

SUMMONS

5555

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon JAMES WARREN SMITH 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 JAMES WARREN SMITH by Hershie H. Guthrie.

WITNESS my hand and seal this 1 day of May, 1963.

Alice J. Neek  
Clerk

\*\*\*\*\*

|                     |   |                         |
|---------------------|---|-------------------------|
| HERSHIE H. GUTHRIE, | ) |                         |
|                     | ) |                         |
| Plaintiff,          | ) | IN THE CIRCUIT COURT OF |
|                     | ) |                         |
| VS                  | ) | BALDWIN COUNTY, ALABAMA |
|                     | ) |                         |
| JAMES WARREN SMITH, | ) | AT LAW                  |
|                     | ) |                         |
| Defendant           | ) |                         |

The Plaintiff claims of the Defendant the sum of One Thousand Dollars (\$1,000.00), that for heretofore, on, to-wit, May 12, 1962, the Plaintiff was driving a combine over and upon U. S. Highway 98, a public highway in the State of Alabama, approximately two miles West of Foley, Alabama, and at such time and place, an automobile, to-wit, a 1958 Cadillac, being driven by the Defendant ran upon and against the combine of the Plaintiff, causing great damage thereto, in that the left rear side and end of the combine was bent, smashed and otherwise damaged and injured, and that Plaintiff was required to expend sums for the hire of a combine to harvest his crops through loss of use of his combine, all caused by the negligence of the Defendant, in that he negligently caused, allowed or permitted the said automobile operated by him to run upon, into or against the combine of the Plaintiff, and as a proximate result and consequence thereof, the Plaintiff's combine was damaged and injured as aforesaid, and he was deprived of the use thereof, all to his injury as hereinabove set out.

Defendant's last known  
address: 76 E Hig. St.  
Prichard, Alabama

Glenn  
Attorney for Plaintiff

64-5-22-63

FILED  
MAY 12 1963  
ALICE J. DICK, CLERK  
REGISTER

7105555  
HAR. 3684

Hersie H. Guthrie

vs -  
James Warren Smith

**EXECUTED**  
~~This 22 day of May, 1963, I~~  
~~by serving a copy of the within on~~  
~~RAY D. BRIDGES, Sheriff~~  
~~By \_\_\_\_\_ D.S.~~

FILED  
MAY 30 1963  
ALICE I. DUCK, CLERK  
REGISTER

Received 1 day of May 1963  
nd on 22 day of May 1963  
served a copy of the within D.C.  
James Warren Smith  
By \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By B. F. Harris, D.S.

RECEIVED  
MAY 3 1963  
SHERIFF'S OFFICE

CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA

April 30, 1963

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

Dear Mrs. Duck:

I am enclosing the summons and complaint in  
the case of Guthrie vs Smith to be served in Mobile  
County.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'C. G. Chason', with a long horizontal flourish extending to the right.

C. G. Chason

CGC:dc



me just as I had practically completed the turn and hit the back end.

Q. You were turning at the intersection of the Bon Secour Road?

A. Yes sir.

Q. Was there damage done to your combine?

A. Yes sir.

Q. Were you at that time of the year using your combine?

A. Yes sir; I was bringing it from Foley where I had had some work done on it.

Q. Were you required to hire a combine to do the work you could have done with this equipment?

A. Yes sir.

Q. Mr. Guthrie, did you pay for the cost of repairs to your combine?

A. Yes sir.

Q. With the cost of the repairs and the hiring of combines to to your work while this combine was out of condition, how much damage did you suffer?

A. About \$1,000.00

-----  
C E R T I F I C A T E:

I hereby certify that the foregoing is a true and correct transcript of the testimony as taken by me, in open Court in the captioned case, on this the 20th day of October, 1966.

Lester D. Drenth  
Court Reporter