

FLORENCE POWELL, as Executrix
of and under the Last Will
and Testament of DANIEL H.
POWELL, Deceased,

Plaintiff,

vs.

MINTIE LOIS WHITE and LEONA
WHITE,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5445

INTERROGATORIES PROPOUNDED BY THE DEFENDANTS
TO THE PLAINTIFF, FLORENCE POWELL

Come now the Defendants, Mintie Lois White and Leona White,
by their attorneys and affidavit having been made by John Chason,
one of the attorneys of record for the Defendants, and propound
the following interrogatories to the Plaintiff Florence Powell, as
Executrix of and under the Last Will and Testament of Daniel H.
Powell, Deceased:

1. Please state your name, age and address.
2. Are you the Plaintiff in that certain cause now pending
in the Circuit Court of Baldwin County, Alabama, Law Side, in
which Mintie Lois White and Leona White are the Defendants, being
cause #5445?
3. Was an automobile owned by your Testate, Daniel H. Po-
well, involved in an automobile accident on U. S. Highway #31 in
Butler County, Alabama, at a point approximately 200 feet South
of the South intersection of the Lower Chapman Road and U. S. High-
way #31 on January 28, 1962?
4. If you state that Daniel H. Powell was the owner of an
automobile which was involved in such accident at said time and
place, please set out a full description of the automobile owned
by him as to model, make, motor number, etc.
5. Was Daniel H. Powell driving such automobile at the
time the accident occurred?

6. Please state the age and postoffice address of the said Daniel H. Powell as of the date of the accident above referred to.

7. At the time that the above mentioned accident occurred did the said Daniel H. Powell have a collision insurance policy with the Travelers Insurance Company under which policy the company agreed to pay for the loss or damage to such automobile if it was involved in an accident, with some deductible amount which would not be recovered?

8. If your answer to the last preceding interrogatory is yes, please state the date of such policy and how much was deductible under such policy.

9. If the said Daniel H. Powell did not have an insurance policy, covering liability in the event of a collision, with the Travelers Insurance Company at the time and place hereinabove mentioned, did he have a collision policy with any other company and if so, state the name and address of such company.

10. Prior to the filing of the suit in this cause had the Travelers Insurance Company paid to you, as Executrix of the Estate of Daniel H. Powell, all damages sustained by such automobile except the sum of \$50.00?

11. If you state that you had not been paid for such loss by the Travelers Insurance Company prior to the filing of the suit, have you been paid by any other insurance company, and if you state that you have, please state when such payment was made and the amount thereof.

12. Did you, as the Executrix of the Estate of Daniel H. Powell, or did anyone else on behalf of such estate, to your knowledge, execute a subrogation agreement with the Travelers Insurance Company or with any other company whereby it was agreed that such Company would pay for the liability, less \$50.00, and were given the right to enter suit in your name as Executrix of the Estate of Daniel H. Powell, Deceased?

13. Would any money recovered under this suit be paid to the Travelers Insurance Company? If so, what proportion of the amount recovered would be paid to such company?

14. Was the attorney for the Plaintiff in this suit employed by you, or by Travelers Insurance Company, to prosecute such suit?

CHASON & STONE

By: John Chason

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared John Chason who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason and he is one of the attorneys of record for Mintie Lois White and Leona White, the Defendants in that certain action now pending in the Circuit Court of Baldwin County, Alabama, At Law, wherein Florence Powell, as Executrix of and under the Last Will and Testament of Daniel H. Powell, Deceased, is the Plaintiff. That the answers to the Interrogatories propounded above will be material testimony and evidence for the Defendants in said cause.

Dated this 23^d day of May, 1963.

Sworn to and subscribed before me
on this 23^d day of May, 1963.

Blanche White
Notary Public, Baldwin County, Alabama

*Service Accepted this 25th
day of May, 1963
G. B. Brackley
Atty. for Pl.*

FILED

MAY 23 1963

ALICE J. DUCK, CLERK, REGISTER

FLORENCE POWELL, as Executrix
of and under the Last Will
and Testament of DANIEL H.
POWELL, Deceased,

Plaintiff,

vs

MINTIE LOIS WHITE, ET AL.,

Defendants

***** **

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5445

INTERROGATORIES

***** *

FILED
MAY 23 1963
ALICE J. DUCK, CLERK
REGISTER

CHASON & STONE
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

FLORENCE POWELL, as Executrix
of and under the Last Will
and Testament of DANIEL H.
POWELL, Deceased,

Plaintiff,

vs.

MINTIE LOIS WHITE and LEONA
WHITE,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5445

Come the Defendants in the above styled cause, separately
and severally, and file the following separate and several pleas
to said Complaint, viz:

1. Not Guilty.

2. That at the time and place complained of in the Com-
plaint, the Plaintiff's intestate was himself guilty of negligence
which was the proximate cause of his injuries and damages, hence
the Plaintiff cannot recover in this suit.

3. That the Complaint claims damages to an automobile
owned by Daniel H. Powell, Plaintiff's intestate, and at the time
of the accident complained of in said Complaint, he had a contract
or policy with the Travelers Insurance Company by which such com-
pany agreed that if said automobile was damaged in a collision it
would pay all of the damages sustained by such automobile, except
the first \$50.00. The Travelers Insurance Company, prior to the
filing of this suit, paid the Executrix of the Estate of Daniel H.
Powell for all damages sustained by such automobile, except the
sum of \$50.00, and the said Travelers Insurance Company is the real
party in interest in this proceeding. The suit for the recovery
of damages is being brought in the name of the Executrix of such
Estate as the Travelers Insurance Company, who is the real party
in interest, does not have a cause of action against these Defen-
dants. The only cause of action which the Plaintiff would have
against the Defendants would be for the sum of \$50.00 and by
subrogation agreement the Executrix of such Estate has transferred
her cause of action to the Travelers Insurance Company.

FILED
FEB 22 - 63
ALICE I. DICK, CLERK
BALDWIN COUNTY

Ross & Stone
Attorneys for Defendants

FLORENCE POWELL, As
Executrix of and under
the Last Will and Testa-
ment of DANIEL H. POWELL,

Plaintiff,

vs.

MINTIE LOIS WHITE and
LEONA WHITE,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW . . . NO. 5445

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PLEAS

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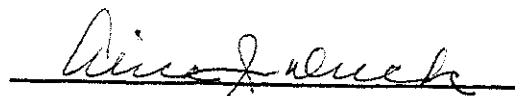
FILED
FEB 22-68
ALICE L. DICK, CLERK
REGISTER

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MINTIE LOIS WHITE and LEONA WHITE 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 FLORENCE POWELL, as Executrix of and under the Last Will and Testament of Daniel H. Howell, Deceased.

WITNESS my hand this 25 day of January, 1963.


Clerk of the Circuit Court

The defendant, Leona White, resides in the Whitehouse Fork Community. The defendant, Mintie Lois White, is a daughter of the defendant, Leona White.

* * * * *

FLORENCE POWELL, as Executrix)		
of and under the Last Will and)		
Testament of Daniel H. Powell,)		
Deceased,)		
)	IN THE CIRCUIT COURT OF	
Plaintiff,)	BALDWIN COUNTY, ALABAMA	
VS.)	AT LAW	NO. <u>5445</u>
MINTIE LOIS WHITE and LEONA)		
WHITE,)		
Defendants.)		

COMPLAINT

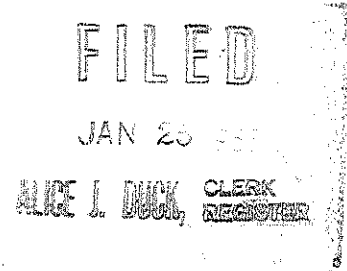
The plaintiff claims of the defendants Fifteen Hundred Dollars (\$1500.00) as damages for that heretofore on, to-wit, January 28, 1962, the defendant, Mintie Lois White, who was then and there the agent, servant or employee of the defendant, Leona White, and who was then and there acting within the line and scope of her employment as such agent, servant or employee of the said

defendant, Leona White, who is a resident of Baldwin County, Alabama, so negligently operated the motor vehicle which she was then and there driving at a point on U. S. Highway No. 31 in Butler County, Alabama, at a point approximately two hundred (200) feet south of the south intersection of the Lower Chapman Road and the said U. S. Highway No. 31, as to cause or allow the motor vehicle which she was then and there driving to run into, upon or against the automobile of the plaintiff's testate, Daniel H. Powell, and as a proximate result of the negligence of the defendant, Mintie Lois White, as aforesaid, the automobile of the said Daniel H. Powell was demolished, hence this suit.

J. B. Blackburn
Attorney for Plaintiff

Plaintiff demands a trial of
said cause by jury.

J. B. Blackburn
Attorney for Plaintiff



EX-1-29-63

NA 5445

SUMMONS AND COMPLAINT

FLORENCE POWELL, as Executrix of
and under the Last Will and
Testament of Daniel H. Powell,
Deceased,

Plaintiff,

VS.

MINTIE LOIS WHITE and LEONA WHITE,
Defendants.

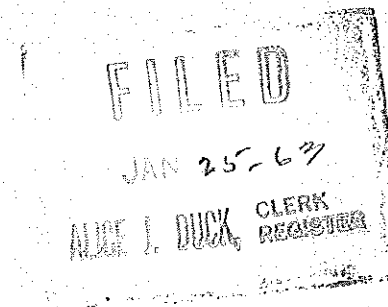
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

Received 25 day of Jan 1963
and on 29 day of Jan 1963
served a copy of the within
on Mintie Lois White
Leona White
by service on _____

TAYLOR WILKINS, Sheriff
By W. A. Albert
White House Fork

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY Albert
DEPUTY SHERIFF



J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA