

ROSA M. BOYINGTON,
Plaintiff,
VS.
W. J. FOLEY and LARRY FOLEY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

AMENDED COMPLAINT

Now comes the Plaintiff in the above styled cause and amends the complaint heretofore filed in said cause, so that as amended, the said complaint will read as follows:

ROSA M. BOYINGTON,
Plaintiff,
Vs.
JOE FOLEY and LARRY FOLEY,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

5324

COMPLAINT

COUNT ONE

The plaintiff claims of the defendants Three Hundred Fifty Dollars (\$350.00) damages for that heretofore on to-wit: January 10, 1962, plaintiff was driving her automobile on a paved road in Baldwin County, Alabama, which road is known as the Elberta Road, and which runs from Highway U. S. 98 in Elberta to Highway U. S. 90 about ten miles East of Robertsdale, and while plaintiff was driving her said automobile on said road at a point approximately one-fourth of a mile South of Highway U. S. 90, the defendant, Larry Foley, who was then and there an agent, servant, or employee of the defendant, Joe Foley, acting within the line and scope of his authority as such agent, servant, or employee, so negligently operated a motor vehicle as to cause it to run into, upon, or against the automobile of plaintiff and as a proximate result of said negligence the plaintiff's automobile was damaged as follows; the front bumper was damaged and bent; the front grill was damaged and bent; the hood was bent and broken; the right front fender was bent and damaged; the radio antenna was completely demolished; both headlights were completely demolished and the front and right front of plaintiff's

automobile were bent and damaged all to her damages as aforesaid. Plaintiff avers that all of her damages were the proximate result of the negligence of the defendant, Larry Foley at said time and place and that the said Larry Foley at the said time and place was the agent, servant, or employee of the defendant, Joe Foley, acting within the line and scope of his authority as such agent, servant or employee.

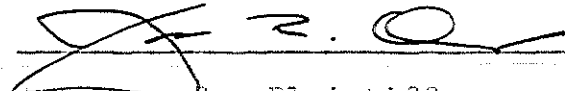
/s/ JAMES R. OWEN

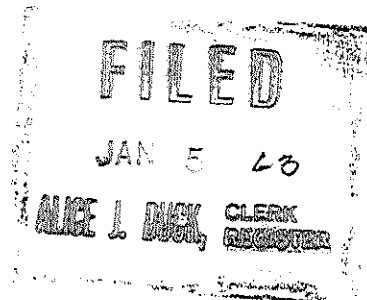
Attorney for Plaintiff

Plaintiff demands a trial by jury of said cause.

/s/ JAMES R. OWEN

Attorney for plaintiff"


Attorney for Plaintiff



ROSA M. BOYINGTON,

Plaintiff,

Vs.

JOE FOLEY and LARRY
FOLEY,

Defendants.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

5324

Comes now the Defendants, Joe Foley and Larry Foley, in the
above styled cause, and files this their Demurrer to the Plaintiff's
Amended Complaint and for grounds therefor say:

1.

That it does not state a cause of action.

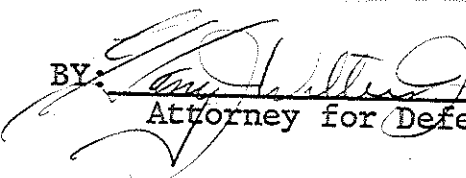
WILTERS & BRANTLEY

FILED

JAN 15 1963

ALICE L. DUCK, CLERK
REGISTER

BY:


Attorney for Defendants

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. J. Foley and Larry Foley 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 the same, then and there to answer the complaint of Rosa M. Boyington.

WITNESS MY HAND, this 10 day of October, 1962.


Clerk

ROSA M. BOYINGTON,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
VS.	)	BALDWIN COUNTY, ALABAMA
W. J. FOLEY AND LARRY FOLEY,	)	AT LAW
Defendants.	)	5324

COMPLAINT

Count 1. The plaintiff claims of the defendants Three Hundred Fifty Dollars (\$350.00) damages for that heretofore on to-wit: January 10, 1962, plaintiff was driving her automobile on a paved road in Baldwin County, Alabama, which road is known as the Elberta Road, and which runs from Highway U. S. 98 in Elberta to Highway U. S. 90, about ten miles east of Robertsedale, and while plaintiff was driving her said automobile on said road at a point approximately one-fourth of a mile south of Highway U. S. 90, the defendant, Larry Foley, who was then and there an agent, servant, or employee of the defendant, W. J. Foley, acting within the line and scope of his authority as such agent, servant, or employee, so negligently operated a motor vehicle as to cause it to run into, upon, or against the automobile of plaintiff and as a proximate result of said negligence the plaintiff's automobile was damaged as follows: the front bumper was damaged and bent; the front grill was damaged and bent; the hood was bent and broken; the right front

fender was bent and damaged; the radio antenna was completely demolished; both headlights were completely demolished and the front and right front of plaintiff's automobile were bent and damaged all to her damages as aforesaid. Plaintiff avers that all of her damages were the proximate result of the negligence of the defendant, Larry Foley at said time and place and that the said Larry Foley at said time and place was the agent, servant, or employee or the defendant, W. J. Foley, acting within the line and scope of his authority as such agent, servant or employee.

[Signature]

Attorney for plaintiff

Plaintiff demands a trial by jury of said cause.

[Signature]

Attorney for plaintiff

FILED

OCT 10 1962

ALICE J. DUCK, CLERK
REGISTER

Received 10th day of Oct 1962
and on 18 day of Oct 1962

I served a copy of the within etc

on W. J. Foley &

Larry Foley

By service on [Signature]

TAYLOR WILKINS, Sheriff
By [Signature] D. S.

[Signature]

Sheriff claims 178 miles at
Ten Cents per mile Total \$ 17.80
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

84
178

5324

Rosa M. Boyington

Plt.

vs.

W. J. Foley & Larry Foley

FILED

OCT 10 1962

ALICE J. DUCK, CLERK
REGISTER

Robertsdale