

4966

January 9, 1962

ROY E. DICKERSON, Plaintiff
VS
THEO VAN THOMPSON, Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. Not Given

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

I, Bettye Frink, Secretary of State, hereby certify that on December 11, 1961
I sent by registered mail in an envelope addressed as follows:

" Theo Van Thompson
1804 Kiva Street
Santa Fe, New Mexico"

"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:

" Thee Van Thompson
1804 Kiva Street
Santa Fe, New Mexico

You will take notice that on December 11, 1961 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: ROY E. DICKERSON, Plaintiff VS THEO VAN THOMPSON, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. Not Given 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 11
day of December 1961

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 Dec 21 1961 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at ~~Reed's~~ address not given
on Dec 15 1961

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9 day
of January 1962

Bettye Frink

Bettye Frink
Secretary of State

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

cc: Honorable John Earle Chason
Chason & Stone
Attorneys at Law
Baldwin County Bank Bldg.
Bay Minette, Ala.

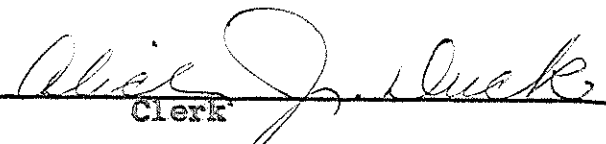
STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - AT LAW

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Theo Van Thompson 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 Roy E. Dickerson.

Witness my hand this the 5 day of December, 1961.

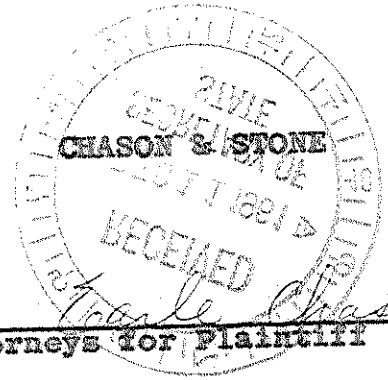

Clerk

ROY E. DICKERSON,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
THEO VAN THOMPSON,	I	
Defendant	I	AT LAW
	I	

COUNT ONE:

The Plaintiff claims of the Defendant Seven Hundred Dollars (\$700.00) as damages for that on heretofore, to-wit: the 8th day of September, 1961, at a point on U. S. Highway 90, approximately 1.6 miles East of the City Limits of Mobile, Alabama, which said point and place is a public highway in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to collide with a boat and motor being pulled behind an automobile being then and there operated by the Plaintiff and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the boat and motor which were the property of the Plaintiff, were damaged in this: the motor (35 Horsepower Johnson) was destroyed, the transom of the boat was torn loose and the dash board was torn loose, all to the damage of the Plaintiff as aforesaid, wherefore he brings this suit and asks judgment in

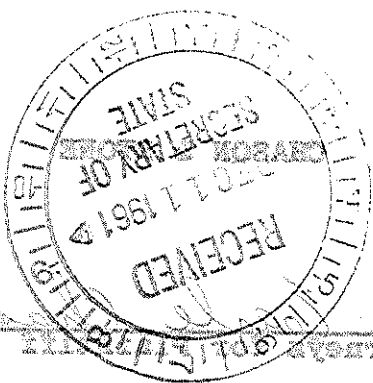
the above amount.



By: John Charles Chason
Attorneys for Plaintiff

The Defendant is a non-resident of the
State of Alabama, residing at 1804 Kiva
Street, Santa Fe, New Mexico

7
2
0
0



the above amount.

The defendant is a non-resident of the
State of Alabama, residing at 1804 Live
Street, Santa Fe, New Mexico

4966

ROY E. DICKERSON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
THEO VAN THOMPSON,	X	
Defendant.	X	AT LAW
	X	

Comes now the Plaintiff in the above styled cause, by his attorneys, and demurs to pleas two, three and four heretofore filed in said cause, separately and severally and assigns the following separate and several grounds, as follows:

1. That pleas two, three and four do not allege facts sufficient to show a duty owing the Defendant from the Plaintiff.
2. That pleas two, three and four do not allege facts showing that the Defendant breached any duty which he may have owed the Defendant.
3. That pleas two, three and four attempt to allege the quo modo without setting out sufficient facts to show wherein the Plaintiff was negligent.
4. That plea four does not allege that the injuries received by the Defendant were the proximate result of the negligence of the Plaintiff.
5. That plea four is insufficient in that it combines a plea of contributory negligence with a plea of set off.
6. That plea four is not a sufficient plea of contributory negligence.
7. That plea four is not a sufficient plea of set off, in that the claim offered to be set off sound in damages merely.
8. That plea four is not a sufficient plea of recoupment, in that no facts are alleged showing a duty owing by the Plaintiff to the Defendant.
9. That plea four does not state a cause of action.

CHASON & STONE

FILED

AUG 13 1962

CLERK
REGISTER

By: John Earle Chason
Attorneys for Plaintiff

ROY E. DICKERSON	X		
Plaintiff	X	IN THE CIRCUIT COURT OF	
vs	X	BALDWIN COUNTY, ALABAMA	
THEO VAN THOMPSON	X	AT LAW	NO. <u>4966</u>
Defendant	X		

Comes the defendant in the above styled cause and for answer to said complaint in said cause shows unto this Honorable Court as follows:

-1-

Not guilty.

-2-

For further answer to said count, Theo Van Thompson says that the plaintiff ought not to recover in this case, for that on the occasion complained of the plaintiff was himself guilty of negligence proximately contributing to his alleged damages, in that the said plaintiff was operaring his said automobile in a negligent manner and said defendant avers that plaintiff's so driving his said automobile pulling attachedthereto, a boat trailer on which a boat was loaded negligently turned left and in a negligent manner crossed the North lane of the Mobile Bay Causeway in-which said defendant was driving West and stopped his said automobile so that the said boat trailer projected into defendant's lane of traffic. Whereby the said trailer collided with the said automobile driven by the defendant. Said negligence of the said plaintiff proximately contributed to the said plaintiff's alleged damages, hence said plaintiff ought not to recover in this suit.

-3-

For further answer to said count, defendant, Theo Van Thompson says that the plaintiff ought not to recover in this case for that on the occasion complained of, the plaintiff was himself guilty of negligence proximately contributing to his alleged damages in that said plaintiff negligently drove his automobile and attached boat trailer, making a left turn on Mobile Bay Causeway and crossing immediately in the path of the automobile operated by the said defendant and causing the boat trailer to collide with the automobile operated by the defendant damaging the said automobile and wrecking the front end, grill, hood, head lamps, windshield glass and right fender and other parts on said car in the sum of \$396.83.

For further answer to said count, defendant, Theo Van Thompson says that the plaintiff ought not to recover in this case for that on the occasion complained of, the plaintiff was himself guilty of negligence proximately contributing to his alleged damages in that said plaintiff negligently drove his automobile and attached boat trailer, making a left turn on Mobile Bay Causeway and crossing immediately in the path of the automobile operated by the said defendant and causing the boat trailer to collide with the automobile operated by the defendant and injuring the said defendant, bruising both hips, and injuring his back and causing severe pain to his legs, said negligence of said plaintiff proximately contributing to said defendant's bruises, contusions, pains and injuries which contributed to an arthritic condition damaging your defendant in the amount of \$5,000.00 which said defendant offers to set off against said plaintiff's claim and demands judgment for the excess.

THOMPSON & WHITE

BY


Attorneys for defendant

FILED

FEB 19 1962

ALICE J. DUCK, CLERK
REGISTER

ROY E. DICKERSON

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

THEO VAN THOMPSON

X

AT LAW

NO. _____

Defendant

X

Comes the defendant in the above styled cause and for demurrer to said complaint and to each phase thereof separately and severally demurs as follows:

-1-

That said complaint fails to allege the time of day or night at which said accident is alleged to have occurred.

-2-

That said complaint fails to allege the size of the boat involved in said accident.

-3-

That said complaint fails to allege the make, model or description of said boat involved in said accident.

-4-

That said complaint fails to allege the age, year or model of said boat which was involved in said accident.

-5-

That said complaint fails to allege the year model of the said motor involved in said accident.

-6-

That said complaint fails to allege whether said motor is an inboard or outboard motor.

THOMPSON & WHITE

BY:

Attorneys for Defendant

Defendant respectfully asks for trial by jury.

Attorney for defendant.

FILED

JAN 9 1962

ALICE L. DICKERSON
CLERK
REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - AT LAW

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Theo Van Thompson 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 Roy E. Dickerson.

Witness my hand this the 8 day of December, 1961.

W. J. Duck
Clerk

ROY E. DICKERSON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
THEO VAN THOMPSON,	X	
Defendant	X	AT LAW
	X	

COUNT ONE:

The Plaintiff claims of the Defendant Seven Hundred Dollars (\$700.00) as damages for that on heretofore, to-wit: the 8th day of September, 1961, at a point on U. S. Highway 90, approximately 1.6 miles East of the City Limits of Mobile, Alabama, which said point and place is a public highway in Baldwin County, Alabama, the Defendant so negligently operated a motor vehicle as to cause or allow the same to collide with a boat and motor being pulled behind an automobile being then and there operated by the Plaintiff and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the boat and motor which were the property of the Plaintiff, were damaged in this: the motor (35 Horsepower Johnson) was destroyed, the transom of the boat was torn loose and the dash board was torn loose, all to the damage of the Plaintiff as aforesaid, wherefore he brings this suit and asks judgment in

the above amount.

CHASON & STONE

By: John Earle Chason
Attorneys for Plaintiff

The Defendant is a non-resident of the
State of Alabama, residing at 1804 Kiva
Street, Santa Fe, New Mexico

FILED
DEC 7 1961
DIRECTOR OF REGISTRY

FILED
DEC 8 1961
ALICE J. DUCK, CLERK
REGISTER

2327

RECEIVED IN OFFICE
DEC 8 1961
M. S. BUTLER, Sheriff

Executed by serving 3 copies of
the within on Betty Finch
Secretary of State of The State of
Alabama.

This the 11 day of Dec 1961

Sheriff of Montgomery County,
M. S. Butler,

By Ronald D. S.

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 20
M. S. Butler, Sheriff
Montgomery County, Ala.

4966

ROY E. DICKERSON,

Plaintiff,

vs.

THEO VAN THOMPSON,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

FILED

DEC 8 1961

ALICE J. DICKSON
CLERK
REGISTER