

BEN and SULA UMANSKY,
Plaintiffs
vs.
NATIONAL UNION FIRE
INSURANCE COMPANY, A
Corporation, a further
description of which is
unknown to the plaintiffs
but which will be added
hereto by amendment when
ascertained,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 5590

The plaintiffs jointly and severally claim of the defendant THIRTY-FOUR THOUSAND AND NO/100 (\$34,000.00) DOLLARS, the value of the dwelling house, contents thereof, appurtenant structures (situated in Baldwin County, Alabama) and living expenses which the defendant, on to-wit the 14th day of July, 1961, as amended by endorsement on to-wit July 14, 1962, insured against loss or injury by fire and other perils in the policy of insurance mentioned, for the term of to-wit three years, which house, contents thereof and appurtenant structures were wholly destroyed by fire on to-wit the 7th day of August, 1962, of which the defendant has had notice.

KILBORN, DARBY & KILBORN
307 First National Bank Bldg.
Mobile 2, Alabama

By: Benjamin H. Kilborn

ATTORNEYS FOR PLAINTIFFS

Plaintiffs respectfully demand a jury trial in this cause.

Benjamin H. Kilborn

FILED

JUN 21 1962

ALICE J. DUCK, CLERK
REGISTER

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT
OF ALABAMA

BEN and SULA UMANSKY,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION
)	
NATIONAL UNION FIRE INSURANCE)	NO. _____
COMPANY, A Corporation, a further)	
description of which is unknown)	
to the plaintiffs but which will)	
be added hereto by amendment when)	
ascertained,)	
)	
Defendant.)	

PETITION FOR REMOVAL

The undersigned petitioner, National Union Fire Insurance Company of Pittsburgh, Pa., a corporation, respectfully shows that on June 3, 1963, suit was filed against it by Ben and Sula Umansky in the Circuit Court of Baldwin County, Alabama, a correct copy of all process, pleadings and orders served upon it in such action being attached hereto; that service of process was had on this petitioner on June 5, 1963; that the cause of action stated in plaintiffs' complaint is upon a policy of fire insurance issued by the petitioner wherein the plaintiffs have demanded damages against the petitioner in the sum of \$34,000.00.

Petitioner shows that the amount in controversy in said cause of action exceeds the sum of \$10,000.00, exclusive of interest and costs, as in the plaintiffs' complaint is alleged.

Petitioner further shows that the plaintiffs, Ben and Sula Umansky, at the time of the beginning of said action and ever since have been and still are citizens of the State of Illinois; that the petitioner, the defendant in this cause, at the beginning of said action and ever since has been and still is a corporation

organized and existing under and by virtue of the laws of the State of Pennsylvania and at the beginning of said action it had and still does have its principal place of business in the State of Pennsylvania; that the controversy in said cause of action is entirely between citizens of different states; that the petitioner desires to remove said cause from said state court to the United States District Court for the Southern Division of the Southern District of Alabama.

Petitioner files herewith and presents to this court its bond in the penal sum of \$500.00, with United States Fidelity and Guaranty Company, a corporation, as surety thereon, and prays that the same be accepted and approved by this court.

Petitioner prays that the filing of this petition and said bond and the giving of written notice thereof to the plaintiffs, and the filing of a copy of this petition with the Clerk of the Circuit Court of Baldwin County, Alabama, shall effect the removal of said cause to the Court.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.

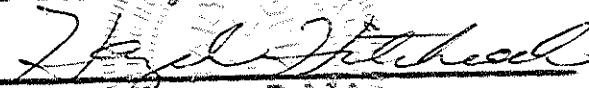
By 
Its Attorney at Law

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

J. S. Mead, being duly sworn, says that the matters set forth in the foregoing petition are true.

Sworn to and subscribed before me

this 14th day of June, 1963.


Notary Public

I hereby certify that I have served a copy of the above petition and a copy of the bond referred to therein on Honorable Benjamin H. Kilborn, Kilborn, Darby & Kilborn, 307 First National Bank Building, Mobile 2, Alabama, attorney of record for plaintiffs, by depositing a copy thereof in the United States Mail, postage prepaid, in an envelope addressed to him at his address as set out above, which address is the last address of said attorney known to me; and also that a copy of the above petition has been filed with the Clerk of the Circuit Court of Baldwin County, Alabama, this 17th day of June, 1963, by mailing him a copy.



Attorney for Defendant

MEAD, NORMAN & FITZPATRICK
1734 Twenty-One Twenty-One Building
Birmingham 3, Alabama
OF COUNSEL

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon National Union
Fire Insurance Company to appear within thirty days from
service of this process, in the Circuit Court of Baldwin County,
Alabama, at the place of holding the same, then and there to
answer the complaint of Ben and Sula Umansky.

WITNESS: Alice J. Duck, Clerk of said Court, this

3 day of June, 1963.

Attest:

Alice J. Duck
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 1963 and on _____

day of _____, 1963 I served a copy of the within

on JUNE 5, 1963

by service on SUPERINTENDENT OF INSURANCE
STATE OF ALABAMA

SHERIFF

By: _____

FILED: June 3, 1963

SERVED: June 5, 1963

BEN and SULA UZANSKY,

Plaintiffs

vs.

NATIONAL UNION FIRE
INSURANCE COMPANY, A
Corporation, a further
description of which is
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but which will be added
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Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 5590

The plaintiffs jointly and severally claim of the defendant THIRTY-FOUR THOUSAND AND NO/100 (\$34,000.00) DOLLARS, the value of the dwelling house, contents thereof, appurtenant structures (situated in Baldwin County, Alabama) and living expenses which the defendant, on to-wit the 14th day of July, 1961, as amended by endorsement on to-wit July 14, 1962, insured against loss or injury by fire and other perils in the policy of insurance mentioned, for the term of to-wit three years, which house, contents thereof and appurtenant structures were wholly destroyed by fire on to-wit the 7th day of August, 1962, of which the defendant has had notice.

KILBORN, DARBY & KILBORN
307 First National Bank Bldg.
Mobile 2, Alabama

By: Benjamin G. Kilborn

ATTORNEYS FOR PLAINTIFFS

Plaintiffs respectfully demand a jury trial in this cause.

Benjamin G. Kilborn

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT
OF ALABAMA

BEN and SULA UMANSKY,

Plaintiffs,

vs.

NATIONAL UNION FIRE INSURANCE
COMPANY, A Corporation, a further
description of which is unknown
to the plaintiffs but which will
be added hereto by amendment when
ascertained,

Defendant.

CIVIL ACTION

NO. _____

REMOVAL BOND

KNOW ALL MEN BY THESE PRESENTS, That we, National Union Fire Insurance Company of Pittsburgh, Pa., a corporation, as principal, and United States Fidelity and Guaranty Company, a corporation, as surety, are held and firmly bound unto Ben and Sula Umansky in the sum of \$500.00 to be paid to the said Ben and Sula Umansky, their successors, heirs and assigns, to which payment we bind ourselves, our successors and assigns, jointly and severally.

SEALED with our seals this 17th day of June, 1963.

WHEREAS, the said National Union Fire Insurance Company of Pittsburgh, Pa., a corporation, has petitioned this Court for the removal of the cause pending in the Circuit Court of Baldwin County, Alabama, wherein Ben and Sula Umansky are plaintiffs and National Union Fire Insurance Company, a corporation, is defendant, to this Court,

NOW, THEREFORE, The condition of this obligation is such that if the said National Union Fire Insurance Company of Pittsburgh, Pa., a corporation, shall pay all costs that may be incurred by reason of such removal proceedings should it be determined that said

cause was not removable or was improperly removed, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

NATIONAL UNION FIRE INSURANCE COMPANY
OF PITTSBURGH, PA.

By 

Its Attorney at Law
(Principal)

UNITED STATES FIDELITY AND GUARANTY
COMPANY

By 

Its Attorney-in-Fact
(Surety)

APPROVED:

CLERK

UNITED STATES DISTRICT COURT

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT
OF ALABAMA

BEN and SULA UMANSKY,

Plaintiffs,

vs.

CIVIL ACTION

NO. _____

NATIONAL UNION FIRE INSURANCE
COMPANY, A Corporation, a further
description of which is unknown
to the plaintiffs but which will
be added hereto by amendment when
ascertained,

Defendant.

NOTICE

TO: Hon. Benjamin H. Kilborn
Kilborn, Darby & Kilborn
307 First National Bank Building
Mobile 2, Alabama

You are hereby notified that National Union Fire Insurance Company of Pittsburgh, Pa., a corporation, has caused to be filed on this 17th day of June, 1963, in the District Court of the United States for the Southern Division of the Southern District of Alabama, its petition, a copy of which is attached hereto, together with a copy of the bond referred to therein, for the removal of this cause from the Circuit Court of the 28th Judicial Circuit of Alabama, to the District Court of the United States for the Southern Division of the Southern District of Alabama.


Attorney for Defendant

I hereby certify that I have served a copy of the within Notice, together with a copy of the Petition for Removal and Removal Bond on Honorable Benjamin H. Kilborn, Attorney of record for plaintiffs, this 17th day of June, 1963, by depositing a copy thereof in the United States Mail, postage prepaid, in an envelope addressed to him at his address as set out above, which address is the last address of said attorney known to me.


Attorney for Defendant

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 5th day of June, 1963,

I sent by registered mail in an envelope as follows:

National Union Fire Insurance Company
of Pittsburgh, Pa.
139 University Place
Pittsburgh 13, Pennsylvania

REGISTERED MAIL
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Ben and Sula Umansky, Plaintiffs

in the Circuit Court of Baldwin County

VERSUS

(Name of Court)

National Union Fire Insurance Com- Defendant
pany, a corporation

And that on the 13th day of June, 1963, I received the return card showing receipt by the designated addressee of said envelope on the 11th day of June 1963.

Witness my hand and official seal this the 17th day of June 1963.

Walter J. Houseal
SUPERINTENDENT OF INSURANCE

FILED

JUN 18 1963

JOE L. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO.

NO. 5590

Defendant

KILBORN, DARBY & KILBORN
307 First National Bank Bldg.
Mobile 2, Alabama

By _____

Plaintiffs respectfully demand a jury trial in this
cause.

FILED

JUN 1 1965

ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

No. 5590

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

National Union Fire Insurance Company, A Corporation

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the

Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

National Union Fire Insurance Company, A Corporation

, Defendant

by Ben and Sula Umansky

, Plaintiff

Witness my hand this

3

day of June

19 63

Clerk

No. 5590

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

BEN ANS SULA UMANSKY

Plaintiffs

vs.

NATIONAL UNION FIRE INSURANCE COMPANY

a corporation

Defendants

SUMMONS and COMPLAINT

Filed 6-3-, 19 63

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

1038

RECEIVED IN OFFICE

Defendant lives at

JUN 4 1963

RECEIVED

M. S. BUTLER, Sheriff

19 63

Sheriff

th
by

Executed by serving 2 copies of
the within on Walter L.
Boimeal Superintendent
of Insurance, State of Alabama
This The 5 day of June 1963

Sheriff of Montgomery County

M. S. Butler,

By J. P. Thomas D. S.

The Sheriff claims 2
miles at 10c per mile
of \$ 20

M. S. Butler, Sheriff
Montgomery County Ala.

KILBORN, DARBY AND KILBORN

LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

VINCENT F. KILBORN
WILLIS C. DARBY, JR.
BENJAMIN H. KILBORN

TELEPHONE HEMLOCK 2-2635

CABLE ADDRESS: VEEKAY

May 31, 1963

Mrs. Alice Duck
Circuit Clerk
Bay Minette, Alabama

Re: Ben and Sula Umansky vs. National
Union Fire Insurance Company

Dear Mrs. Duck:

I enclose herewith original and three copies of complaint which I will thank you to file, together with summons I have attempted to prepare in this case. I would appreciate it if you would file the same. I would like to have the defendant served pursuant to the provisions of Title 28, Section 65; that is, serve the defendant by serving three copies of the suit on the Superintendent of Insurance of the State of Alabama in Montgomery. Apparently, this service must be done by the Sheriff of Montgomery County. It would appear to me the proper procedure would be to either have the Court or Sheriff Taylor Wilkins forward this to the Sheriff of Montgomery County and have him serve the Superintendent and make return. If I may be of any further help, please let me know.

Thank you for your courtesies in the past and for your assistance in this case.

Very truly yours,


BENJAMIN H. KILBORN.

BHK-lb
encs.

*20 be returned
to clerk's office*