

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vaughn W. Von Schildnecht and Eleain Von Schildnecht 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 same, then and there to answer the complaint of Robert B. Walker.

Witness my hand this the 19 day of September, 1961.

Alvin D. Buck  
Clerk

Ex-10-4-61

|                             |   |                         |
|-----------------------------|---|-------------------------|
| ROBERT B. WALKER,           | I |                         |
| Plaintiff,                  | I |                         |
| vs.                         | I | IN THE CIRCUIT COURT OF |
|                             | I | BALDWIN COUNTY, ALABAMA |
| VAUGHN W. VON SCHILDNECHT   | I | AT LAW                  |
| and ELEAIN VON SCHILDNECHT, | I |                         |
| Defendants.                 | I |                         |
|                             | I |                         |

4876

COUNT ONE:

The Plaintiff claims of the Defendants the sum of One Hundred Fifty Dollars (\$150.00) as damages for that, on to-wit: July 21, 1961, at or about 3:40 o'clock P. M. at the intersection of Fairhope Avenue and Church Street, in Fairhope, Baldwin County, Alabama, the Defendant Vaughn W. Von Schildnecht, acting by and through his agent, servant or employee, the Defendant Eleain Von Schildnecht, who was then and there acting within the line and scope of her duty as such agent, servant or employee, negligently drove an automobile into or against a motor vehicle owned by the Plaintiff Robert B. Walker and as a proximate result of the negligence of such Defendants the motor vehicle owned by the Plaintiff was damaged in this: the right front fender was damaged, bent or broken; the right front grill was damaged, bent or broken; the

right front headlight and parking light was damaged, bent or broken and the front wheels were knocked out of alignment, all to the damages of the Plaintiff in the sum above mentioned, hence this suit.

John Carl Chason  
Attorneys for Plaintiff

FILED

SEP 19 1961

ALICE J. DUCK, CLERK  
REGISTER

ROBERT B. WALKER,

Plaintiff,

vs.

VAUGHN W. VON SCHILDNECHT  
and ELEAIN VON SCHILDNECHT,

Defendants

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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SUMMONS AND COMPLAINT

\*\*\*\*\*

FILED

SEP 19 1961

ALICE J. DUCK, CLERK  
REGISTER

CHASON & STONE

ATTORNEYS AT LAW

BAY MINETTE, ALABAMA

Received 19 day of Sept 1961

and on 1 day of Oct 1961

I served a copy of the within B 2 C

on Vaughn W. Von Schildnecht

Eleain Von Schildnecht

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

TAYLOR WILKINS, Sheriff

By Deputy Sheriff D.S.

Point Clear

Sheriff claims 160 miles at

Ten Cents per mile Total \$ 16.00

TAYLOR WILKINS, Sheriff

BY CC  
DEPUTY SHERIFF

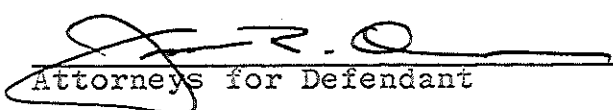
|                            |   |                         |
|----------------------------|---|-------------------------|
| ROBERT B. WALKER,          | X |                         |
| Plaintiff,                 | X | IN THE CIRCUIT COURT OF |
| vs.                        | X |                         |
|                            | X | BALDWIN COUNTY, ALABAMA |
| VAUGHN W. VON SCHILDNECHT  | X |                         |
| and ELEAN VON SCHILDNECHT, | X | AT LAW                  |
| Defendants.                | X |                         |

STIPULATION

Come now the parties in the above styled cause by their attorneys and stipulate as follows:

1. That the damages to the Plaintiff's vehicle arising out of this accident were in the amount of \$100.00.
2. That the damages to the Defendant's vehicle arising out of this accident were in the amount of \$150.<sup>48</sup>.
3. That the driver of the Plaintiff's car, Robert S. Walker, and the driver of the Defendant's car, Eleain Von Schildnecht, were each operating their vehicle as agent for the respective owners within the line and scope of their authority as such agent at the time of the accident out of which this action arose.

  
Attorneys for Plaintiff

  
Attorneys for Defendant

ROBERT B. WALKER,

Plaintiff,

vs.

VAUGHN W. VON SCHILDNECHT  
and ELEAN VON SCHILDNECHT,

Defendants.

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

STIPULATION

\* \* \* \* \*

CHASON & STONE

ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA

ROBERT B. WALKER,

Plaintiff,

VS.

VAUGHN W. VON SCHILDNECHT  
and ELEAIN VON SCHILDNECHT,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

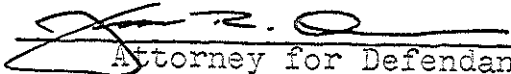
NO. 4876

PLEA

Now comes the Defendants in the above styled cause and for plea to the said complaint heretofore filed in said cause says separately and severally:

1. Not guilty.

2. For further plea and by way of recoupment the Defendant, Vaughn W. Von Schildnecht claims of the Plaintiff the sum of Two Hundred Fifty Dollars (\$250.00) damages for that heretofore on to-wit, July 21, 1961, at or about 3:40 o'clock P. M. at the intersection of Fairhope Avenue and Church Street in Fairhope, Baldwin County, Alabama, Robert S. Walker, who was then and there an agent, servant or employee of the Plaintiff, Robert B. Walker, 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 or upon or against a motor vehicle owned by the Defendant, Vaughn W. Von Schildnecht and as a proximate result of the negligence of the said agent, servant or employee the motor vehicle owned by the Defendant was damaged in this: the rear bumper was bent and damaged; the tail lamp body was bent and broken; the right backup lamp was bent and broken; the right rear fender was bent and damaged all to the damages of the Defendant, Vaughn W. Von Schildnecht, in the sum above mentioned.

  
Attorney for Defendants

FILED

OCT 16 1961

ALICE J. DUCK, CLERK  
REGISTER

ROBERT B. WALKER,

Plaintiff,

v.

VAUGHN W. VON SCHILDNECHT  
and ELEAN VON SCHILDNECHT,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4876

REPLICATION

Comes now the Plaintiff in the above styled cause and  
for Replication to plea "2" heretofore filed in said cause says:

1. Not guilty.

*Chason & Stone*  
Attorneys for Plaintiff

FILED

OCT 18 1937

ALICE J. DUCK, CLERK  
REGISTER

ROBERT B. WALKER,  
Plaintiff,

v.

VAUGHN W. VON SCHILDNECHT  
and ELEAIN VON SCHILDNECHT,  
Defendant.

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 4876

\* \* \* \* \*

REPLICATION

\* \* \* \* \*

FILED

OCT 18 1961

ALICE J. DUCK, CLERK  
REGISTERED