

SUMMONS AND COMPLAINT.

STATE OF ALABAMA X
BALDWIN COUNTY X

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

You are hereby commanded to summons the Canal Insurance Company, a corporation, to appear in the Circuit Court of Baldwin County, Alabama, at the place of holding the same to plead, answer or demur within thirty days from the service hereof to the complaint of Mr. A. B. McDill.

WITNESS my hand, this 16 day of December, 1963.

Alice J. Duck
CLERK.

C O M P L A I N T

A. B. McDILL,
PLAINTIFF.

vs.

CANAL INSURANCE COMPANY,
A CORPORATION.

DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LAW SIDE.

CASE NUMBER: 5820.

The plaintiff claims of the defendant, Canal Insurance Company, a corporation, Two Thousand and No/100 (\$2,000.00) Dollars, the value of a 1954 International Model R190 Truck, which the defendant on the 18th day of June, 1963, insured against loss or injury by fire and other perils in the policy of insurance mentioned, for the term of from June 18, 1963, to June 18, 1964, which truck was wholly destroyed by fire on the 26th day of August, 1963, of which the defendant has had notice.

HORNE, WEBB & TUCKER

BY: W. J. Webb
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE, WEBB & TUCKER

BY: W. J. Webb
ATTORNEYS FOR PLAINTIFF.

FILED

DEC 16 1963

ALICE J. DUCK, CLERK
REGISTER

64-12-18-63

474

5870

16 day of Dec 1863
18 day of Dec 1863
City of the within D.C.
Pat Page
Canal Ins. Co.
Service on Pat Page
TAYLOR WILKINS, Clerk
By W. A. Zolbert, D.S.
Omni

A. B. McDill
Pltf

vs.

Canal Insurance Co.
a corp.
Def.

serve - Mr. Pat Page

Horne, Webb & Tucker,
Atty

Law Offices of
Horne, Webb & Tucker

Attorneys at Law

Atmore, Ala.

July 23, 1964

FRANK G. HORNE (1904-1963)
DOUGLAS S. WEBB
J. R. TUCKER

TELEPHONE 368-3199

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

no. 5870

Dear Mrs. Duck:

With reference to the case of A. B. McDill vs. Canal Insurance Company, this is to advise that we have reached a settlement in this cause.

The Defendant has agreed to pay the Court Cost in this matter. Please accept this as your authorization to have this cause dismissed with prejudice upon the payment of all costs incurred to date.

With kindest personal regards, I remain;

Yours very truly,

HORNE, WEBB & TUCKER

BY: *Douglas Webb*

DSW/mbj

FILED

JUL 24 1964

ALICE J. DUCK, CLERK
REGISTER

A. B. McDILL,	*	IN THE CIRCUIT COURT OF
	(
Plaintiff,	*	BALDWIN COUNTY, ALABAMA
)	
-Vs-	*	LAW SIDE
	(
CANAL INSURANCE COMPANY,	*	
a corporation,)	
	*	
Defendant.	(CASE NO. _____

PLEAS

Comes now the Defendant and for answer to the complaint, and to each count thereof separately and severally, files the following separate and several pleas:

1. The allegations of the complaint are untrue.

2. That the plaintiff made application for a policy of insurance covering loss from fire, theft, collision, etc., on a 1954 International, R190, Tractor, Motor No. 12178; that the application was placed through Mr. Pat Page of Page Insurance and Real Estate who acted as agent for the plaintiff in procuring the policy applied for; that Mr. Pat Page, as agent for the plaintiff procured the issuance of a policy of insurance through the general agent of Canal Insurance Company, Knight, Martin and Lagerquist, Inc.; the policy was issued by Canal Insurance Company covering the aforesaid property of the plaintiff for the period June 18, 1963 to June 18, 1964; being Policy Number A 9 11 53, the insured being the plaintiff and the loss payee being the Baldwin County Bank, Bay Minette, Alabama; that, on to-wit: July 2, 1963, the plaintiff instructed Mr. Pat Page to cancel this policy of insurance; that the policy of insurance was in the possession of the Baldwin County Bank, Bay Minette, Alabama, and pursuant to plaintiff's instructions Mr. Page requested that they turn over the policy to him for cancellation; that the Baldwin County Bank, Bay Minette, Alabama, acting by and through its agents, servants, or employees, informed Mr. Page that said policy would be turned over to him upon the

receipt by it of a substitute policy of insurance covering the aforesaid property; that, thereafter Mr. Pat Page was informed by the Baldwin County Bank, Bay Minette, Alabama, acting by and through its agents, servants, or employees, that he could pick up the aforesaid policy, which he did, and on July 2, 1963, Mr. Pat Page submitted the aforesaid policy for cancellation; that by reason of the foregoing, the cancellation of the aforesaid policy of insurance was at the request and instruction of the insured and therefore the plaintiff cannot recover, there having been no policy in existence at the time of the alleged loss.

3. That pursuant to the request and express instruction of the insured, acting by and through his duly authorized agent, Pat Page, the policy sued on was cancelled on, to-wit: July 2, 1963, therefore no policy was in operation, existence or effect covering the property the subject of this suit at the time of the alleged loss.

ARMBRECHT, JACKSON, McCONNELL
& DeMOUY

By *Marshall J. DeMouy*
MARSHALL J. DeMOUY

By *John Grow*
JOHN GROW

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 5th day
of June, 1964, served a copy of the
foregoing pleading on counsel for all parties to this
proceeding, by mailing the same by United States mail,
properly addressed, and first class postage prepaid.

John Grow

FILED

JUN 6 1964

ALICE J. DUCK, CLERK
REGISTER

Law Offices of
Horne, Webb & Tucker

Attorneys at Law

Atmore, Ala.

December 13, 1963

FRANK G. HORNE (1904-1963)
DOUGLAS S. WEBB
J. R. TUCKER

TELEPHONE 368-3199

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

Dear Mrs. Duck:

Enclosed is a complaint we wish filed in your Court
for A. B. McDill vs. Canal Insurance Company.


This company sold this policy through Page Insurance
& Real Estate Company of your City and service should be
made on Mr. Pat Page.

The home address of Canal Insurance Company is
Greenville, South Carolina.

With kindest personal regards I remain;

Very truly yours,

HORNE, WEBB & TUCKER


BY: Douglas S. Webb

DSW/vje

Encl.

SUMMONS AND COMPLAINT.

STATE OF ALABAMA I
BALDWIN COUNTY I

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

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WITNESS my hand, this 16 day of December, 1963.

Alice J. Duck
CLERK.

C O M P L A I N T

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PLAINTIFF.

vs.

CANAL INSURANCE COMPANY,
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DEFENDANT.

IN THE CIRCUIT COURT OF
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LAW SIDE.

CASE NUMBER: _____.

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HORNE, WEBB & TUCKER

BY: W. Hugh Stork
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE, WEBB & TUCKER

BY: W. Hugh Stork
ATTORNEYS FOR PLAINTIFF.

FILED

DEC 16 1963

ALICE J. DUCK, CLERK
REGISTER

ARMBRECHT, JACKSON, McCONNELL & DeMOUY
LAWYERS

MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 290

MOBILE, ALABAMA

36601

AREA CODE 205

PHONE 433-1891

CABLE ADDRESS

SEALAW

WM. H. ARMBRECHT
THEODORE K. JACKSON
JOHN W. McCONNELL, JR.
MARSHALL J. DeMOUY
WM. H. ARMBRECHT, III
RAE M. CROWE

BROOK G. HOLMES
W. BOYD REEVES
JOHN GROW

June 5, 1964

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

Re: A. B. McDill vs. Canal
Insurance Company
Case No. _____

Dear Mrs. Duck:

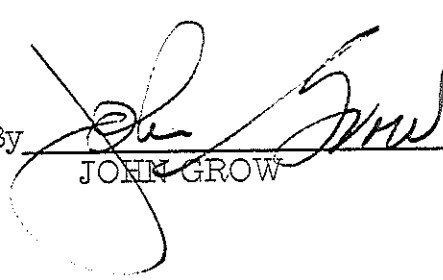
Enclosed herewith please find Pleas which we wish to file on
behalf of the Defendant in the above captioned case.

Thank you for your attention to this matter, and we remain

Sincerely yours,

ARMBRECHT, JACKSON, McCONNELL
& DeMOUY

By


JOHN GROW

JGgg
Enclosure