

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 GEORGE SULLIVAN SANKS

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 _____

GEORGE SULLIVAN SANKS, Defendant

by THEODORE WATSON

Plaintiff

Witness my hand this 4 day of Dec 1962

EL-12-8-62

Alvin French, Clerk

No. 5391

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

THEODORE WATSON

vs.

Plaintiffs

GEORGE SULLIVAN SANKS

Defendants

SUMMONS and COMPLAINT

FILED

Filed

DEC 1

19

JOHN L. DUCK, CLERK

, Clerk

John L. Duck

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Rt. 2, Bay Minette, Ala.

RECEIVED IN OFFICE

12/4, 1962

, Sheriff

I have executed this summons

this Dec 8, 1962

by leaving a copy with

George Sullivan Sanks

Sheriff claims 20 miles at

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff
W. A. Talbert Deputy Sheriff

10 miles north of B.M.

THEODORE WATSON

Plaintiff

-vs-

GEORGE SULLIVAN SANKS

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

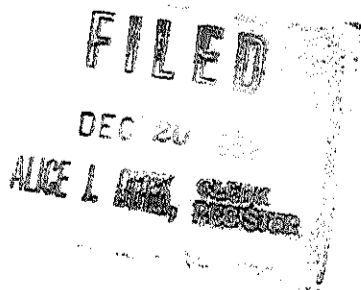
AT LAW

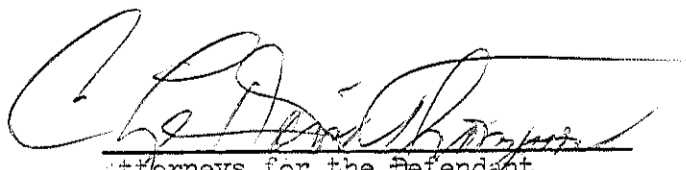
5391

Comes now the defendant in the above entitled cause, and demurs to the plaintiff's complaint, and to each count thereof, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. Said count fails to allege the violation of any duty owed by the defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by the defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count, the plaintiff was not at a place where she had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the injuries and damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of the defendant.
6. For that said count fails to allege any casual connection between the alleged negligence of this defendant and the alleged damages of the plaintiff.

THOMPSON AND WHITE




Attorneys for the Defendant

THEODORE WATSON	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
GEORGE SULLIVAN SANKS	X	AT LAW NO.5391
Defendant	X	

Comes the defendant, George Sullivan Sanks, and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

-1-

As to the allegations of said complaint, he pleads not guilty.

-2-

Comes defendant, George Sullivan Sanks, and says that the said Theodore Watson, plaintiff in said cause ought not to recover in this case for that on the occasion complained of, Jerry Joseph Williams, the agent, servant or employee of said plaintiff was himself guilty of negligence proximately contributing to the injuries of said plaintiff and damages, in this, that the said Jerry Joseph Williams, agent, servant or employee of said plaintiff was operating the said automobile in which said plaintiff was riding on U. S. Highway numbered 31 and negligently drove his said automobile across the center line of U. S. Highway numbered 31 toward the left side of said highway so that the said automobile driven by the agent, servant or employee of the said plaintiff collided with the automobile operated by the defendant while the said defendant's automobile was on the right side of the said center line, where said defendant had a legal right to be; totally wrecking the automobile operated by the said defendant. Said negligence of the agent, servant or employee of the said plaintiff proximately contributed to the said plaintiff's injuries and damages. Hence, the said plaintiff ought not to recover in this suit.

-3-

Comes defendant, George Sullivan Sanks and says that at the time this action was commenced, the plaintiff was indebted to him in the sum of \$1,000.00 for that on to-wit, December 12, 1961, at or about 5:15 P.M. at the intersection of U. S. Highway numbered 31 and Baldwin County road No. 61 in Baldwin County, Alabama, one, Jerry Joseph Williams, the agent, servant or employee of said plaintiff, while operating an automobile negligently ran said automobile across the center line of said U. S. Highway

numbered 31, and into, upon or against the automobile, property of said defendant, George Sullivan Sanks, and thereby as the proximate result and consequence thereof the said defendant's automobile was broken, damaged, rendered less valuable, to the defendant's damage as assessed, which defendant hereby offers to set off against the demand of the plaintiff and he claims for the excess.

-4-

Comes the defendant, George Sullivan Sanks, and claims of the plaintiff, Theodore Watson, by way of recoupment, the sum of \$1,000.00 damages for that heretofore on to-wit, December 12, 1961, at the intersection of U. S. Highway, a public highway, numbered 31 and Baldwin County road No. 61, in Baldwin County, Alabama, at about 5:15 P.M. and the place referred to in plaintiff's complaint, one, Jerry Joseph Williams, the agent, servant, or employee of the said plaintiff negligently drove an automobile across the center line of said highway into, upon or against the automobile of the said defendant, George Sullivan Sanks, and as a proximate result and consequence of said negligence, said automobile was damaged as follows, to-wit, being a total loss.

THOMPSON & WHITE

BY: 

Attorneys for defendant



THEODORE WATSON)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA,
-VS-)	AT LAW:
GEORGE SULLIVAN SANKS)	No: 5391
Defendant)	

Comes the Plaintiff in the above styled cause and for answer to the interrogatories filed by the Defendant heretofore answers as follows:

1. State your name?

A. Theodore Watson.

2. Are you the plaintiff in this cause, No. 5391?

A. Yes.

3. Where do you live?

A. Rt. 4, Box 56, Atmore, Alabama.

4. Give the location on the highway of Route 4, Box 19, Atmore, Alabama, where your house is located and identify the highway?

A. On Trout Street, between Swift Street and Sowell Avenue in Atmore, Alabama.

5. What relation are you to the driver of the vehicle involved in the accident on which you have filed suit?

A. Brother-in-law.

6. How long have you known the driver of the vehicle?

A. Ten (10) years.

7. For what purpose did the driver of the vehicle take the automobile from your possession?

A. To carry my wife to the Doctor in Mobile, Alabama.

8. State if you know, where the driver of the vehicle was going with the automobile at the time of the accident.

A. To Mobile, Alabama.

9. State what relation, if any, Mary E. Watson is to you?

A. Wife.

10. State what relation, if any, Barbara Williams is to you?

A. Mother-in-law.

11. State whether or not you have assigned your claim for damages to any person or corporation.

A. Assigned to Motors Insurance Corporation.

12. If the answer to the preceeding question is "yes", state the name of the person or corporation furnishing you money in exchange for an assignment of your interest or any part of your interest in the damages suffered by you.

A. Motors Insurance Corporation.

13. Did you ask the driver of the car to operate the vehicle for you?

A. Yes.

14. If you did not ask the driver to operate the vehicle, which passenger made the request?

A. The Driver operated the vehicle at my request.

X Theodore Watson
Theodore Watson

STATE OF ALABAMA

COUNTY OF Blount

Personally appeared before me, the undersigned authority Theodore Watson, and who being by me first duly and legally sworn doth depose and say as follows:

My name is Theodore Watson, I am the Plaintiff in the above styled cause, and the answers that I have given on the within interrogatories are true and correct.

X Theodore Watson
Theodore Watson

Sworn to and subscribed before me
on this the 18 day of Jan.
1963.

Adair L. Wise
Notary Public
Notary Public for the State of Alabama at Large
My Commission Expires Feb. 6, 1965

FILED
JAN 23 1963
ALICE J. DICK, CLERK

THEODORE WATSON

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

GEORGE SULLIVAN SANKS

X

AT LAW NO. 5391

Defendant

X

Comes the defendant in the above styled cause and propounds the following interrogatories to the plaintiff, Theodore Watson:

1. State your name.
2. Are you the plaintiff in this cause, No. 5391?
3. Where do you live?
4. Give the location on the highway of Route 4, Box 19, Atmore, Alabama, where your house is located and identify the highway.
5. What relation are you to the driver of the vehicle involved in the accident on which you have filed suit?
6. How long have you known the driver of the vehicle?
7. For what purpose did the driver of the vehicle take the automobile from your possession?
8. State if you know, where the driver of the vehicle was going with the automobile at the time of the accident.
9. State what relation, if any, Mary E. Watson is to you.
10. State what relation, if any, Barbara Williams is to you.
11. State whether or not you have assigned your claim for damages to any person or corporation.
12. If the answer to the preceding question is "yes", state the name of the person or corporation furnishing you money in exchange for an assignment of your interest or any part of your interest in the damages suffered by you.
13. Did you ask the driver of the car to operate the vehicle for you?
14. If you did not ask the driver to operate the vehicle, which passenger made the request?

THOMPSON & WHITE

BY:

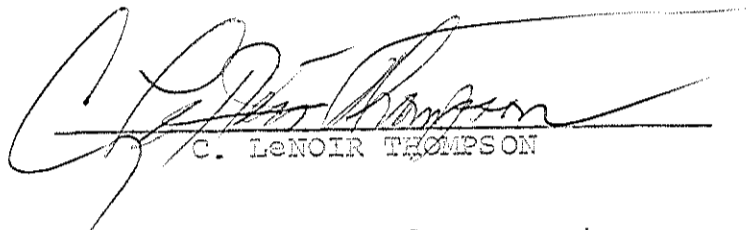

Attorneys for defendant

STATE OF ALABAMA

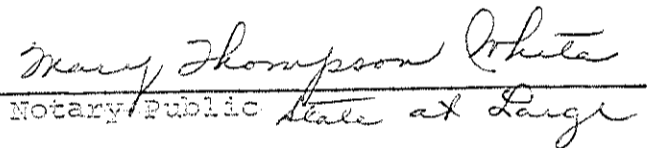
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.


C. LENOIR THOMPSON

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 20th day of December, 1962.


Notary Public State at Large


FILED

DEC 20 1962

ALICE J. DUCK, CLERK
REGISTER