

STATE OF ALABAMA

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Juanita Hayes, St. Stephens, Alabama, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same and plead, answer or demur within thirty days from service hereof to the complaint of J. Howard Posey, hereto attached.

Witness, my hand this 20 day of August, 1963.

Alice J. Luck
Clerk.

C O M P L A I N T

J. HOWARD POSEY,

Plaintiff,

vs.

JUANITA HAYES

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

(5681)

COUNT ONE

The Plaintiff claims of the Defendant the sum of ten thousand (\$10,000.00) Dollars as damages, for that heretofore on or about, to-wit: May 23, ¹⁹⁶³ the Plaintiff leased to defendant two (2) boats equipped with outboard motors, commonly called "speedboats", to be used by defendant in Little Lagoon, an inland lake at or near Gulf Shores, in Baldwin County, Alabama, and Plaintiff avers that at said time and place the defendant so negligently operated said boats equipped as aforesaid, that by reason thereof and as a proximate consequence thereof, the two aforesaid boats collided, thereby and as a proximate result thereof Plaintiff was damaged as follows, to-wit: said boats were broken and torn; said boats were cracked and made to leak and the hulls of said boats were torn, broken, cracked and made unsafe for use; equipment, the hull, windshield and seats on said boats were broken, loosened and bent; Plaintiff lost the use of said boats; Plaintiff lost the income from the rental of said boats; Plaintiff lost income from the rental of said boats for a long period of time; all to Plaintiff's damage in the sum aforesaid; hence this suit.

COUNTYTWO

The Plaintiff claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages, for that heretofore on or about, to-wit: May 23, ¹⁹⁶³ the Plaintiff leased to defendant two (2) boats equipped with outboard motors, commonly called "speedboats", to be used by defendant in Little Lagon, an inland lake at or near Gulf Shores, in Baldwin County, Alabama, and Plaintiff avers that at said time and place an agent, servant or employee of defendant while acting within the line or scope of his employment as such agent, servant or employee, so negligently operated said boats so equipped as aforesaid, that by reason thereof and as a proximate consequence thereof, the two boats collided, and thereby, as a proximate result and consequence thereof, the plaintiff was damaged as set out in Count One hereof, reference to which is hereby made for a description of said damages; all to Plaintiff's damage in the sum aforesaid; hence this suit.

E. M. Ford Jr.
Jacob H. McGuire
Attorneys for Plaintiff

A trial by jury is demanded in this cause.

Jacob H. McGuire
Attorney for Plaintiff
Fus Calvera, Ala.

J. HOWARD POSEY,

Plaintiff,

vs.

JUANITA HAYES,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER:

Comes the Defendant in the above styled cause and demurs to the complaint filed in said cause and each and every count thereof separately and severally, and assigns the following separate and several grounds, viz:

1. That said complaint does not allege any duty owing by the Defendant to the Plaintiff.

2. That said complaint does not sufficiently set out where the accident occurred.

3. That said complaint does not allege that the boats were used by the Defendant in Baldwin County, Alabama.

4. The allegation that the Defendant so negligently operated said boats is but a conclusion of the pleader and fails to allege sufficient facts to constitute negligence.

5. That the complaint does not sufficiently set out the manner in which the accident occurred.

6. That said complaint does not sufficiently set out the extent of the damage to the boats.

7. That said complaint does not set out the length of time that the Plaintiff lost the use of said boats.

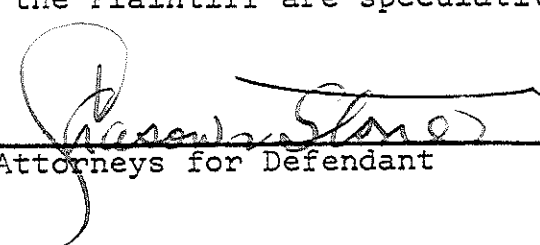
8. That the complaint does not sufficiently set out the amount of income from the rental of said boats that the Plaintiff lost.

9. That the damages claimed by the Plaintiff are speculative.

FILED

AUG 27 1983

ALICE J. DUCK, CLERK
REGISTER


Attorneys for Defendant

5641

J. HOWARD POSEY,
Plaintiff,

vs

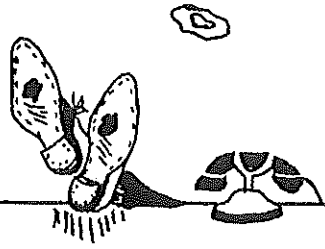
JUANITA HAYES,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

FILED
AUG 27 1963
ALICE J. DUCK, CLERK
REGISTER



From The Desk Of
Jack McGuire
Tuculoos,
Ala

Mrs. Burt - I
am at Gulf
Shores -

Mr. Ford
Told me how nice
you were to him
I wanted to see
you -

Thank -
Jack McGuire

STATE OF ALABAMA

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon Juanita Hayes, St. Stephens, Alabama, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same and plead, answer or demur within thirty days from service hereof to the complaint of J. Howard Posey, hereto attached.

Witness, my hand this 20 day of August, 1963.

Alice J. Luck
Clerk.

C O M P L A I N T

J. HOWARD POSEY,	↓	IN THE CIRCUIT COURT OF
Plaintiff,	↓	BALDWIN COUNTY, ALABAMA
vs.	↓	AT LAW.
JUANITA HAYES	↓	
Defendant.	↓	5681

COUNT ONE

The Plaintiff claims of the Defendant the sum of ten thousand (\$10,000.00) Dollars as damages, for that heretofore on or about, to-wit: May 23, ¹⁹⁶³ the Plaintiff leased to defendant two (2) boats equipped with outboard motors, commonly called "speedboats", to be used by defendant in Little Lagoon, an inland lake at or near Gulf Shores, in Baldwin County, Alabama, and Plaintiff avers that at said time and place the defendant so negligently operated said boats equipped as aforesaid, that by reason thereof and as a proximate consequence thereof, the two aforesaid boats collided, thereby and as a proximate result thereof Plaintiff was damaged as follows, to-wit: said boats were broken and torn; said boats were cracked and made to leak and the hulls of said boats were torn, broken, cracked and made unsafe for use; equipment, the hull, windshield and seats on said boats were broken, loosened and bent; Plaintiff lost the use of said boats; Plaintiff lost the income from the rental of said boats; Plaintiff lost income from the rental of said boats for a long period of time; all to Plaintiff's damage in the sum aforesaid; hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages, for that heretofore on or about, to-wit: May 23, ¹⁹⁶³ the Plaintiff leased to defendant two (2) boats equipped with outboard motors, commonly called "speedboats", to be used by defendant in Little Lagon, an inland lake at or near Gulf Shores, in Baldwin County, Alabama, and Plaintiff avers that at said time and place an agent, servant or employee of defendant while acting within the line or scope of his employment as such agent, servant or employee, so negligently operated said boats so equipped as aforesaid, that by reason thereof and as a proximate consequence thereof, the two boats collided, and thereby, as a proximate result and consequence thereof, the plaintiff was damaged as set out in Count One hereof, reference to which is hereby made for a description of said damages; all to Plaintiff's damage in the sum aforesaid; hence this suit.

E. M. Ford, Jr.

Jack H. McGuire
Attorneys for Plaintiff

A trial by jury is demanded in this cause.

FILED

AUG 20 1963

ALICE L. DUCK, CLERK
REGISTER

RECEIVED IN OFFICE

This 21 day of Aug 1963
C. J. (Judge) SULLIVAN, Sheriff
Washington County, Ala.

D. S.

EXECUTED
This 22 day of Aug 1963
by serving a copy of the within
on Juanita Mayo
C. J. (Judge) SULLIVAN, Sheriff
Washington County, Ala.
C. J. Sullivan D.S.

EXECUTED

By Serving a Copy of the Within
1 2 1 0 \$ 1.50
60 Miles @ .10 \$ 6.00
Total \$ 7.50

Signed: C. J. SULLIVAN, Sheriff

By C. J. Sullivan
Washington County, Ala.

Received 20 day of Aug 1963
and on _____ day of _____ 19____
I served a copy of the within _____
on _____
By service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

CASE NO. 5681

THE STATE OF ALABAMA
BALDWIN COUNTY.

C I R C U I T C O U R T

J. HOWARD POSEY, PLAINTIFF,
VS.
JAUNITA HAYES, DEFENDANT.

S U M M O N S A N D C O M P L A I N T.

Filed this _____ day of
August, 1963.

FILED

AUG 20 1963
Clerk

ALICE L. DUCK, CLERK
REGISTER

Plaintiff's Attorneys
E. M. Ford, Jr. and

JACK H. McGUIRE
ATTORNEY AT LAW
2600 7TH STREET
TUSCALOOSA, ALA.

State of Alabama,
Baldwin County.
Received this the 20 day of August, 1963.

Sheriff

Executed this 20 day of August 1963, by leaving
a copy of the within Summons and Complaint with

Juanita Hayes, St. Stephens, Alabama.
Defendant

C. J. Sullivan
Deputy Sheriff
Baldwin County, Alabama.