

VIRGIL HOUSTON DAVIS,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
GODFREY F. KLUMPP,)	
Defendant.)	CASE NO. <u>5009</u>

COUNT ONE

Plaintiff claims of the Defendant the sum of \$40,000.00 for that heretofore and on to-wit, December 28, 1961, the Defendant so negligently operated an automobile on Fairhope Avenue at or near its intersection with Fig Street, both of which said streets were then and there public highways within the County of Baldwin, State of Alabama, as to cause or allow the said automobile to collide with an automobile then and there owned and operated by the Plaintiff, Virgil Houston Davis, and as a direct and proximate result of the negligence of the Defendant as aforesaid, the Plaintiff was extensively and permanently injured and was then and there rendered unconscious for several hours, received extensive lacerations of the face, forehead, and head; received extensive lacerations and bruises of the hips and his neck and spine were extensively and permanently injured; the Plaintiff was taken to the hospital where he remained for a long period of time and was caused to expend great sums of money in and about the care and treatment of his said injuries; that he was caused, is being caused and will in the future be caused to suffer great pain and mental anguish and that he was further permanently and painfully injured about the head and body; that his automobile was then and there greatly damaged and rendered valueless, all as a direct and proximate result of the negligence of Defendant as aforesaid.

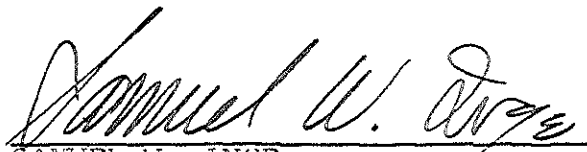
HENCE this suit.

COUNT TWO

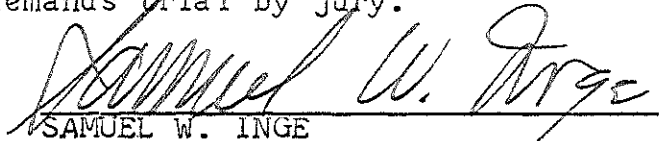
Plaintiff claims of the Defendant the sum of \$40,000.00 for that heretofore and on to-wit, December 28, 1961, the Defendant so willfully and wantonly operated an automobile on Fairhope Avenue at or near its

intersection with Fig Street, both of which said streets were then and there public highways within the County of Baldwin, State of Alabama, as to cause or allow the said automobile to collide with an automobile then and there owned and operated by the Plaintiff, Virgil Houston Davis, and as a direct and proximate result of the willful and wanton negligence of the Defendant as aforesaid, the Plaintiff was willfully and wantonly injured and was then and there rendered unconscious for several hours, received extensive lacerations of the face, forehead, and head; received extensive lacerations and bruises of the hips and his neck was extensively and permanently injured; the Plaintiff was taken to the hospital where he remained for a long period of time and was caused to expend great sums of money in and about the care and treatment of his said injuries; that he was caused, is being caused and will in the future be caused to suffer great pain and mental anguish and that he was further permanently and painfully injured about the head and body; that his automobile was then and there greatly damaged and rendered valueless, all as a direct and proximate result of the willful and wanton negligence of the Defendant as aforesaid.

HENCE this suit.


SAMUEL W. INGE
Attorney for Plaintiff

The Plaintiff respectfully demands trial by jury.


SAMUEL W. INGE
Attorney for Plaintiff

Defendant may be served:
363 Wisteria Avenue
Fairhope, Alabama

FILED

FEB 1 1962

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5009

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Godfrey F. Klumpp

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

Godfrey F. Klumpp, Defendant

by Virgil Houston Davis

Plaintiff

Witness my hand this 1st day of February 1962

Encl- 2-3-62

Alice J. Luck, Clerk

No. 5009

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

VIRGIL HOUSTON DAVIS

vs. Plaintiffs

GODFREY F. KLUMPP

363 Wisteria St
Defendants

SUMMONS and COMPLAINT

Filed FEBRUARY 1, 1962

Alice J. Duck, Clerk

Samuel W. Inge
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

2/1, 1962

, Sheriff

I have executed this summons

this 3 Feb, 1962

by leaving a copy with

Godfrey F. Klumpp

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY W. O. Garner
DEPUTY SHERIFF

Taylor Wilkins Sheriff
W. O. Garner Deputy Sheriff

Thope

VIRGIL HOUSTON DAVIS
Plaintiff

-vs-

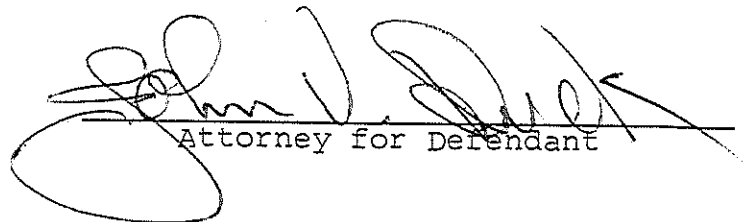
GODFREY F. KLUMPP
Defendant

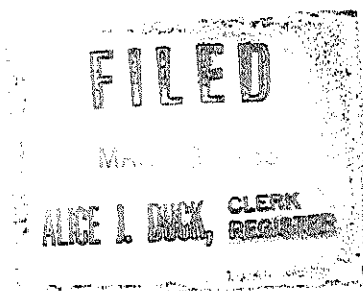
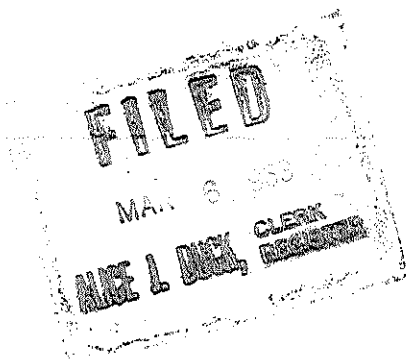
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) AT LAW.
) 5009
)

MOTION FOR DISMISSAL

Comes now John V. Duck, as Attorney for Godfrey F. Klumpp, Defendant in the above styled cause, and moves the Court for dismissal, of this suit, and for grounds thereof says:

That the Defendant died in the month of February, 1963.


Attorney for Defendant



VIRGIL HOUSTON DAVIS,
Plaintiff
V.
GODFREY F. KLUMPP,
Defendant

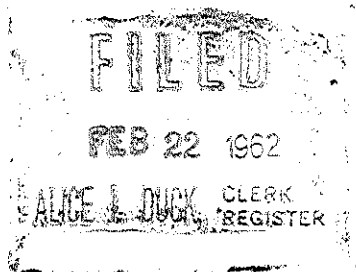
)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
) AT LAW
)

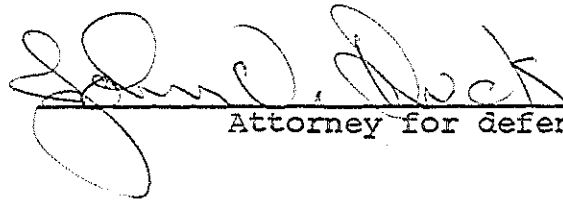
DEMURRERS

Comes now the defendant in the above styled cause and demurs to the Bill of Complaint filed herein and for grounds therefor assigns the following separately and severally.

ONE: As to count one, Said count does not state cause of action.

TWO: That the statements in count one "that plaintiff was extensively and permanantly injured and was then and there rendered unconscious for several hours", is but a conclusion of the pleader.




Attorney for defendant

VIRGIL HOUSTON DAVIS,)
Plaintiff) IN THE CIRCUIT COURT OF
-VS-) BALDWIN COUNTY, ALABAMA
GODFREY F. KLUMPP,) AT LAW
Defendant)
)

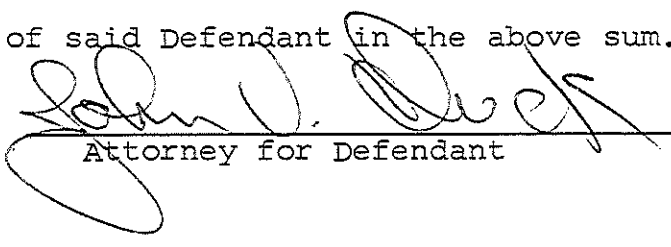
P L E A

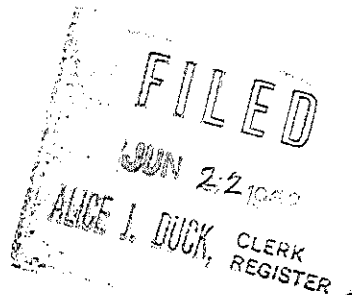
Comes now the Defendant in the above styled cause and for answer to the Complaint heretofore filed in said cause, pleads separately and severally as follows:

ONE: Not guilty.

TWO: That the Plaintiff was guilty of negligence at the time and place complained of in his Complaint whis proximately contributed to his alleged damages in that the Plaintiff so negligently operated his motor vehicle as to cause or allow the same to run into, upon or against the automobile of the defendant, hence, he should not recover.

THREE: For further plea by way of recoupment, the Defendant, claims of the Plaintiff the sum of TWO HUNDRED TWENTY-FIVE (\$225.00) DOLLARS as damages for that heretofore, on to-wit, December 28, 1961, the Plaintiff so negligently operated an automobile on Mobile Avenue at or near it's intersection with Fig Street, both of which said streets were then and there public highways within the County of Baldwin, State of Alabama, as to cause or allow the said automobile to collide with an automobile of the defendant, as to cause or allow the same to run into, or upon or against the motor vehicle driven by the Defendant, and as a proximate result of such negligence, the automobile of the Defendant was damaged in this: The right side of the said automobile was bent and damaged and broken, that the right rear panel was bent, damaged and broken. The right front fender was bent, damaged and broken, all to the damage of said Defendant in the above sum.


Attorney for Defendant



5009

VIRGIL HOUSTON DAVIS
Plaintiff

vs

GODFREY F. KLUMPP

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

PLEA

FILED

JUN 22 1962

ALICE J. DUCK, CLERK
REGISTER