

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Frank Kelly and Leo Keith 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 American Oil Company, a Maryland Corporation.

WITNESS my hand, this 24 day of September, 1963.

Alice J. Duck
Clerk

The address of the defendant, Frank Kelly, is 314 Lake Street, Troy, Alabama.

The address of the defendant, Leo Keith, is Ellisville, Mississippi, and he may be served by service of three copies hereof on the Secretary of State for the State of Alabama.

* * * * *

AMERICAN OIL COMPANY, a
Maryland Corporation,

Plaintiff,

VS.

FRANK KELLY and LEO KEITH,

Defendants.

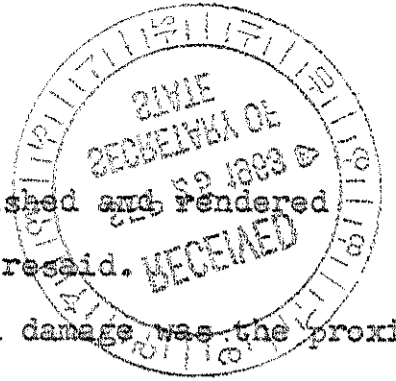
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
5722

C O M P L A I N T
COUNT ONE

The plaintiff claims of the defendant FORTY-FIVE HUNDRED DOLLARS (\$4500.00) damages for that heretofore on to-wit, June 27, 1963, the defendants, Frank Kelly and Leo Keith, so negligently operated motor vehicles in Baldwin County, Alabama, at a point on U. S. Highway 31 at a point approximately 4 miles South of Bay Minette, Alabama, so as to cause them to run into, upon or against each other and as a proximate result of the negligence of the said defendants the motor vehicle being operated by the defendant, Leo Keith, was caused to run into, upon or against gasoline pumps owned by the plaintiff and as a proximate result of the said negligence

215-1
the said gasoline tanks were completely demolished and rendered unfit to use, all to plaintiff's damage as aforesaid.



Plaintiff avers that all of its said damage was the proximate result of the joint negligence of the defendants, Frank Kelly and Leo Keith, at said time and place, hence this suit.



Attorney for Plaintiff

FILED

SEP 24 1965

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Frank Kelly and Leo Keith 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 American Oil Company, a Maryland Corporation.

WITNESS my hand, this 24 day of September, 1963.

Miss J. D. ...
Clerk

The address of the defendant, Frank Kelly, is 314 Lake Street, Troy, Alabama.

The address of the defendant, Leo Keith, is Ellisville, Mississippi, and he may be served by service of three copies hereof on the Secretary of State for the State of Alabama.

* * * * *

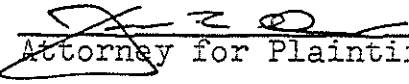
AMERICAN OIL COMPANY, a Maryland Corporation,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
VS.)	
)	AT LAW
FRANK KELLY and LEO KEITH,)	<i>5722</i>
)	
Defendants.)	

C O M P L A I N T
COUNT ONE

The plaintiff claims of the defendant FORTY-FIVE HUNDRED DOLLARS (\$4500.00) damages for that heretofore on to-wit, June 27, 1963, the defendants, Frank Kelly and Leo Keith, so negligently operated motor vehicles in Baldwin County, Alabama, at a point on U. S. Highway 31 at a point approximately 4 miles South of Bay Minette, Alabama, so as to cause them to run into, upon or against each other and as a proximate result of the negligence of the said defendants the motor vehicle being operated by the defendant, Leo Keith, was caused to run into, upon or against gasoline pumps owned by the plaintiff and as a proximate result of the said negligence

the said gasoline tanks were completely demolished and rendered unfit to use, all to plaintiff's damage as aforesaid.

Plaintiff avers that all of its said damage was the proximate result of the joint negligence of the defendants, Frank Kelly and Leo Keith, at said time and place, hence this suit.


Attorney for Plaintiff

FILED

SEP 24 1963

ALICE J. DUCK, CLERK
REGISTER

EX-9-25-63
10-5-63

1916

RECEIVED IN OFFICE
SEP 25 1963
M. S. BUTLER, Sheriff

3

Executed by serving 3 copies of
the within on Alvin Buggs
Secretary of State of The State of
Alabama.

This the 15 day of Sept 1963

Sheriff of Montgomery County
M. S. Butler,
By J. P. ... D. S.

The Sheriff claims 2
miles at 10c per mile for a total
of \$ 20
M. S. Butler, Sheriff
Received. Montgomery County, Ala. day
of Sept 1963

Executed By Serving A Copy of the within
On each of the within Named witnesses,
This 5th of Oct 1963
Maaley Davis Sheriff

5722

American Oil Co.
a Maryland Corp.
Plff.

vs

Frank Kelly & Leo
Keith,
Deft.

FILED

SEP 24 1963

ALICE L. DUNK, CLERK
REGISTER

AMERICAN OIL COMPANY, a
Maryland Corporation,

Plaintiff,

vs.

FRANK KELLEY and LEO
KEITH,

Defendants.

§
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§
§
§
§
§
§
§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 5722

DEMURRER:

Comes now the Defendant, Leo Keith, by his attorneys, and demurs to the complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.

2. The complaint fails to allege a duty owing from the Defendant, Leo Keith, to the Plaintiff and a breach of that duty proximately resulting in the injuries alleged to have occurred.

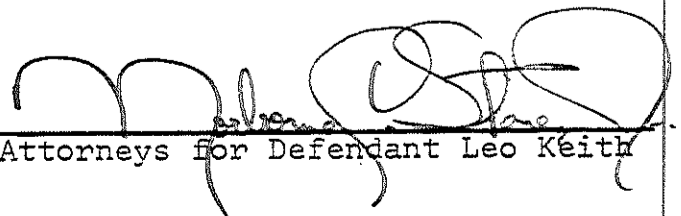
3. It affirmatively appears from the allegations of the complaint that the Defendant, Frank Kelley, negligently caused the motor vehicle being operated by the Defendant, Leo Keith, to run into, upon and against gasoline pumps allegedly owned by the Plaintiff.

4. The allegations of the complaint are vague, indefinite and uncertain in that it is alleged therein that a motor vehicle being operated by the Defendant, Leo Keith, was caused to run into, upon or against gasoline pumps allegedly owned by the Plaintiff and as a proximate result of said negligence that gasoline tanks were completely demolished and rendered unfit to use.

Respectfully submitted,

CHASON & STONE

FILED
OCT 14 1963
MAE L. DICK, CLERK

By: 
Attorneys for Defendant Leo Keith

The Defendant Leo Keith respectfully
demands a trial of this cause by a
jury.

CHASON & STONE

By: 
Attorneys for Defendant, Leo Keith

AMERICAN OIL COMPANY,) IN THE CIRCUIT COURT OF
a Maryland corporation,)
) BALDWIN COUNTY, ALABAMA
Plaintiff,)
) AT LAW
vs)
)
FRANK KELLY and LEO KEITH,)
)
Defendants.) CASE NO. 5722
)

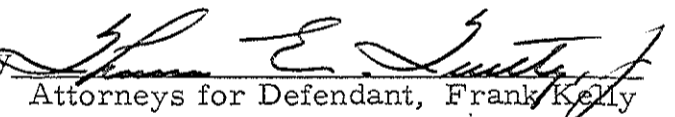
ANSWER

Comes now Defendant, Frank Kelly, and for answer to the Plaintiff's complaint and each count thereof, separately and severally, says as follows:

1. Not guilty.
2. The allegations thereof are untrue.

FILED
OCT 16 1963
ALICE J. DUCK, CLERK
REGISTER

INGE, TWITTY, DUFFY & PRINCE

By 
Attorneys for Defendant, Frank Kelly