R.F.D.

PHONE NO

PHONE ☐ YES
WHEN READY ☐ NO

MILEAGE

TYPE OF MACHINE

Tractor

MAKE

Farmall

MODEL

M

SERIAL NO

37214

MOTOR NO

HOURLY METER READING

DATE RECEIVED

11-26-62

DATE PROMISED

ORDER WRITTEN BY

BY [Signature]

WORK TO BE DONE

SERVICE ONLY MATERIAL ADDITIONAL

JOB INDEX

FLAT RATE OPER. NO

LUBRICATE ☐ CHANGE OIL ☐ FLUSH TRANS ☐ FLUSH DIFF ☐ CLEAN ☐ PAINT ☐

SERVICE CHARGE

☐ Battery

☐ Brakes

☐ Carburetor

☐ Clutch

☐ Cooling

☐ Diesel System

☐ Dynamometer Check

☐ Engine Inspection

☐ Engine Overhaul

☐ Engine Tune

☐ Final Drive

☐ Generator

☐ Governor

☐ Hydraulics

☐ Ignition

☐ Oiling

☐ Pulley & PTO

☐ Rebars & Resteeve

☐ Rings & Pins

☐ Rods & Mains

☐ Starting

☐ Steering

☐ Transmission

☐ Valves & Tappets

☐ Wheels & Bearings

Check up Tractor
Replace broken transmission
and rear axle bearings - 4 Brgs.

85.00

Install new bearing drawbar -

6.00

Replace Rear lights and wires

Replace Steering Worm Nut

and 21 joint

8.00

Labor Repair Tractor

8.00

Mileage 32 at 12 1/2

4.00

GALS.

FUEL

\$

TOTAL SERVICE

111.00

4 QUARTS OIL

75

1.80

TOTAL PARTS

454.92

14 pds GREASE

200

28.00

GAS, OIL, GREASE

29.80

OTHER MATERIALS

OUTSIDE WORK

TAX (WHERE APPLICABLE)

13.65

TOTAL

609.42

I hereby authorize the repair work to be done as described above on the machine(s) named hereon. All repair parts are to be billed at your regular prices. I agree to pay cash for such repair parts and labor on delivery of machine(s) or on terms satisfactory to you and until paid in full any unpaid balance shall constitute a lien on this machinery. I further agree that you will not be held responsible for loss or damage to said machinery from fire, theft or other causes beyond your control.

SIGNED

DATE

TOTAL PARTS

454.92

OTHER MATERIALS

OUTSIDE WORK

Repair Tractor

Mileage 32 at 12 1/2

Labor

75.00

8.00

TOTAL OTHER MATERIALS

12.00

DYNAMOMETER CHART ON REVERSE SIDE

PRINTED IN U.S.A.

ALL RIGHTS RESERVED BY THE NATIONAL RETAIL FARM EQUIPMENT ASSN. 2340 HAMPTON AVENUE ST. LOUIS 10, MISSOURI

Garrett-Swoboda Equipment Co., Inc.

Quality - Service - Satisfaction

Phone: Windsor 7-4362

ROBERTSDALE, ALABAMA

Nº 1799

Ticket No 2



Walter Johnson

NAME

ADDRESS

R.F.D.

PHONE NO

PHONE WHEN READY ☐ YES ☐ NO

MILEAGE

TYPE OF MACHINE

SERIAL NO

MAKE

MODEL

WORK TO BE DONE

SERVICE ONLY MATERIAL ADDITIONAL

DATE RECEIVED

11-30-62

DATE PROMISED

ORDER WRITTEN

Check

JOB INDEX

FLAT RATE OPER. NO

LUBRICATE ☐

CHANGE OIL ☐

FLUSH TRANS ☐

FLUSH DIFF ☐

CLEAN ☐

PAINT ☐

SERVICE CHARGE

☐ Battery

☐ Brakes

☐ Carburetor

☐ Clutch

☐ Cooling

☐ Diesel System

☐ Dynamometer Check

☐ Engine Inspection

☐ Engine Overhaul

☐ Engine Tune

☐ Final Drive

☐ Generator

☐ Governor

☐ Hydraulics

☐ Ignition

☐ Oiling

☐ Pulley & PTO

☐ Rebores & Resleeve

☐ Rings & Pins

☐ Rods & Mains

☐ Starting

☐ Steering

☐ Transmission

☐ Valves & Tappets

☐ Wheels & Bearings

GALS.

FUEL

\$

QUARTS OIL

POUNDS GREASE

TOTAL GAS, OIL, GREASE

TOTAL SERVICE

TOTAL PARTS

GAS, OIL, GREASE

OTHER MATERIALS

OUTSIDE WORK

TAX (WHERE APPLICABLE)

TOTAL

I hereby authorize the repair work to be done as described above on the machine(s) named hereon. All repair parts are to be billed at your regular prices. I agree to pay cash for such repair parts and labor on delivery of machine(s) or on terms satisfactory to you and until paid in full any unpaid balance shall constitute a lien on this machinery. I further agree that you will not be held responsible for loss or damage to said machinery from fire, theft or other causes beyond your control.

SIGNED

DATE

TOTAL OTHER MATERIALS

317 49

DYNAMOMETER CHART ON REVERSE SIDE

PRINTED IN U.S.A.

ALL RIGHTS RESERVED BY THE NATIONAL RETAIL FARM EQUIPMENT ASSN. 2340 HAMPTON AVENUE ST. LOUIS 10, MISSOURI

QUAN.	PART NO.	DESCRIPTION	PRICE	TOTAL
✓ 1	88430B	Pivot		8.67
✓ 2	43334D	Gasket		66
✓ 1	124552	Key		05
✓ 1	500790	shaft		5.79
✓ 1	577620	Pin		1.22
✓ 1	356563R	92Roller		13.22
✓ 1	357529R	1Bos		18.71
✓ 2	375215	R91Big	926.26	52.52
✓ 2	118001	Key	17	34
✓ 1	ST343	Big		8.18
✓ 1	ST223	Big		12.96
✓ 1	435090	seal		1.45
✓ 1	508380	Nut		4.34
✓ 1	353540	X2 Pinion		41.74
✓ 1	882103	Press		16.08
✓ 1	49444DA	spring		.50
✓ 2	361133R	Ball	.73	1.46
✓ 1	357420R	1 Rod		1.06
✓ 1	855002X	Cone		98.13
✓ 2	172529	Plug	.04	.08
✓ 1	256718R	1 Pin		1.05
✓ 1	256719R	1 Pin		.44
✓ 1	355888R	1 Sprocket		.14
✓ 1	694420	Nut		.18
✓ 1	350254	R91 X Joint		5.20
✓ 1	120502	Key		.04
✓ 1	826938	Ball		.25
✓ 2	1861016	Washer		1.20
TOTAL PARTS				308.24
OTHER MATERIALS				
✓ 1	OUTSIDE WORK	325651R 1/2 In		10.40
✓ 3	1904669	Washer	.06	.18
✓ 4	D16	Plug	.85	3.40
✓ 2	3/8 X 2	Capscrews	15	30
✓ 1	358896	R92 In		308.24
TOTAL OTHER MATERIALS				

GE NUMBER 2

*Refund
Muller*

THE JURY THAT IF YOU BELIEVE THE EVIDENCE IN
FOR THE DEFENDANT.

GE NUMBER 3

I CHARGE YOU, AND I DO SO CHARGE YOU THAT IF
OF IN THIS CASE WAS NEGLIGENT IN ANY WAY, YOU
IT.

*Refund
Muller*

DEFENDANTS REQUESTED CHARGE NO.*-1-----

Robert J. Moore
June 1950

THE DEFENDANT REQUESTS THAT I CHARGE YOU, AND I DO SO CHARGE YOU, GENTLEMEN OF THE JURY, THAT IF YOU FIND THAT THE PLAINTIFF WAS EXCEEDING THE LAWFUL RATE OF SPEED AT THE TIME OF THE ACCIDENT, YOU MUST FIND FOR THE DEFENDANT.

DEFENDANTS REQUESTED CHARGE NUMBER

4

DEFENDANT REQUEST THAT I CHARGE YOU AND I DO SO CHARGE YOU, GENTLEMEN OF THE JURY, THAT IF YOU DO FIND THE DEFENDANT DID HAVE LIGHTS AND REFLECTORS ON HIS TRACTOR AND PLANTER YOU CANNOT FIND FOR THE PLAINTIFF IN THIS CASE.

Robert J. Moore
June 1950

DEFENDANTS REQUESTED CHARGE NUMBER 5

DEFENDANT REQUEST THAT I CHARGE YOU AND I DO SO CHARGE YOU THAT IF THE
PLAINTIFF CONTRIBUTED IN ANY WAY TO THIS ACCIDENT, YOU MUST FIND FOR THE
DEFENDANT.

*Agree
10/11/11*

317.49
609.42

926.91*