

DOLLY DARLENE CARVER,  
a minor, who sues by and  
through her mother and next  
friend, OLIVE E. CARVER,

VS.

Plaintiff,

LEROY SMITH,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

NO. 5347

DEMURRER TO COMPLAINT

Now comes the defendant and for demurrer to the complaint assigns, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged on which the relief sought can be granted.
3. It affirmatively appears from the complaint that the plaintiff was a guest in the defendant's automobile at the time of her alleged injuries, and it does not allege that the defendant willfully or wantonly injured the plaintiff.
4. The complaint is vague, indefinite and uncertain in that it does not sufficiently describe the plaintiff's alleged injuries.
5. The complaint alleges that the defendant wilfully or wantonly operated his motor vehicle but does not allege that he wilfully or wantonly injured the plaintiff.
6. The allegations of the complaint are vague, indefinite and uncertain.
7. The allegations of the complaint are conclusions of the pleader.
8. The complaint does not allege the breach of any duty owing by the defendant to the plaintiff.
9. It does not allege any causal connection between the plaintiff's alleged injuries and the defendant's alleged negligence.
10. It does not allege that the defendant's alleged negligence was the proximate cause of the plaintiff's alleged injuries.

Plaintiff demands a trial  
of said cause by jury.

Attorney for Defendant

Attorney for Defendant

FEB 15 43

DEMURRER TO COMPLAINT

DOLLY DARLENE CARVER, a minor, who  
sues by and through her mother and  
next friend, OLIVE E. CARVER,

Plaintiff,

VS.

LEROY SMITH,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 5347

*[Handwritten signatures and notes in the right margin]*

## SUMMONS AND COMPLAINT

CIRCUIT COURT, BALDWIN COUNTY

THE STATE OF ALABAMA,  
BALDWIN COUNTY

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

TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Leroy Smith

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 \_\_\_\_\_

Leroy Smith, Defendant.

by Dolly Darlene Carver, a minor, who sues by and through

her mother and next friend, Olive E. Carver, Plaintiff.

Witness my hand this 25 day of Oct 1962

89

Quice A. Leuch Clerk

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

DOLLY DARLENE CARVER, a  
minor, who sues by and  
through her mother and  
next friend, Olive E. Carver  
Plaintiff  
vs.

LEROY SMITH

Defendants

SUMMONS and COMPLAINT

Filed

FILED

19

OCT 25 1932

Clerk

ALICE J. DUCK, CLERK  
REGISTER

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
Naval Air Station  
Whitting Field  
Milton, Florida  
RECEIVED IN OFFICE

19

Sheriff

I have executed this summons

this

19

by leaving a copy with

Sheriff

Deputy Sheriff

Plaintiff

CASE NO. 5347

-VS-

Defendant

Plaintiff, through her mother and next friend, claims of the Defendant, the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS, as damages, for that, heretofore, on to-wit, the 4th day of August, 1962, at a point about four miles south on the Mary Ann Beach Road, from the intersection of U. S. Highway 98, in Baldwin County, Alabama, the defendant so willfully or wantonly operated a motor vehicle on such highway at said time and place, in which Plaintiff was riding then and there as a guest, as to cause or allow the same to run into a ditch, overturn, at said time and place and as approximate result of the willful and wantonly conduct of such defendant, the Plaintiff was seriously injured as follows: She suffered a fracture of the right femur, mid-shaft; she suffered a fracture of the left tibia and fibula at the ankle; she suffered an open laceration of the left knee; she suffered a complete severance of the patellar tendon,, she suffered multiple contusions lacerations and abrasions, and she was made otherwise sick lame and sore; she suffered much pain and mental anguish; and she was caused to incur doctors and medical expenses, and hospital bills in and about the treatment of her said injuries, and she was permanently injured; that she was forced to lose a long period of time from her employment, that she will continue to incur great sums for the treatment of her said injuries, and that she will continue to lose time in the future from her employment, and her capacity to lead a full and enjoyable life has been greatly impaired, all to the damage of the Plaintiff, hence this

suit in the above mentioned sum.

  
Attorney for Plaintiff

Please serve the Defendant  
by registered mail through  
the Secretary of State of  
Alabama pursuant to Title  
7, Section 199, 1957 Supple-  
ment, Code of Alabama, 1940.

Defendant's address.

Leroy Smith  
Naval Air Station  
Whitting Field  
Milton, Fla.

FILED

OCT 25 1962

ALICE L. DUCK, CLERK  
RECORDED

RECEIVED IN OFFICE

OCT 23 1962

M. S. BUTLER, Sheriff

Executed by serving <sup>3</sup> copies of  
the within *Betty Friend*  
returning to the State of  
Alabama.

THUS *26* Oct *1962*

Sheriff, Baldwin County

M. S. Butler,

By *Rebecca* D. S.

The Sheriff shall *1*

offer at the rate of a total

*20*

at the rate of *20*

at the rate of *20*

DOLLY DARLENE CARVER,  
a minor, who sues by and  
through her mother and next  
friend, OLIVE E. CARVER.

Plaintiff

-VS-

LEROY SMITH

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW:

FILED

OCT 25 1962

Alice J. Duck, Clerk,  
Recorder

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

INSTRUCTIONS

SENDER:

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR

MADE IN U.S.A. BY THE NCR COMPANY  
NEW ENGLAND BUSINESS SERVICE, INC.  
TOWNSEND, MASS.

TO

Mrs. Alice J. Duck  
Clerk of Circuit Court  
P. O. Box 239  
Bay Minette, Alabama

FROM

JOHN V. DUCK  
Attorney at Law  
FARHOPE, ALABAMA

SUBJECT:

Colly Carlene Carver, a minor - vs -  
Leroy Smith, Civil Case No. 5347

3/6/63

Message - Reply

FOLD A

THIS IS NCR (NO CARBON REQUIRED) PAPER.

{ JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION  
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

Form 87 - New England Business Service, Inc., Townsend, Mass.

Dear Mrs. Duck:

Would you please request Judge Hall to enter a Non-Guilt  
in the above styled cause and write to me immediately when he en-  
ters this on the docket.

Sincerely,

JVD/og

SIGNED:

DATE OF REPLY:

REPLY TO:

MESSAGE

REPLY

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.



November 16, 1962

DOLLY DARLENE CARVER, a minor, who  
sues by and through her mother and  
next friend, OLIVE E. CARVER, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA AT LAW

VS

LEROY SMITH, Defendant

CASE NO. 5347

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

I, Bettye Frink, Secretary of State, hereby certify that on October 26, 1962  
I sent by registered mail in an envelope addressed as follows:

" Leroy Smith  
Naval Air Station  
Whitting Field  
Milton, Fla."

"Registered Mail—  
Return Receipt Requested  
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of  
the State of Alabama in words and figures as follows:

" Leroy Smith  
Naval Air Station  
Whitting Field  
Milton, Fla."

You will take notice that on October 26, 1962 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: DOLLY DARLENE CARVER, a minor, who sues by and through her mother  
and next friend, OLIVE E. CARVER, Plaintiff VS LEROY SMITH, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 5347 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 26  
day of October 1962

Enclosure (1)

(Signed) Bettye Frink  
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.

I further certify that on Nov 2 1962 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Milton, Fla. M.O.U. No. 1  
on Nov 1 1962

WITNESS MY HAND and the Great Seal of the State of Alabama this the 16 day  
of November 1962

*Bettye Frink*  
Bettye Frink  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.

cc: Hon. John V. Duck  
Attorney at Law  
386 Fairhope Ave.  
Fairhope, Ala.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5347

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Leroy Smith

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

Leroy Smith

, Defendant.

by Dolly Darlene Carver, a minor, who sues by and through her mother

and next friend, Olive E. Carver

, Plaintiff.

Witness my hand this 25 day of October 19 62

Alvin J. Albrecht, Clerk

DOLLY DARLENE CARVER,  
a minor, who sues by and  
through her mother and next  
friend, OLIVE E. CARVER

Plaintiff

-VS-

LEROY SMITH

Defendant

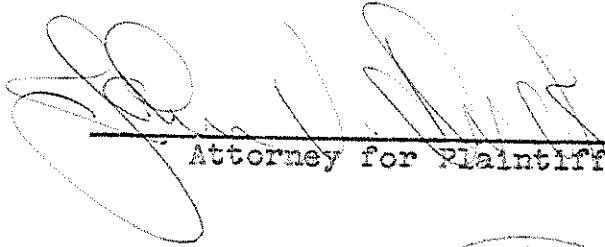
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW.

CASE NO. 5347

COUNT ONE:

Plaintiff, through her mother and next friend, claims of the Defendant, the sum of TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS, as damages, for that, heretofore, on to-wit, the 4th day of August, 1962, at a point about four miles south on the Mary Ann Beach Road, from the intersection of U. S. Highway 98, in Baldwin County, Alabama, the defendant so willfully or wantonly operated a motor vehicle on such highway at said time and place, in which Plaintiff was riding then and there as a guest, as to cause or allow the same to run into a ditch, overturn, at said time and place and as approximate result of the willful and wanton conduct of such defendant, the Plaintiff was seriously injured as follows: She suffered a fracture of the right femur, mid-shaft; she suffered a fracture of the left tibia and fibula at the ankle; she suffered an open laceration of the left knee; she suffered a complete severance of the patellar tendon, she suffered multiple contusions lacerations and abrasions, and she was made otherwise sick lame and sore; she suffered much pain and mental anguish; and she was caused to incur doctors and medical expenses, and hospital bills in and about the treatment of her said injuries, and she was permanently injured; that she was forced to lose a long period of time from her employment, that she will continue to incur great sums for the treatment of her said injuries, and that she will continue to lose time in the future from her employment, and her capacity to lead a full and enjoyable life has been greatly impaired, all to the damage of the Plaintiff, hence this

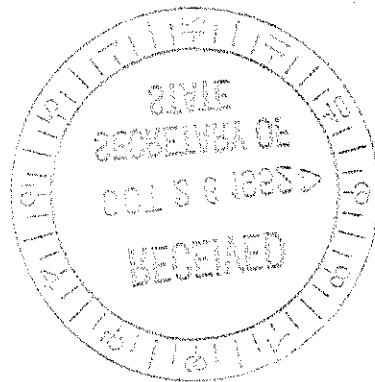
suit in the above mentioned sum.

  
\_\_\_\_\_  
Attorney for Plaintiff

2287  
Please serve the Defendant  
by registered mail through  
the Secretary of State of  
Alabama pursuant to Title  
7, Section 199, 1957 Supple-  
ment, Code of Alabama, 1940.

Defendant's address.

Leroy Smith  
Naval Air Station  
Whitting Field  
Milton, Fla.



ONLY DARLENE CARVER, 9. million VS. TEROY SMITH

# 1 INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to address

RETURN RECEIPT

Received the numbered article described on back side

DO NOT SIGN FOR NAME OF ADDRESSEE OR FOR THIS MAIL

*W. W. Smith*

SIGNATURE OF AGENT OR AGENT

DELIVER TO ADDRESSEE ONLY

DATE DELIVERED NOV 1 1962

ADDRESS WHERE DELIVERED (Only if required item 21)

PENALTY FOR PRIVATE USE TO AVOID  
 PAYMENT OF POSTAGE \$300

POSTMARK OFFICE

Form 38-11

REGISTERED NO. 123  
CERTIFIED NO. 456  
INSURED NO. 789

SECRETARY OF STATE  
MONTGOMERY, ALABAMA

CITY-ZONE AND STATE

**金銀銅鐵**