

CECIL G. CHASON  
ATTORNEY-AT-LAW  
FOLEY, ALABAMA

March 21, 1963

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck

Re: Kendrick v. Morris  
Case No. 5485

Enclosed is Plea in Abatement of Joe Morris and  
Demurrer of Ardevie M. Morris in the above styled cause,  
a copy of which has this day been sent to Kenneth Cooper,  
Attorney at Law, as attorney for Plaintiff.

Yours very truly,



C. G. Chason

CGC:dc

Encl. 4

CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

July 24, 1963

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing demurrer to the amended complaint  
in the case of Kendrick vs Morris, case # 5485 at Law.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'C. G. Chason', with a stylized, cursive flourish extending from the end.

C. G. Chason

CGC:dc

Encl. 1

SERON P. KENDRICK, )  
 )  
Plaintiff, )  
 )  
Vs )  
 )  
ARDEVIE M. MORRIS )  
and JOE MORRIS, )  
Defendants. )

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

No. 5485

AMENDED COMPLAINT

Comes now your Plaintiff and amends the Complaint heretofore  
filed in this cause on 22 February, 1963, to read as follows:

SERON P. KENDRICK, )  
 )  
Plaintiff, )  
 )  
Vs )  
 )  
ARDEVIE M. MORRIS, )  
 )  
Defendant. )

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

No. 5485

COUNT 1:

The Plaintiff claims of the Defendant Ardevie M. Morris the  
sum of THREE HUNDRED and 70/100 (\$300.70) DOLLARS as damages for  
that on, to-wit, December 28, 1962, the Defendant, Ardevie M.  
Morris, so negligently operated a motor vehicle upon Alabama High-  
way No. 59, a public road in Baldwin County, Alabama, at a point  
approximately one and one-half mile south of where said Alabama  
Highway #59 and which said highway is sometimes referred to as  
Alabama Highway #3, intersects United States Highway #98, in  
Foley, Baldwin County, Alabama, so as to cause or allow the said  
vehicle to run into, upon or against a motor vehicle in which the  
Plaintiff was riding, and as a approximate consequence and result  
of the negligence of the Defendant aforesaid the Plaintiff's  
motor vehicle was damaged in that the wheels and tires were bent  
or injured, the lights were bent or broken, the fender, fender  
molding, hood, bumper, radiator, and frame were bent, broken or  
injured, the windshield and headlamps broken, and the Plaintiff  
was required to engage a wrecker and rent another vehicle while  
his vehicle was being repaired, in the amount sued for.

COUNT 2:

The Plaintiff claims of the Defendant the sum of THREE HUNDRED and 70/100 (\$300.70) DOLLARS as damages for that on, to-wit, December 28, 1962, the Defendant so negligently operated an automobile upon Alabama Highway #59, a public road in Baldwin County, Alabama, at a point approximately one and one-half miles south of where said Alabama Highway #59 intersects United States Highway #98, in the town of Foley, Baldwin County, Alabama, so as to cause or allow the said automobile to run into, upon or against a motor vehicle, to-wit, a 1959 Dodge Pick-up truck, in which the Plaintiff was riding, and which was owned by the Plaintiff, and as approximate result and consequence of the negligence of the defendant aforesaid the Plaintiff's motor vehicle was bent and damaged, and injured, hence this suit.

  
Attorney for Plaintiff

Attorney for Defendant  
Hon. Cecil G. Chason  
Foley, Alabama

FILED

APR 26 1963

ALICE J. DUCK, CLERK  
REGISTER

SUMMONS

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon ARDEVIE M. MORRIS and JOE MORRIS, of Foley, Baldwin County, Alabama, to appear and plead, answer or demur within the time allowed by law from the service hereof, to the complaint filed in this cause in the Circuit Court of Baldwin County, Alabama, at Bay Minette, against the said ARDEVIE M. MORRIS and JOE MORRIS by Seron P. Kendrick.

WITNESS my hand and seal this 22 day of February, 1963.

W. J. J. J. J.  
Clerk.

\*\*\*\*\*

SERON P. KENDRICK,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
Vs	)	AT LAW.
	)	
ARDEVIE M. MORRIS	)	
and JOE MORRIS,	)	No. <u>5485</u>
	)	
Defendants.	)	

COUNT 1:

The Plaintiff claims of the Defendant Ardevie M. Morris the sum of THREE HUNDRED and 70/100 (\$300.70) DOLLARS as damages for that on, to-wit, December 28, 1962, the Defendant Ardevie M. Morris so negligently operated a motor vehicle upon Alabama Highway No. 59, a public road in Baldwin County, Alabama, at a point approximately one and one-half mile south of where said Alabama Highway #59, and which said highway is sometimes referred to as Alabama Highway #3, intersects United States Highway #98, in Baldwin County, Alabama, as to cause or allow the said vehicle to run into, upon or against a motor vehicle in which the Plaintiff was riding, and as a proximate consequence and result of the negligence of the Defendant aforesaid the Plaintiff's motor vehicle was damaged in the amount sued for.

COUNT 2:

The Plaintiff claims of the Defendant Joe Morris the sum of THREE HUNDRED and 70/100 (\$300.70) DOLLARS as damages for that on, to-wit, December 28, 1962, on Alabama Highway #59, said highway sometimes being referred to also as Alabama Highway #3, at a point

about one and one-half miles south of where said Alabama Highway #59 intersects United States Highway #98, in Baldwin County, Alabama, said highway being a public road in Baldwin County, Alabama, the defendant Joe Morris, acting by and through his agent, servant or employee, to-wit, Ardevie M. Morris, who was then and there acting within the line and scope of her employment as such, negligently ran his automobile into, upon or against a motor vehicle in which the Plaintiff was riding at said time and place, and which said motor vehicle was owned by the Plaintiff, and as a result of the negligence of the Defendant the said motor vehicle was bent and damaged in the amount sued for, hence this suit.

COUNT 3:

The Plaintiff claims of the Defendants the sum of THREE HUNDRED and 70/100 (\$300.70) DOLLARS as damages for that on, to-wit, December 28, 1962, the Defendants so negligently operated an automobile upon Alabama Highway #59, a public road in Baldwin County, Alabama, at a point approximately one and one-half miles south of where said Alabama Highway #59 intersects United States Highway #98, as to cause or allow the said automobile to run into, upon or against a motor vehicle, to-wit, a 1959 Dodge Pick-up truck, in which the Plaintiff was riding, and which was owned by the Plaintiff, and as a proximate result and consequence of the negligence of the defendants aforesaid the Plaintiff's motor vehicle was bent and damaged, hence this suit.

*Kenneth Cooper*  
Attorney for Plaintiff

Defendants' address is:

Mimosa Place  
Foley, Alabama

64-3-7-63

FILED

FEB 22 1963

ALICE J. DICK, CLERK  
REGISTER

Case No. 5483

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red 25 day of Feb. 1963  
n 7 day of March 1963

ed a copy of the within 34C  
Ardevie M. Morris, Joe Morris

ervice on \_\_\_\_\_

TAYLOR WILKINS, Sheriff  
By [Signature] D. S.  
[Signature]

Sheriff claims 144 miles at

Ten Cents per mile Total \$ 14.40  
TAYLOR WILKINS, Sheriff

BY \_\_\_\_\_  
DEPUTY SHERIFF

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

\*\*\*\*\*

SERON P. KENDRICK,  
Plaintiff

vs

ARDEVIE M. MORRIS and  
JOE MORRIS,  
Defendants

\*\*\*\*\*

BILL OF COMPLAINT

\*\*\*\*\*

FILED

FEB 22 1963

ALKE L. DUCK, CLERK  
REGISTER

SERON P. KENDRICK,  
Plaintiff,  
vs  
ARDEVIE M. MORRIS  
and JOE MORRIS,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW.  
No. 5485

Plea in Abatement

Comes the Defendant, Joe Morris, in the above styled cause and appearing solely and specifically for the purpose of filing this plea in abatement and for no other purpose, shows unto this Honorable Court the following:

That the Bill of Complaint refers to the automobile being driven by the Defendant Ardevie M. Morris as being his automobile, whereas the said automobile was the property of the said Ardevie M. Morris.

The Defendant, Joe Morris, also shows that the Bill of Complaint alleges that the said Ardevie M. Morris was his agent, servant or employee, employed by him, and that she was not his agent, servant, or employee, nor was she employed by him at the time and place of the injury complained of.

Wherefore the Defendant, Joe Morris, says and alleges that this suit was improperly filed against him and prays that this suit be abated as to him, and that he be discharged with reasonable costs in his behalf expended.

Joe Morris

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public in and for said County in said State, personally appeared Joe Morris, who is known to me and who being by me first duly and legally sworn deposes and says that the matters and facts alleged in the foregoing plea in abatement are true.

Sworn to and subscribed before  
me, a Notary Public, on this the  
24 day of March, 1963.

C. G. Chason

Joe Morris

FILED

MAR 26 1963

ALICE L. DUCK, CLERK  
REGISTER

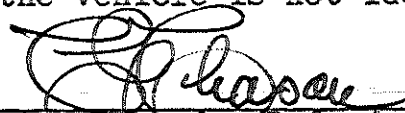


SERON P. KENDRICK,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS	)	BALDWIN COUNTY, ALABAMA
	)	
ARDEVIE M. MORRIS,	)	AT LAW CASE NO 5485
	)	
Defendant.	)	

DEMURRER

Comes the Defendant and demurs to the amended Bill of Complaint heretofore filed in this said cause, and to each count thereof separately and severally, and as ground for demurrer, sets up and shows separately and severally the following:

1. That the amended complaint does not state a cause of action.
2. That the amended complaint is vague and indefinite.
3. That it is not clearly shown in the said amended complaint that the damages claimed were the proximate result and consequence of the negligence of the Defendant.
4. That the damage to the motor vehicle is not described with sufficient certainty.
5. That Count One of the amended complaint is vague and indefinite in that it does not allege ownership or a proprietary interest in the Plaintiff which would result in a right to maintain an action for recovery of damages.
6. That the amended complaint is vague and indefinite in that the operator or driver of the vehicle is not identified.

  
 Attorney for Defendant

**FILED**

JUL 26 1963

ALICE J. DUCK, CLERK  
REGISTER

SERON P. KENDRICK,  
Plaintiff,

vs

ARDEVIE M. MORRIS  
and JOE MORRIS,

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. 5485

Demurrer


Comes the Defendant, Ardevie M. Morris, and demurs to the Bill of Complaint heretofore filed in this cause and to each and every count thereof separately and severally and as grounds for said demurrer, shows separately and severally the following:

1. That the Complaint does not show a cause of action.
2. That the Complaint is vague and indefinite in that Complaint does not allege the damage to the Plaintiff's motor vehicle with sufficient certainty.
3. That the Complaint does not show that the Plaintiff has a right of action for damages.
4. That the complaint does not allege that the Plaintiff owned the vehicle or that he had any proprietary interest therein.
5. That the Complaint does not sufficiently set out the alleged damage to the vehicle of the Plaintiff.

FILED

MAR 26 1963

ALICE J. DICK, CLERK  
REGISTER

  
Attorney for the Defendant,  
Ardevie M. Morris.