

Law Offices of  
**Horne, Webb & Tucker**  
Attorneys at Law  
Atmore, Ala.

FRANK G. HORNE  
DOUGLAS S. WEBB  
J. R. TUCKER

TELEPHONE 368-3199

5570

August 6, 1963.

Mrs Alice J. Duck,  
Clerk,  
Circuit Court,  
Baldwin County,  
Bay Minette, Alabama.

Dear Mrs Duck:

Inclosed is a demurrer we wish filed in the case of A. E. Clary, Plaintiff vs. George Cash and Billy Frank Turner, defendants.

Under separate cover I am forwarding a copy of this pleading to Hon. William H. Brigham, attorney for the plaintiff.

With kindest personal regards I remain;

Very truly yours,

HORNE, WEBB & TUCKER  
BY:

*Douglas S. Webb*  
DOUGLAS S. WEBB

DSW/am.

FOREMAN & BROWN  
ATTORNEYS AT LAW  
SUITE 417 FIRST NATIONAL BANK BUILDING  
MOBILE 13, ALABAMA

ALEXANDER FOREMAN, JR.  
ALTON R. BROWN, JR.  
WILLIAM H. BRIGHAM

May 8, 1963

Mrs. Alice Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Court House  
Bay Minette, Alabama

RE: A. E. Clary vs.  
George Cash and Billy Frank Turner  
Our File No: 62-4273-WHB

Dear Mrs. Duck:

We respectfully request that the enclosed summons and complaint be sent to the Sheriff of the necessary County for service on the defendants.

Yours very truly,

FOREMAN & BROWN

BY *William H. Brigham*  
William H. Brigham

WHB:jw  
enclosure

A. E. CLARY,

PLAINTIFF.

vs.

GEORGE CASH and BILLY FRANK  
TURNER, Jointly and separately.

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NUMBER: 5570.

Now come the defendants and each of them, in the above entitled cause and demur to the complaint filed in this cause and as grounds of demurrer allege the following separately and severally:

(1) Said complaint fails to set out any facts showing a joint liability of the defendants in this cause.

(2) There is a misjoinder of parties defendant in that said complaint seeks to claim damages of Billy Frank Turner while alleging at the same time that the said Billy Frank Turner was the agent of and acting within the line and scope of his employment as such agent, servant or employee of the defendant George Cash.

(3) There is a misjoinder of causes of action.

(4) Said complaint joins parties defendant based on an alleged joint cause of action while the complaint seeks damages for a several cause of action.

(5) The said complaint joins defendant Billy Frank Turner whose liability would depend upon an action of trespass with defendant George Cash whose liability, if any, would depend on an action of trespass on the case contrary to law.

(6) Said count fails to allege any facts showing a joint cause of action against these defendants.

(7) Said count is vague, indefinite and uncertain and states the mere legal conclusions of the pleader.

HORNE, WEBB & TUCKER

BY:

DOUGLAS S. WEBB

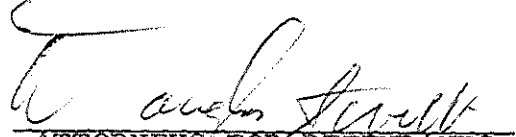
ATTORNEYS FOR DEFENDANTS.

I certify that I have on this the 6th day of August, 1963 mailed a copy of the foregoing demurrer to Hon. William H.

Brigham % of Foreman & Brown, Attorneys at Law, 1st National  
Bank Building Annex, Mobile, Alabama by United States Mail,  
postage prepaid.

HORNE, WEBB & TUCKER

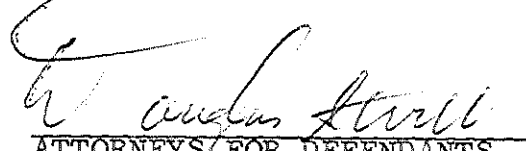
BY:

  
ATTORNEYS FOR DEFENDANTS.

Defendants demand a trial by jury of the issues involved  
in this cause.

HORNE, WEBB & TUCKER

BY:

  
ATTORNEYS FOR DEFENDANTS.

FILED  
AUG 8 1963  
ALICE J. DUCK, CLERK  
REGISTER

5571

May

S U M M O N S

STATE OF ALABAMA:

COUNTY OF BALDWIN:

TO ANY SHERIFF OF THE STATE OF ALABAMA, -GREETINGS:

You are hereby commanded to summon George Cash and Billy Frank Turner within thirty days from the service of this Writ in the Circuit Court of Baldwin County, Alabama, at the place of holding the same and then and there to plead, answer or demur to the Complaint of A. E. Clary.

Witness my hand this 14 day of May, 1963.

C O M P L A I N T

A. E. CLARY,

Plaintiff,

Vs.

GEORGE CASH and BILLY FRANK  
TURNER, jointly and  
separately,

Defendants.

Ø IN THE CIRCUIT COURT OF BALDWIN  
Ø COUNTY, ALABAMA

Ø

Ø AT LAW

Ø

Ø CASE NO. \_\_\_\_\_

C O U N T O N E

Plaintiff claims of the Defendants the sum of, to-wit, Six Hundred and no/100 (\$600.00) Dollars, as damages, for that heretofore and on, to-wit, the 21st day of October, 1962, while the Plaintiff was driving his automobile on and along U. S. Highway 31, said highway being then and there a public highway in Baldwin County, Alabama, at a point approximately five miles south of Bay Minette, Alabama, at said time and place, the Defendant George Cash, by and through his agent, servant, or employee the Defendant Billy Frank Turner, who at said time and place was acting within the line and scope of his authority as such agent, servant or employee, did so negligently operate a motor vehicle along said highway as to cause or allow the same to collide with the Plaintiff's said automobile and as a proximate consequence and result of said negligence of the Defendants as aforesaid, Plaintiff's said automobile was badly bent, broken,

crushed and otherwise damaged in the sum aforesaid, hence this  
suit.

FOREMAN & BROWN  
Attorneys for Plaintiff

BY William H. Brigham  
William H. Brigham

Plaintiff demands a trial by jury.

BY William H. Brigham  
William H. Brigham

Defendants may be served as follows:

George Cash  
Second Avenue  
Atmore, Alabama

Billy Frank Turner  
715 North Main Street  
Atmore, Alabama

FILED

MAY 16 1963

ALICE J. DUCK, CLERK  
REGISTER

Executed this 6<sup>th</sup>  
day of July 1963  
by serving George  
Cash and Billy Frank  
Turner.

W. E. Moore  
Shirley E. C. Co.  
By Arthur Keller

W. 5570

A. E. Clary

vs.

George Cash &  
Billy Frank Turner  
Jointly & Separately



A .E. CLARY,

PLAINTIFF.

vs.

GEORGE CASH AND BILLY FRANK  
TURNER, JOINTLY AND SEPARATELY,

DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NUMBER: 5570.

Comes now George Cash and for answer to the complaint  
filed in this cause saith as follows:

- (1) That he is not guilty of the matters alleged therein.
- (2) That the allegations of the complaint are untrue.

HORNE, WEBB & TUCKER  
BY:

*Douglas S. Webb*  
DOUGLAS S. WEBB  
ATTORNEYS FOR THE DEFENDANT  
GEORGE CASH.

I certify that I have on this the 10th day of September, 1963  
mailed a copy of the foregoing answer to Hon. William H. Brigham  
% of Foreman & Brown, Attorneys at Law, 1st National Bank Building  
Annex, Mobile, Alabama by United States Mail, postage prepaid.

HORNE, WEBB & TUCKER  
BY:

*Douglas S. Webb*  
DOUGLAS S. WEBB  
ATTORNEYS FOR THE DEFENDANT  
GEORGE CASH.

FILED  
SEP 12 1963  
ALICE J. DUCK, CLERK  
R. B. GIBBS