

GRACE DICKMAN,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
DEWEY GODWIN, et al,	X	AT LAW
Defendants.	X	CASE NO. 5892

Comes now the Defendant, W. H. Gualtney, individually, and W. H. Gualtney d/b/a Gualtney Sheet Metal Shop, and files the following demurs to the Plaintiff's Complaint:

1.

The allegations of the Complaint are ambiguous.

2.

From the allegations of the Complaint, the Defendant does not know whether the furnace was installed or manufactured on January 18, 1963.

3.

The allegations of this Complaint fail to show the date on which the dwelling burned.

4.

From the Plaintiff's Complaint, the Defendant does not know what he is called on to defend.

5.

The Complaint does not state a cause of action.

WILTERS, BRANTLEY & NESBIT

BY: *W. H. Gualtney*
Attorney for Defendant

Defendant demands a trial by jury.

WILTERS, BRANTLEY & NESBIT

BY: *W. H. Gualtney*

FILED
FEB 14 1964
ALICE J. DUCK, CLERK
REGISTER

GRACE DICKMAN,

Plaintiff,

vs

DEWEY GODWIN, et al

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No. _____

DEMURRER

Comes the defendant Dewey Godwin, and files these his demurrers to the Bill of Complaint heretofore filed in this cause, and demurs to the complaint, and to each and every count thereof, separately and severally, as follows, to-wit:

ONE: The complaint does not state a cause of action.

TWO: The complaint fails to allege how the defendant Dewey Godwin negligently installed or manufactured the furnace or heater named in the complaint.

THREE: The complaint fails to allege whether the installation causing the alleged fire was a furnace or heater.

FOUR: The complaint fails to allege what was done by the defendant Dewey Godwin to install or manufacture the alleged furnace or heater.

FIVE: The complaint fails to describe the injuries suffered by the plaintiff.

Kenneth Cope

Attorney For Defendant, Dewey Godwin

Attorney For Plaintiff:

Hand, Arendall, Bedsole, Greaves & Johnston

Mobile, Alabama

Defendant Dewey Godwin, Demands a trial by jury in this cause.

Kenneth Cope
Attorney for Defendant
Dewey Godwin

FILED

FEB 16 1964

ALICE L. DICK, CLERK
REGISTER

Received _____ day of _____ 19____
and on 27 day of Jan 1947

I served a copy of the within A & C

on W. H. ~~Swaltney~~ Gwaltney

By service on _____

TAYLOR WILKINS, Sheriff

By Richard D. Adams
R. D. Adams

Received _____ day of _____ 19____

and on 27 day of Jan 1947

I served a copy of the within A & C

on Gwaltney Sheet Metal

~~W. H. Swaltney~~ Works

By service on _____

TAYLOR WILKINS, Sheriff

By Richard D. Adams, S.
R. D. Adams

Carlisle,
serve these as
soon as possible

property in the dwelling was destroyed; hence, this suit.

Louis E. Braswell
622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

FILED
JAN 17 1964
ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 5892

TERM. 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Dewey Godwin, W.H. Gwaltney, Gwaltney Sheet Metal Works,
Bryant, Division of Carrier Corp., et al

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

Dewey Godwin, et al Defendant

by Grace Dickman

Plaintiff

Witness my hand this 17th day of January 1964

Alice J. Duck, Clerk

No. 5892

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

GRACE DICKMAN

Plaintiffs

vs.

DEWEY GODWIN:, W.H. GWALTNEY, ET AL

Defendants

Summons and Complaint

Filed January 17, 1964

Alice J. Duck

Clerk

RECEIVED

FEB 6 1964

SHERIFF'S OFFICE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Jan 17, 1964

Sheriff.

I have executed this summons

this Jan 20, 1964

by leaving a copy with

Dewey Godwin

RETURNED 2-5-64

Not found in my County and will

not search and I certify

to RAY D. BRIDGES, CL.

By J. W. Huel

Taylor Wilkins

Sheriff.

W. O. Talbot

Deputy Sheriff.

Wm

GRACE DICKMAN,
Plaintiff,
vs.

: IN THE CIRCUIT COURT
: OF BALDWIN COUNTY,
: ALABAMA

DEWEY GODWIN; W. H. GWALTNEY;
GWALTNEY SHEET METAL WORKS,
an individual, firm, or corporation,
who installed the furnace or heater;
ABC, an individual, firm, or corporation,
who installed the furnace
or heater, and whose correct name is
unknown but will be added by amendment
when ascertained; DEF, an
individual, firm or corporation,
who was the electrician for the home,
and whose correct name is unknown but
will be added by amendment when
ascertained; BRYANT, Division of
Carrier Corporation, an individual,
firm or corporation, who manufactured
the furnace or heater; XYZ, an individual,
firm, or corporation, who manufactured
the furnace or heater, and whose correct
name is unknown but will be added by
amendment when ascertained; jointly and
severally,

: AT LAW

Defendants.

: CASE NO. 5892

COUNT ONE

The plaintiff claims of the defendants, jointly and
severally, Twenty Thousand and No/100 Dollars (\$20,000.00)
as damages for that heretofore on, to-wit, January 18,
1963, the defendants so negligently installed or manufactured
the furnace or heater in the plaintiff's dwelling in the City
of Stockton, County of Baldwin, State of Alabama, at 722
Stockton Highway, as to cause or allow the furnace or heater
to cause the dwelling and the contents to catch fire, and as
a direct and proximate consequence and result of the aforesaid
negligence the plaintiff was injured and damaged in that the
plaintiff's dwelling was destroyed and the plaintiff's personal

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 5892

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon ~~Rex~~ Dewey Godwin, W.H. Gwaltney, Gwaltney Sheet Metal Works,
Bryant, Division, of Carrier Corp., et al

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

Dewey Godwin et al

Defendant

by Grace Dickman

Plaintiff

Witness my hand this 17th day of January 1964

Alice J. Duck, Clerk

GRACE DICKMAN,

Plaintiff,

vs.

DEWEY GODWIN; W. H. GWALTNEY;
GWALTNEY SHEET METAL WORKS,
an individual, firm, or corporation,
who installed the furnace or heater;
ABC, an individual, firm, or cor-
poration, who installed the furnace
or heater, and whose correct name is
unknown but will be added by amend-
ment when ascertained; DEF, an
individual, firm or corporation,
who was the electrician for the home,
and whose correct name is unknown but
will be added by amendment when
ascertained; BRYANT, Division of
Carrier Corporation, an individual,
firm or corporation, who manufactured
the furnace or heater; XYZ, an individual,
firm, or corporation, who manufactured
the furnace or heater, and whose correct
name is unknown but will be added by
amendment when ascertained; jointly and
severally,

Defendants.

: IN THE CIRCUIT COURT

: OF BALDWIN COUNTY,

: ALABAMA

: AT LAW

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: CASE NO. _____

COUNT ONE

The plaintiff claims of the defendants, jointly and severally, Twenty Thousand and No/100 Dollars (\$20,000.00) as damages for that heretofore on, to-wit, January 18, 1963, the defendants so negligently installed or manufactured the furnace or heater in the plaintiff's dwelling in the City of Stockton, County of Baldwin, State of Alabama, at 722 Stockton Highway, as to cause or allow the furnace or heater to cause the dwelling and the contents to catch fire, and as a direct and proximate consequence and result of the aforesaid negligence the plaintiff was injured and damaged in that the plaintiff's dwelling was destroyed and the plaintiff's personal

property in the dwelling was destroyed; hence, this suit.

Louis E. Braswell
622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

FILED
JAN 17 1964
ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 5892

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon ~~Sam~~ Dewey Godwin, W.H. Gwaltney, Gwaltney Sheet Metal Works,

Bryant, Division, of Carrier Corp., et al

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 -----

Dewey Godwin et al

-----, Defendant-----

by -----

Grace Dickman

-----, Plaintiff-----

Witness my hand this 17th day of January 1964

Alice J. Duck, Clerk

SECRET

Principle

vi.

DEWEY GODWIN; W. M. GUALTNEY;

QUALITY SHEET METAL WORKS,

an individual, firm, or corporation.

who installed the furnace or heater;

ABC, an individual, firm, or cor-

operation, who installed the furnace

or heater, and whose correct name is

unknown but will be added by amend-

ment when ascertained; DEF, an

individual, firm or corporation,

who was the electrician for the house

and whose correct name is unknown but

will be added by amendment when

ascertained; BRYANT, Division of

Carrier Corporation, an individual,

firm or corporation, who manufactures

the furnace or heater; XII, an indiv.

firm, or corporation, who manufactures

the furnace or heater, and whose cor-

name is unknown but will be added by

amendment when ascertained; jointly.

severally.

Defendants.

COUNT ONE

The plaintiff claims of the defendants, jointly and

severally, Twenty Thousand and No/100 Dollars (\$20,000.00)

as damages for that heretofore on, to-wit, January 18,

1963, the defendants so negligently installed or manufactured

the furnace or heater in the plaintiff's dwelling in the City

of Stockton, County of Baldwin, State of Alabama, at 722

Stockton Highway, as to cause or allow the furnace or heater

to cause the dwelling and the contents to catch fire, and as

a direct and proximate consequence and result of the aforesaid

negligence the plaintiff was injured and damaged in that the

plaintiff's dwelling was destroyed and the plaintiff's personal

property in the dwelling was destroyed; hence, this suit.

Louis E. Braswell

622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE,
GREAVES & JOHNSTON

FILED

JAN 17 1964

ALICE L. DICK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 5893

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Dewey Godwin, W.H. GWALTNEY: GWALTNEY SHEET METAL WORKS,

BRYANT, Division of Carrier Corp., et al

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

Dewey Godwin, et al, Defendant

by WARREN CAUSE,

Plaintiff

Witness my hand this 17th day of January 19 64

Alice J. Wick, Clerk

WARREN GAUSE,

Plaintiff,

vs.

DEWEY GODWIN; W. H. GWALTNEY;

GWALTNEY SHEET METAL WORKS,

an individual, firm or corporation,

who installed the furnace or heater;

ABC, an individual, firm or cor-

poration, who installed the furnace

or heater, and whose correct name is

unknown but will be added by amend-

ment when ascertained; DEF, an

individual, firm or corporation,

who was the electrician for the home,

and whose correct name is unknown but

will be added by amendment when

ascertained; BRYANT, Division of

Carrier Corporation, an individual,

firm or corporation, who manufactured

the furnace or heater; XYZ, an individual,

firm or corporation, who manufactured

the furnace or heater, and whose correct

name is unknown but will be added by

amendment when ascertained; jointly and

severally,

: IN THE CIRCUIT COURT

: OF BALDWIN COUNTY,

: ALABAMA

: AT LAW

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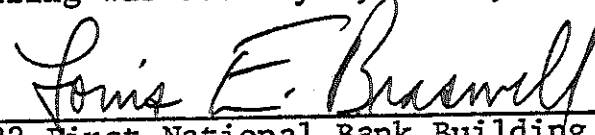
:

Defendants.

: CASE NO. _____

COUNT ONE

The plaintiff claims of the defendants, jointly and severally, Twenty Thousand and No/100 Dollars (\$20,000.00) as damages for that heretofore on, to-wit, January 18, 1963, the defendants so negligently installed or manufactured the furnace or heater in the dwelling of Grace Dickman in the City of Stockton, County of Baldwin, State of Alabama, at 722 Stockton Highway, as to cause or allow the furnace or heater to cause the dwelling and the contents to catch fire, and as a direct and proximate consequence and result of the aforesaid negligence the plaintiff was injured and damaged in that the plaintiff's real property was damaged and the plaintiff's personal property in said dwelling was destroyed; hence, this suit.


622 First National Bank Building
Mobile, Alabama
Attorney for Plaintiff

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

FILED

JAN 17 1964

ALICE I. DUCK, CLERK
REGISTER

sell

Bald &

Bryant, L. W. Carrer
corp

my Mobile Supply

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

August 21, 1964

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5514
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD O. PARKMAN
G. PORTER BROCK, JR.

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

Re: Dickman vs. Godwin
Gause vs. Godwin
Case No: 5892 and 5893
Circuit Court of Baldwin County

Dear Miss Duck:

As attorneys for the plaintiffs in the above two cases, I request that they be dismissed. Would you please send me the bills for costs as soon as possible.

Thank you very much.

Yours very truly,



For the Firm

LEB.lrt