

THE STATE OF ALABAMA }  
~~BALDWIN~~ COUNTY }  
 BALDWIN

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Lee Charles Souders, Box 25, Fairhope, Alabama,

to appear before the Circuit Court of Baldwin County, Alabama, at the place of holding the same and plead, answer or demur within thirty days from service hereof to the complaint of Henry Miller, hereto attached.

Witness, my hand this 31 day of August 1962

*Alice L. Duck* Clerk.

IF THE DEFENDANT FAILS TO APPEAR AND PLEAD, ANSWER OR DEMUR WITHIN THIRTY DAYS AFTER SERVICE THE PLAINTIFF MAY TAKE JUDGMENT BY DEFAULT.

COMPLAINT

HENRY MILLER,

Plaintiff

vs.

LEE CHARLES SOUDERS,

Defendant

BALDWIN  
 IN THE CIRCUIT COURT OF ~~BALDWIN~~  
 COUNTY, ALABAMA  
 AT LAW:

Case No. 5266

COUNT ONE

The Plaintiff claims of the Defendant the sum of \$10,000.00 as damages for that heretofore on or about, to-wit: July 15, 1962, while plaintiff's minor children, namely: Henry Harold Miller, Gwendolyn Marie Miller and Carolyn Gail Miller, were riding in an automobile truck/owned by Plaintiff, along and upon a public road or street in Gulf Shores, Baldwin County, Alabama, namely: Alabama Highway 59, at or near its intersection with 23rd Avenue, where they had a right to be, the defendant negligently drove an automobile into, over, upon or against the said automobile truck in which plaintiff's said minor children were riding as aforesaid, and as a direct and proximate consequence of said negligence aforesaid, plaintiff's aforesaid minor children were each seriously and painfully injured and plaintiff was injured and damaged as follows, to-wit: Plaintiff lost the services of his said minor children, namely: Henry Harold Miller, Gwendolyn Marie Miller and Carolyn Gail Miller, and plaintiff's said automobile truck was bent and broken and completely demolished and was a complete loss, the frame was bent, the motor and hood and wheels, bumpers, fenders, doors and sides were bent, torn and broken and rendered useless, and plaintiff became responsible for hospital, doctor, x-ray and medical bills for the treatment of his said minor children and their said injuries; all to plaintiff's injury in the sum aforesaid; hence this suit. plaintiff lost the use of his said automobile truck in his business for a long period of time, all of which he claims damages for.

*Samuel J. Galt*  
*James H. Galt*  
 Attorneys for Plaintiff  
 Tuscaloosa, Alabama, P.O. Box 146

A trial by jury is demanded in this cause.

EX-8-31-62  
**FILED**  
 AUG 31 1962  
 ALICE L. DUCK, CLERK  
 REGISTER

*Samuel J. Galt*  
 Plaintiff's Attorney

Received 31 day of Aug 1962  
and on 31st day of Dec 1962

I served a copy of the within to  
on Lee Charles Souders

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Taylor Wilkins D. S.

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

BY Seiber  
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW.

HENRY MILLER,

PLAINTIFF

VS.

LEE CHARLES SOUDERS,

DEFENDANT.

Please serve defendant at:

Box 25,  
Fairhope, Alabama.

E. M. FORD, JR.

JACK H. McGUIRE

2600 7TH ST., P. O. BOX 146

TUSCALOOSA, ALA.

ATTORNEYS FOR PLAINTIFF

HENRY MILLER,

Plaintiff,

vs.

LEE CHARLES SOUDERS,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 5266

DEMURRER

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the complaint filed against him and assigns the following separate and several ground in support thereof:

1. The complaint fails to state a cause of action.
2. The complaint fails to allege with sufficient certainty the place where the alleged accident occurred.
3. The complaint fails to allege that the Plaintiff's damages were the proximate result of any negligence of the defendant.

CHASON & STONE

By:

*John E. Chason*  
Attorneys for Defendant

*Filed 9-29-62*  
*W. J. French*  
*clerk*

5266

HENRY MILLER

VS.

LEE CHARLES SOUDERS

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW CASE NO. 5266

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DEMURRER

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CHASON & STONE  
ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA