

FLETCHER KIRCHHARR,
Plaintiff,
vs.
LEE CHARLES SOUDERS,
Defendant.

X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW CASE NO. 5272

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 Earle Chason
Attorneys for Defendant

Filed
9-29-62
Wm. J. Quick
clerk

5272

FLETCHER KIRCHHARR

VS.

LEE CHARLES SOUDERS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW CASE NO. 5272

DEMURRER

CHASON & STONE

ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

THE STATE OF ALABAMA }
~~CHEROKEE~~ 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 Fletcher Kirchharr, hereto attached.

Witness, my hand this 31 day of August 1962

Deane J. Jones 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

FLETCHER KIRCHHARR,

Plaintiff

vs.

LEE CHARLES SOUDERS,

Defendant

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

Case No. 5272

COUNT ONE

The Plaintiff claim sof 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
 daughter, namely: Virginia Kirchharr, was riding as a guest in an auto-
 mobile truck along and upon a public road in Gulf Shores, Baldwin
 County, Alabama, namely: Alabama Highway 59 at or near its intersection
 with 23rd Avenue, where she had a right to be, the defendant negligently
 ran or drove an automobile into, over, upon or against the said auto-
 mobile truck in which plaintiff's said minor daughter was riding as
 aforesaid, and as a direct and proximate consequence of said negligence
 plaintiff's said minor daughter was severely and painfully injured and
 damaged, and plaintiff was damaged as follows to-wit: he lost the services
 of his said minor daughter, and he was forced to employ doctors and xray
 specialists in and about the curing and healing of the injuries of his
 said minor daughter, and he became responsible for hospital and doctor
 and medical bills and expenses in and about the curing and healing of his
 said minor daughter and her said injuries; all to his damage in the sum
 aforesaid; hence this suit.

COUNT 2.

Sam Gino Jatty
Jacobs & Co. Gino
 Attorneys for Plaintiff
 P. O. Box 146 Tuscaloosa, Ala.

A trial by jury is demanded in this cause.

Ed-8-31-62

FILED

AUG

ALICE I. DUCK, CLERK
 REGISTER

Sam Gino Jatty
 Plaintiff's Attorney

CASE NO. 5272

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

FLETCHER KIRCHHARR,

PLAINTIFF

VS.

LEE CHARLES SOUDERS,

DEFENDANT.

Please serve defendant at:

Box 25,
Fairhope, Alabama.

FILED

AUG 31-62

CLERK
REGISTER

E. M. FORD, JR.
JACK H. MCGUIRE
2600 7TH ST., P. O. BOX 145
TUSCALOOSA, ALA.
ATTORNEYS FOR PLAINTIFF

Received 31 day of Aug 1962
and on 31st day of Aug 1962
I served a copy of the within etc
on Fletcher Kirchharr Lee Charles Souders

By service on Fletcher Lee Charles
Souders
TAYLOR WILKINS, Sheriff
By Ted Seibert D. S.
Fairhope

70 miles at
Sheriff Claims 70
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Seibert
DEPUTY SHERIFF