

BETTY GAIL WOLFE

Plaintiff,

-vs-

JOHN WESLEY EVANS and WILLIE MORRIS

Defendants.

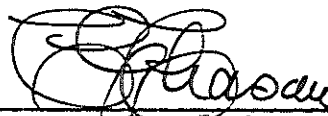
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW.

5345

DEMURRER

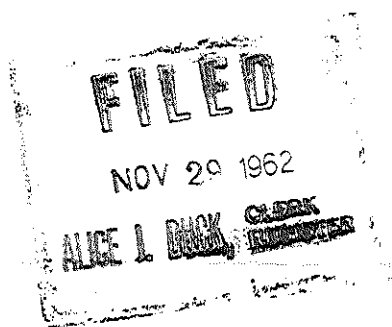
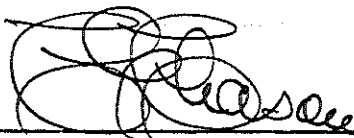
Comes the Defendant Willie Morris and demures to the Bill of Complaint heretofore filed therein and each count thereof, seperately and severally and shows seperately and severally the following:-

1. That the complaint does not state a cause of action.
2. That the complaint does not sufficiently allege negligence on the part of the Defendant Willie Morris.
3. That the complaint does not sufficiently allege that the alleged injury was the proximate result of the negligence of the Defendant.



Attorney for Defendant, Willie Morris

Defendant demands trial by jury.



CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

November 27, 1962

5345

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Demurrer and Demand for Trial  
by Jury in the case of Wolfe -vs- Evans and Morris,  
a copy of which is being sent to the attorney for  
Plaintiff.

Yours very truly,

  
C. G. Chason

CGC/rc

Enclosure (1)

cc: Mr. John V. Duck  
Attorney at Law  
Fairhope, Alabama

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

TERM, 19 \_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

JOHN WESLEY EVANS and WILLIE MORRIS

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the

Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

JOHN WESLEY EVANS  
Defendant

and WILLIE MORRIS

by

BETTY GAIL WOLFE

Plaintiff

Witness my hand this

25

day of

Oct

1962

Alice J. Duck

Clerk

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

BETTY GAIL WOLFE

Plaintiffs

vs.

JOHN WESLEY EVANS

WILLIE MORRIS

Defendants

**SUMMONS and COMPLAINT**

Filed \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Clerk

\_\_\_\_\_  
Plaintiff's Attorney

\_\_\_\_\_  
Defendant's Attorney

Defendant lives at  
Route 1, Box 15A  
Lillian, Alabama

RECEIVED IN OFFICE

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_, Sheriff

I have executed this summons

this \_\_\_\_\_, 19\_\_\_\_

by leaving a copy with

\_\_\_\_\_, Sheriff

\_\_\_\_\_, Deputy Sheriff

BETTY GAIL WOLFE

Plaintiff

-VS-

JOHN WESLEY EVANS and WILLIE MORRIS

Defendants

I

I

I

I

I

COUNT ONE:

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

Plaintiff claims of the Defendant, JOHN WESLEY EVANS, the sum of TWENTY-FIVE THOUSAND and no/100 (\$25,000.00) DOLLARS, as damages for that, on to-wit: the 3rd day of June, 1962, at or about 5:30 PM, on United States Highway 98 at a point thereon approximately .5 miles west of Faircloth Road, in Baldwin County, Alabama, the Defendant, JOHN WESLEY EVANS, so negligently operated a motor vehicle, as to cause or allow it to collide with the motor vehicle on which the Plaintiff was riding and as approximate result of the negligence of such Defendant, JOHN WESLEY EVANS, Plaintiff was injured in that her left shoulder was broken that it was impacted, and she suffered a comminuted fracture of the head and surgical neck of the humerus, that her left knee was injured in that it was swollen and sprained, that she suffered lacerations, contusions, and was made otherwise sick, lame and sore, and was caused to spend a great period of time in a hospital, and that she was caused to spend large sums of money at or about the treatment of her injuries, and that she suffered great mental pain and anguish, and was made otherwise sick, sore and lame, and that she was permanently injured, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.


COUNT TWO:

Plaintiff claims of the Defendants, the sum of TWENTY-FIVE THOUSAND and no/100 (\$25,000.00) DOLLARS, for that, on to-wit: the 3rd day of June, 1962, at or about 5:30 PM on U. S. Highway Numbered 98, at or about .5 miles west of Faircloth Road, in Baldwin County, Alabama, the Defendant JOHN WESLEY EVANS, as an agent, servant or employee of the Defendant WILLIE MORRIS, who was then and there acting within the line and scope of his authority, as such agent, servant or employee, so negligently operated a motor vehicle, as to cause or allow it to collide with a motor vehicle

FILED  
MAR 1 1935  
CLERK

on which the Plaintiff was riding, and as approximate result of the negligence of such Defendants your Plaintiff was injured in that her left shoulder was broken that it was impacted, and she suffered a comminuted fracture of the head and surgical neck of the humerus, that her left knee was injured in that it was swollen and sprained, that she suffered lacerations, contusions, and was made otherwise sick, lame and sore, and was caused to spend a great period of time in a hospital, and that she was caused to spend large sums of money at or about the treatment of her injuries, and that she suffered great mental pain and anguish, and was made otherwise sick, sore and lame, and that she was permanently injured, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

*John Wesley Evans*

  
Attorney for Plaintiff

Defendants may be served at:

John Wesley Evans  
Route 1, Box 15A  
Lillian, Alabama

and

Willie Morris  
Route 1, Box 15A  
Lillian, Alabama

BETTY GAIL WOLFE

Plaintiff

-VS-

JOHN WESLEY EVANS and WILLIE MORRIS

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW:

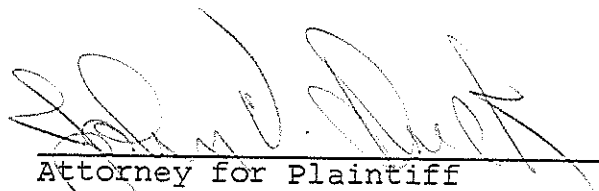
COUNT ONE:

Plaintiff claims of the Defendant, JOHN WESLEY EVANS, the sum of TWENTY-FIVE THOUSAND and no/100 (\$25,000.00) DOLLARS, as damages for that, on to-wit: the 3rd day of June, 1962, at or about 5:30 PM, on United States Highway 98 at a point thereon approximately .5 miles west of Faircloth Road, in Baldwin County, Alabama, the Defendant, JOHN WESLEY EVANS, so negligently operated a motor vehicle, as to cause or allow it to collide with the motor vehicle on which the Plaintiff was riding and as approximate result of the negligence of such Defendant, JOHN WESLEY EVANS, Plaintiff was injured in that her left shoulder was broken that it was impacted, and she suffered a comminuted fracture of the head and surgical neck of the humerus, that her left knee was injured in that it was swollen and sprained, that she suffered lacerations, contusions, and was made otherwise sick, lame and sore, and was caused to spend a great period of time in a hospital, and that she was caused to spend large sums of money at or about the treatment of her injuries, and that she suffered great mental pain and anguish, and was made otherwise sick, sore and lame, and that she was permanently injured, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendants, the sum of TWENTY-FIVE THOUSAND and no/100 (\$25,000.00) DOLLARS, for that, on to-wit: the 3rd day of June, 1962, at or about 5:30 PM on U. S. Highway Numbered 98, at or about .5 miles west of Faircloth Road, in Baldwin County, Alabama, the Defendant JOHN WESLEY EVANS, as an agent, servant or employee of the Defendant WILLIE MORRIS, who was then and there acting within the line and scope of his authority, as such agent, servant or employee, so negligently operated a motor vehicle, as to cause or allow it to collide with a motor vehicle

on which the Plaintiff was riding, and as approximate result of the negligence of such Defendants your Plaintiff was injured in that her left shoulder was broken that it was impacted, and she suffered a comminuted fracture of the head and surgical neck of the humerus, that her left knee was injured in that it was swollen and sprained, that she suffered lacerations, contusions, and was made otherwise sick, lame and sore, and was caused to spend a great period of time in a hospital, and that she was caused to spend large sums of money at or about the treatment of her injuries, and that she suffered great mental pain and anguish, and was made otherwise sick, sore and lame, and that she was permanently injured, all to the damage of the Plaintiff in the sum above mentioned, hence this suit.

  
Attorney for Plaintiff

Defendants may be served at:

John Wesley Evans  
Route 1, Box 15A  
Lillian, Alabama

and

Willie Morris  
Route 1, Box 15A  
Lillian, Alabama

Received 25 day of Oct 1962

and ... day of ... 19...

I ... of the within etc

or John Wesley Evans  
Willie Morris 11-5-62

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

**FILED**

OCT 25 1962

**Alice I. Duck** CLERK  
REGISTER

TAYLOR WILKINS, Sheriff

By Orville Adams

Lillian

Returned 9 day of Nov. 1962  
Not found in my county after diligent search and in-  
quiry. as to John Wesley Evans.  
Taylor Wilkins, Sheriff

Sheriff claims 100 miles at

Ten Cents per mile Total \$ 10.00

TAYLOR WILKINS, Sheriff

BY CC  
DEPUTY SHERIFF

By \_\_\_\_\_ Deputy Sheriff



BETTY GAIL WOLFE  
PLAINTIFF

-VS-

JOHN WESLEY EVANS and WILLIE  
MORRIS  
DEFENDANTS

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

FROM THE LAW OFFICES OF  
JOHN V. DUCK  
FAIRHOPE, ALABAMA

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOHN WESLEY EVANS and WILLIE MORRIS

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the

Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against JOHN WESLEY EVANS

and WILLIE MORRIS

\_\_\_\_\_, Defendant \_\_\_\_\_

by BETTY GAIL WOLFE

\_\_\_\_\_, Plaintiff \_\_\_\_\_

Witness my hand this 25 day of Oct 1962

Alice J. Shuck Clerk

No. 534-5

Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

BETTY GAIL WOLFE

vs.

Plaintiffs

JOHN WESLEY EVANS

WILLIE MORRIS

Defendants

**SUMMONS and COMPLAINT**

Filed **FILED**, 19\_\_\_\_

OCT 25 1962

, Clerk

ALICE J. DUCK, CLERK  
REGISTER

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Route 1, Box 15A  
Lillian, Alabama

RECEIVED IN OFFICE

April 16, 1963

, Sheriff

I have executed this summons

this \_\_\_\_\_, 19\_\_\_\_

by leaving a copy with

*Willie Morris*

Returned  
Not found in my court after diligent search and for over 1962  
20 day order  
Chas. Wilkins, Sheriff  
Deputy Sheriff  
Sheriff claims  
Ten County Jail  
MILKINS  
DEPUTY SHERIFF  
10 10 1962  
miles  
Deputy Sheriff

John Wesley Everett  
William S. A.

General Del.

P.O. Box 88