

JAMES R. OWEN, as Administrator
cum testamento annexo of the
Estate of Charles H. Heyl,
Deceased,

Plaintiff,

v.

LOYAL AMERICAN LIFE
INSURANCE COMPANY, a
corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO.

5001

DEMURRER

COMES the defendant, Loyal American Life Insurance Company, a corporation, and files this its demurrer to the complaint in the above-styled cause, and separately and severally to each and every count thereof; and as grounds thereof sets down and assigns, separately and severally, the following:

1. Said count fails to state a cause of action.
2. Said count is vague, indefinite and uncertain.
3. For aught appearing said policy or policies was not in full force and effect on the date of the alleged insured's death.
4. With respect to the allegations and claim on said group accident and health policy said count fails to allege that the insured was a member of said group on the date of his alleged death.
5. For that it affirmatively appears that said contract of insurance was with respect to accidental death as to which the code form of complaint is inapplicable.
6. Said Count fails to allege that said policy was in full force and effect, or that the amount sued for is due, upon the death of insured.
7. For that said count fails to allege that said policy was in full force and effect upon the date of the death of insured.
8. For that said count fails to allege that the insured died from accidental causes.

9. For aught appearing, the insured did not die because of accident.

10. For that said count fails to allege that said insured died accidentally.

11. For that said count joins two causes of action.

12. For that said count fails to allege that the insured's death was a result of accident.

13. For that it does not appear fro said count on which policy the defendant is called upon to defend.

14. For aught appearing, said policy is not a policy of life insurance.


Attorney for Defendant

DERAMUS & JOHNSTON,
830 Brown-Marx Building,
Birmingham, Alabama.

FILED

MAY 2 1962

ALICE J. DUCK, CLERK
REGISTER

230-A

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, AT LAW

JAMES R. OWEN, as Administrator
cum testamento annexo of the
Estate of Charles H. Heyl,
Deceased,

Plaintiff,

v.

LOYAL AMERICAN LIFE INSURANCE
COMPANY, a corporation,

Defendant.

DEMURRER

LAW OFFICES
DERAMUS & JOHNSTON
822-838 BROWN-MARX BUILDING
BIRMINGHAM 3, ALABAMA

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Loyal American Life Insurance Company, a Corporation, 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 James R. Owen, as Administrator cum testamento annexo of the Estate of Charles H. Heyl, deceased.

WITNESS my hand this 22 day of January, 1962.

Alice J. Duck
Clerk

An agent of the Defendant may be served at its office at 1050 Government Street, Mobile, Alabama.

* * * * *

JAMES R. OWEN, as Administrator
cum testamento annexo of the
Estate of Charles H. Heyl,
Deceased,

Plaintiff,

VS.

LOYAL AMERICAN LIFE INSURANCE
COMPANY, a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COMPLAINT

The Plaintiff claims of the Defendant Ten Thousand Dollars (\$10,000.00), due on a policy, whereby the Defendant, on the 16th day of August, 1959, insured the life of Charles H. Heyl, who died on 13th day of March, 1960, of which the Defendant has had notice. Said policy is the property of the Plaintiff.

J. B. Blackburn
Attorney for Plaintiff

Plaintiff demands a trial by jury
of said cause.

J. B. Blackburn
Attorney for Plaintiff

EX-427-62

FILED

JAN 22 1962

ALICE J. DUCK, CLERK
REGISTER

JAMES R. OWEN, as Administrator
cum testamento annexo of the
Estate of Charles H. Heyl,
Deceased,

Plaintiff

VS.

LOYAL AMERICAN LIFE INSURANCE
COMPANY, a Corporation,

E. L. Wilson

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED

JAN 22 1962

ALICE J. DUCK

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

RECEIVED
APR 19 1962
SHERIFF'S OFFICE

Received 19 Day of April 1962
and on 27 Day of April 1962
I served a Copy of the within to the
on Judge L. E. Blackburn
by service on E. L. Wilson
James

RAY D. BRIDGES, Sheriff
By J. B. Smith D. S.

LAW OFFICES
DERAMUS & JOHNSTON
822-838 BROWN-MARX BUILDING
BIRMINGHAM 3, ALABAMA

FAIRFAX 2-0616

HARVEY DERAMUS
GILBERT E. JOHNSTON
EDMON L. RINEHART
JAMES C. BARTON
HARVEY ELROD
G. BURNS PROCTOR, JR.
ALFRED M. NAFF
R. RICHARD SCHWEITZER
SYDNEY LAVENDER
DONALD L. COLLINS
ALAN W. HELDMAN

April 30, 1962

Mrs. Alice J. Duck, Clerk,
Circuit Court of Baldwin County,
Baldwin County Courthouse,
Bay Minette, Alabama.

James R. Owen, as Administrator cum
testamento annexo of the Estate of
Charles H. Heyl v. Loyal American Life
Insurance Company, a corporation; In
the Circuit Court of Baldwin County,
Alabama, At Law.

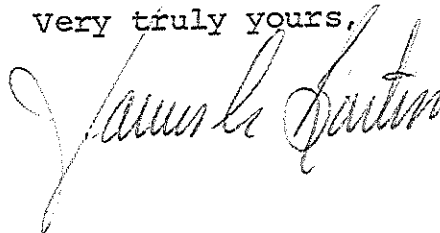
Dear Mrs. Duck:

We are enclosing demurrers to the complaint filed
in the above cause. This complaint was served upon our
client, Loyal American Life Insurance Company, on April
27, 1962.

We should appreciate your filing the demurrer
for us, and enclose a copy for the attorneys for the
plaintiff. For your convenience, we are enclosing a
self-addressed, pre-stamped envelope for return of the
enclosed receipt.

Thank you.

Very truly yours,



JCB:hs
Enc.

JAMES R. OWEN, as Administrator	X	
cum testamento annexo of the	:	IN THE CIRCUIT COURT OF
Estate of Charles H. Heyl,	X	
Deceased,	:	BALDWIN COUNTY, ALABAMA,
	X	
Plaintiff,	:	
	X	AT LAW
v.	:	
	X	
LOYAL AMERICAN LIFE INSURANCE	:	
COMPANY, a corporation,	X	
	:	
Defendant.	X	

DEFENDANT'S PLEAS

COMES the defendant in the above-entitled cause and, for answer to each count of the complaint filed herein, separately and severally, interposes the following pleas, separately and severally:

PLEA I

The defendant avers that the allegations of said count are untrue.

PLEA II

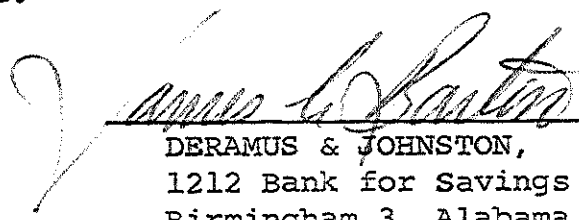
The defendant avers that on, to-wit, March 13, 1960, the death of the insured Charles H. Heyl was caused or contributed to by suicide, or an attempt thereat by the insured; and defendant further avers that said group accident insurance policy sued on contained the following exclusion:

"The insurance under this policy shall not cover loss which results from...
(b) suicide, or attempted suicide whether sane or insane."

FILED

1-22-63

ALICE J. DUCK, CLERK
REGISTER


DERAMUS & JOHNSTON,
1212 Bank for Savings Building,
Birmingham 3, Alabama.
Attorneys for Defendant.