

ETHEL VAN MIDDLESWORTH, as
Administratrix of the Estate
of Gerald Van Middlesworth,
Deceased,

Plaintiff,

vs.

EDGAR JESSE BRANTLEY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant in the above styled cause and demurs
to the complaint filed in said cause and to each and every count
thereof, separately and severally, and assigns the following
separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That "COUNT ONE" of the complaint does not allege that
the Defendant was guilty of negligence in the operation of his
automobile.
3. That the allegations in "COUNT ONE" of the complaint
that the Defendant negligently caused or allowed the automobile
that he was operating to run against the Plaintiff's intestate
fails to allege that he negligently allowed such automobile to
run against the Plaintiff's intestate.
4. That said complaint does not sufficiently set out where
the accident occurred.
5. That said complaint does not allege any duty owing by
the Defendant to the Plaintiff's intestate.
6. That "COUNT TWO" of said complaint does not properly
allege wanton injury.
7. That "COUNT TWO" of said complaint does not allege that
the Defendant wantonly allowed his automobile that he was then
and there driving to run into the Plaintiff's intestate.

8. That said complaint is vague and indefinite.

Sharon A. Stone
Attorneys for Defendant

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FILED
JUL 17 1983

ALICE L. DUCK, CLERK
REGISTER

5618

ETHEL VAN MIDDLESWORTH,
as Administratrix of the
Estate of Gerald Van
Middlesworth, Deceased,

Plaintiff,

VS

EDGAR JESSE BRANTLEY,

Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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DEMURRER

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FILED

JUL 17 1934


MADE L. DICK, CLERK
REGISTRAR

STATE OF ALABAMA)
)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EDGAR JESSE BRANTLEY to appear and answer, plead or demur, within thirty days from the service hereof, to Bill of Complaint filed against him in Circuit Court, at Law, of said state and county, by Ethel Van Middlesworth, as Administratrix of the Estate of Gerald Van Middlesworth, deceased, as Plaintiff against Edgar Jesse Brantley, as Defendant, and at the same time to make return hereunder.

Witness my hand this the 27 day of June, 1963.



REGISTER

ETHEL VAN MIDDLESWORTH, as
Administratrix of the Estate
of Gerald Van Middlesworth,
deceased,

Plaintiff

vs.

EDGAR JESSE BRANTLEY,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW


COUNT ONE

Plaintiff claims of the defendant \$50,000.00 for that on, to-wit, June 28, 1961, the defendant, Edgar Jesse Brantley, negligently caused or allowed an automobile which he was then and there operating on a public highway, to-wit, on Alabama Highway # 104 approximately three miles northwest of Silverhill, Baldwin County, Alabama, to run upon or against Gerald Van Middlesworth, the plaintiff's intestate, as a proximate result of which negligence the plaintiff's said intestate was so injured that he died then and there as a proximate result of his said injuries.


COUNT TWO:

Plaintiff claims of the defendant \$50,000.00 for that on, to-wit, June 28, 1961, the defendant wantonly injured the plaintiff's intestate, Gerald Van Middlesworth, by wantonly causing or allowing an automobile, which said defendant was then and there driving on a public highway, to-wit, on

Alabama Highway # 104 at a point approximately three miles northwest of Silverhill, Baldwin County, Alabama, to run upon or against plaintiff's said intestate and as a proximate result of which said wanton conduct, the plaintiff's said intestate was so injured that he died then and there as a proximate result of his said injuries.


ERNEST M. BAILEY, Attorney for Plaintiff

Plaintiff demands a trial by jury of the above styled cause.


ERNEST M. BAILEY, Attorney for Plaintiff

64-6-29-63

FILED

JUN 27 1963

ALICE J. DUCK, CLERK
REGISTER

7205618

Received 22 day of June 1905
and on 27th day of June 1905

I served a copy of the within Bill of Comp.
on Edgar Jesse Brantley

By service on _____

TAYLOR WILKINS, Sheriff
By Fred Heibert D
Fred Heibert

Sheriff claims 54 miles at
Ten Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff
BY Heibert
DEPUTY SHERIFF

ETHEL VAN MIDDLESWORTH, as
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deceased,

Plaintiff

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Defendant.

BILL OF COMPLAINT