

LOIS DYESS, formerly Lois  
Burroughs,

Plaintiff,

vs.

LIBERTY NATIONAL LIFE INSURANCE  
COMPANY,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER TO PETITION FOR LEAVE TO INTERVENE

Comes now the Defendant in the above styled cause, by its attorneys, and demurs to the petition for leave of the Court to file a petition for intervention heretofore filed in this Court by Gwendolyn Burroughs and Pamela Burroughs, acting by and through Lois H. Dyess as their mother and next friend, and assigns, separately and severally, the following separate and several grounds in support thereof:

1. That this Court is without authority to grant said petition.
2. It affirmatively appears from the allegations of said petition that the representation of the petitioners' interest by the existing party is adequate.
3. No facts are alleged in the petition which, if true, would establish that the representation of the petitioners' interest by existing parties is or may be inadequate.
4. No facts are alleged in the petition which, if true, would establish any grounds which would warrant the intervention in this suit by the petitioner.
5. It affirmatively appears from the allegations of the petition that the petitioners are neither a necessary nor proper parties to this suit.
6. No facts are alleged in the petition which, if true,

would permit the intervention in this suit.

7. The petition fails to allege any facts which, if true, would establish a right of intervention by the petitioners in this suit.

8. The petition fails to allege the existence of any right or interest in the petitioners which could be the basis for an intervention by them under the provisions of Title 7, Section 247 of the Code of Alabama.

9. It affirmatively appears from the allegations of the petition that the petitioners have no cause of action against this Defendant.

10. The petition fails to allege any facts which, if true, would establish the existence of a cause of action in favor of the petitioners against this Defendant.

11. The petition fails to allege that this Defendant has consented to the assignment by the Plaintiff in this cause to the petitioners of an undivided two-thirds interest in and to any and all proceeds of the policy of insurance which is the subject matter of this litigation.

12. It affirmatively appears from the allegations of the petition that the purported assignment by the Plaintiff in this case to the petitioners of an undivided two-thirds interest in and to any and all proceeds of the policy of insurance which is the subject matter of this litigation was made after the alleged loss under the policy of insurance.

13. It affirmatively appears from the allegations of the petition that the petitioners merely hold an equitable right to a part of the proceeds, if any, of the policy of insurance which the subject matter of this litigation which might have to

be paid by the Defendant.

14. The allegations of the petition that "they have an interest in the matter in litigation and in the success of the Plaintiff in this case by reason of the said transfer and assignment" is a mere conclusion of the pleader and no facts are alleged in the petition which, if true, would establish such conclusion as a matter of law.

15. It affirmatively appears from the allegations of the petition that the purported assignment by the Plaintiff in this cause to the petitioners is not legally effective.

16. It affirmatively appears from the allegations of the petition that the purported transfer and assignment is nothing more than an agreement whereby the Plaintiff in this case contracted to pay over to the petitioners a certain portion of the proceeds, if any, to which she might be entitled under the policy which is the subject matter of this litigation.

17. It affirmatively appears from the allegations of the petition that the purported transfer and assignment by the Plaintiff in this action to the petitioners was made after the commencement of this action.

Respectfully submitted,

CHASON, STONE & CHASON

By: 

Attorneys for Defendant

CERTIFICATE

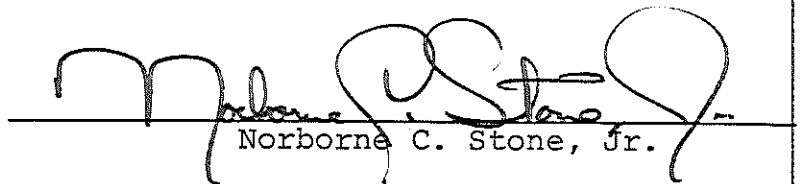
I, Norborne C. Stone, Jr., do hereby certify that I have this day served a copy of the foregoing Demurrer To Petition For Leave To Intervene on the Honorable James R. Owen, Attorney for Petitioners, by mailing a copy thereof to him by United States mail, postage prepaid and properly addressed to him, at his office in Bay Minette, Alabama.

Witness my hand this 20<sup>th</sup> day of October, 1965.

FILED

OCT 20 1965

ALICE L. DICK, CLERK  
REGISTER

  
Norborne C. Stone, Jr.

6048

LOIS DYESS,  
formerly Lois Burroughs,

Plaintiff,

VS

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY

Defendant.

\*\*\*\*\*

DEMURRER TO PETITION  
FOR LEAVE TO INTERVENE

\*\*\*\*\*

FILED

OCT 20 1965

ALICE J. DUCK, CLERK  
REGISTER

CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P. O. Box 120


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

9. If you state that you did have an investigation made as to the cause of death of the said Paul F. Burroughs, please attach

a copy of any statement or statements which you have in your file delivered to you by any person or firm making said investigation.


10. Do you know the name or names of any witnesses to the accident which caused the death of the said Paul F. Burroughs and if you state that you do, please give the names of such witness or witnesses and state whether or not you have any statement from said witness or witnesses?

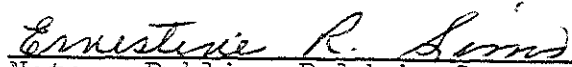
11. Please state whether or not you have any photographs of the said Paul F. Burroughs which were taken after his death and if you state that you do, please attach a copy of each photograph which you have to your answers to these interrogatories.

  
Attorney for Plaintiff

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn, deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the foregoing interrogatories will be material testimony for the plaintiff in the trial of the said cause.

  
Sworn to and subscribed before me on  
this the 5<sup>th</sup> day of May, 1964.

  
Notary Public, Baldwin County, Alabama.

FILED  
MAY 5 1964  
ALICE J. DUCK, CLERK  
REGISTER

*Dra L. Burleson*

*Dalwidia*

*Case no 6040*

*Lois H. Burroughs*  
*Plt.*

*vs.*

*Liberty National Life*  
*Ins. Co.* *Def.*

- 1. Summons & Complaint*
- 2. Interrogatories*

Executed this the 7 day of MAY 1964  
on Liberty National  
Life Insurance Company

by leaving a copy of within with  
Dra L. Burleson  
agt.  
of said co

MELVIN BAILEY, Sheriff  
Jefferson County, Alabama

By H. E. Moore D.S.

Melvin Bailey, Sheriff of  
Jefferson County, Alabama,  
claims \$1.50 each for serving

1 process(es) and \$1.00  
travel expense on each of

1 process(es) or a total of

\$2.50  
H. E. Moore Deputy Sheriff

FILED

MAY 3 1964

ALICE J. DUCK, CLERK  
REGISTER

*#6*

*James R. Owen,*  
*1244*

RECEIVED MAY 9 1964



LOIS DYESS, formerly Lois  
Burroughs,

Plaintiff,

VS.

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

PETITION FOR LEAVE OF COURT TO  
FILE PETITION FOR INTERVENTION

Now comes Gwendolyn Burroughs and Pamela Burroughs, by  
Lois H. Dyess, as their mother and next friend, and respectfully  
shows unto the court as follows:

That this suit now pending in this court is on life  
insurance policy number 874158 heretofore issued by the defendant,  
Liberty National Life Insurance Company, to the decedent, Paul F.  
Burroughs, in which said insurance policy the plaintiff, Lois H.  
Dyess, formerly Lois H. Burroughs, was named beneficiary therein;  
that heretofore on to-wit, July 26, 1965, the said Lois H. Dyess,  
formerly Lois H. Burroughs, transferred and assigned to Gwendolyn  
Burroughs and Pamela Burroughs, the two minor children of the said  
plaintiff and the said decedent, Paul F. Burroughs, an undivided  
two-thirds interest in and to any and all proceeds of the said  
policy and directed that two-thirds of all of the proceeds under the  
said policy be paid to the order of the said Gwendolyn Burroughs  
and Pamela Burroughs, share and share alike. A copy of the said  
transfer and assignment is attached hereto marked Exhibit "A" and  
made a part hereof as though fully incorporated herein.

The said Gwendolyn Burroughs and Pamela Burroughs, by  
Lois H. Dyess, formerly Lois H. Burroughs, as their next friend,  
show unto the court and your Honor that they have an interest in  
the matter in litigation and in the success of the plaintiff in  
this case by reason of the said transfer and assignment and petitions  
the court to grant leave to them to join the plaintiff in claiming  
what is sought by the said complaint and moves the court to grant  
them leave to file a complaint in this case, as required by Title 7,  
Section 247 of the Code of Alabama.

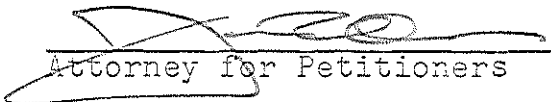
  
Attorney for Petitioners

EXHIBIT "A"

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, Lois H. Dyess, formerly Lois H. Burroughs, the beneficiary named in that certain life insurance policy issued by Liberty National Life Insurance Company to Paul F. Burroughs, and which is Policy No. 874158, hereby transfer, set over and assign to Gwendolyn Burroughs and Pamela Burroughs, the two minor children of myself and the said Paul F. Burroughs, and undivided two-thirds interest in and to any and all proceeds of the said policy and I do hereby direct that two-thirds of all proceeds under the said policy be paid to the order of the said Gwendolyn Burroughs and Pamela Burroughs, share and share alike.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 26<sup>th</sup> day of July, 1965.

Lois H. Dyess  
Lois H. Dyess

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, James R. Quinn, a Notary Public, within and for said County in said State, hereby certify that Lois H. Dyess, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26<sup>th</sup> day of July, 1965.

James R. Quinn  
Notary Public, Baldwin County, Alabama

FILED

OCT 14 1965

WILLIE L. DUCK, CLERK  
REGISTER

LOIS DYESS, FORMERLY LOIS X  
 BURROUGHS, ET AL, X  
 Plaintiffs, X IN THE CIRCUIT COURT OF  
 vs. X BALDWIN COUNTY, ALABAMA  
 X AT LAW  
 LIBERTY NATIONAL LIFE X  
 INSURANCE COMPANY, X #6040  
 Defendant. X

MOTION TO STRIKE

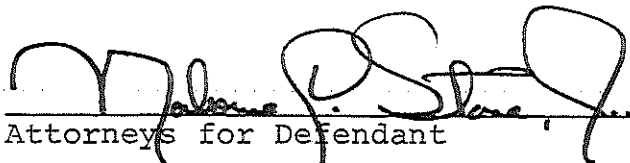
Comes now the Defendant in the above styled cause, by its attorneys, and moves this Honorable Court to strike the Amended Complaint heretofore filed in this cause and as grounds therefor says as follows:

That on, to-wit, the 26th day of July, 1965, the Plaintiff in this cause, Lois H. Dyess, formerly Lois H. Burroughs, attempted to transfer, set over and assign to Gwendolyn Burroughs and Pamela Burroughs, the minor Plaintiffs sought to be brought into this cause by said Amended Complaint, by an instrument purporting to be such an assignment executed by her on that date in the presence of James R. Owen, a notary public in and for Baldwin County, Alabama. That on August 12, 1965, the above mentioned purported transfer and assignment from Lois H. Dyess, formerly Lois H. Burroughs, to Gwendolyn Burroughs and Pamela Burroughs was forwarded by James R. Owen, Attorney at Law, Bay Minette, Alabama, and the Attorney for the Plaintiffs in this cause, to Liberty National Life Insurance Company in Birmingham, Alabama, the Defendant in this cause. That a copy of such purported assignment and a copy of the letter of transmittal of the said James R. Owen are both attached hereto and marked "Exhibit A" and "Exhibit B", respectively. That on August 23, 1965, the

Defendant, Liberty National Life Insurance Company, acting by and through John K. Kennedy as its Vice-President, acknowledged receipt of the letter of the said James R. Owen and in a letter to the said James R. Owen of August 23, 1965, a copy of which is attached hereto and marked "Exhibit C", did, on behalf of the Defendant in this cause, decline to acknowledge or accept the attempted assignment by Lois H. Dyess, and returned to James R. Owen such purported transfer and assignment. That such attempted transfer and assignment occurred after loss, if any, under the policy which is the subject matter of this suit and which is referred to in such purported assignment of an undivided two-thirds interest in and to any and all proceeds of said policy.

Respectfully submitted,

CHASON, STONE & CHASON

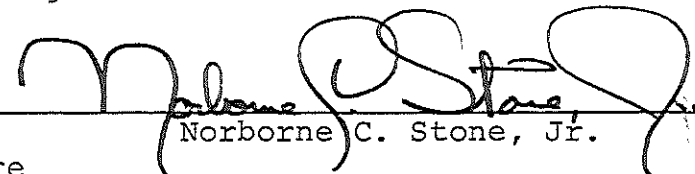
By:   
Attorneys for Defendant

STATE OF ALABAMA

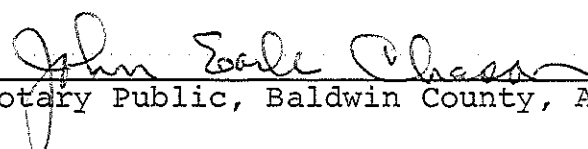
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Norborne C. Stone, Jr., who is known to me and who after being by me first duly and legally sworn did depose and say under oath as follows:

That his name is Norborne C. Stone, Jr., and he is one of the attorneys for the Defendant in the above styled cause and he executed the foregoing Motion as such. That he is informed and believes and upon such information and belief alleges that the facts set forth in the foregoing Motion are true and correct.

  
Norborne C. Stone, Jr.

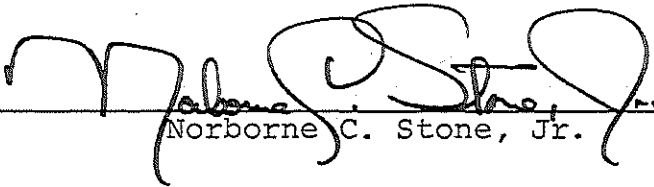
Sworn to and subscribed before  
me this 25<sup>th</sup> day of August, 1965.

  
Notary Public, Baldwin County, Alabama

CERTIFICATE OF SERVICE

I, Norborne C. Stone, Jr., one of the Attorneys for the Defendant in the above styled cause, do hereby certify that I have this day served a copy of the foregoing Motion on Honorable James R. Owen, Attorney for the Plaintiff, by delivering a copy of the same to him at his office in Bay Minette, Alabama.

WITNESS my hand this 25<sup>th</sup> day of August, 1965.

  
Norborne C. Stone, Jr.

FILED  
AUG 25 1965  
ALICE L. DICK, CLERK  
REGISTER

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, Lois H. Dyess, formerly Lois H. Burroughs, the beneficiary named in that certain life insurance policy issued by Liberty National Life Insurance Company to Paul F. Burroughs, and which is Policy No. 874158, hereby transfer, set over and assign to Gwendolyn Burroughs and Pamela Burroughs, the two minor children of myself and the said Paul F. Burroughs, and undivided two-thirds interest in and to any and all proceeds of the said policy and I do hereby direct that two-thirds of all proceeds under the said policy be paid to the order of the said Gwendolyn Burroughs and Pamela Burroughs share and share alike.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 26<sup>th</sup> day of July, 1965.

Lois H. Dyess  
Lois H. Dyess

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I, James R. Owsen, a Notary Public, within and for said County in said State, hereby certify that Lois H. Dyess, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26<sup>th</sup> day of July, 1965.

James R. Owsen  
Notary Public, Baldwin County, Alabama

10/25  
JAMES R. OWEN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA 36507

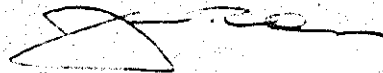
August 12, 1965

Liberty National Life  
Birmingham,  
Alabama

I enclose transfer and assignment from Lois Dyess  
formerly Lois Burroughs to Gwendolyn Burroughs and  
Pamela Burroughs.

This assignment sets over and assigns to the two  
minor children two-thirds of the proceeds of Life  
Insurance Policy No. 874158. Please acknowledge re-  
ceipt of this assignment.

Yours very truly

  
James R. Owen

JRO/jmo

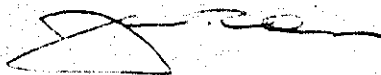
12/15  
JAMES R. OWEN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA 36507  
August 12, 1965

Liberty National Life  
Birmingham,  
Alabama

I enclose transfer and assignment from Lois Dyess  
formerly Lois Burroughs to Gwendolyn Burroughs and  
Pamela Burroughs.

This assignment sets over and assigns to the two  
minor children two-thirds of the proceeds of Life  
Insurance Policy No. 874158. Please acknowledge re-  
ceipt of this assignment.

Yours very truly



James R. Owen

JRO/jmo

541

EXHIBIT B



August 23, 1965

Mr. James R. Owen  
Attorney at Law  
Bay Minette, Alabama

Re: Paul Burroughs, Deceased  
Policy No. 874 158

Dear Mr. Owen:

Thank you for your letter of August 12 sending us the attempted assignment by Mrs. Lois Burroughs Dyess to Gwendolyn Burroughs and Pamela Burroughs of a part of any rights which she may have with respect to the captioned policy. We respectfully decline to acknowledge or accept this attempted assignment by Mrs. Dyess, and we are returning it to you with this letter.

Yours very truly,

John K. Kennedy,  
Vice President

JKK:be

# 6040

LOIS DYESS,  
FORMERLY LOIS BURROUGHS, ET AL,  
Plaintiffs,

vs.

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY,  
Defendant.

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MOTION TO STRIKE

\*\*\*\*\*

FILED

AUG 25 1965

WILLIAM DICK, CLERK  
REGISTER

CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P. O. Box 120

LOIS H. DYESS, formerly Lois H.  
Burroughs; GWENDOLYN BURROUGHS  
and PAMELA BURROUGHS, minors under  
the age of fourteen years, suing  
by and through Lois H. Dyess, as  
their mother and next friend,

Plaintiffs,

VS.

LIBERTY NATIONAL LIFE INSURANCE  
COMPANY,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 6040

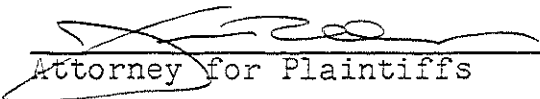
AMENDED COMPLAINT

COUNT ONE

The plaintiffs claim of the defendant Five Thousand Dollars (\$5,000.00) due on a policy, whereby the defendant on the 10th day of December, 1963, insured the life of Paul F. Burroughs, who died on January 8, 1964, of which the defendant has had notice. Said policy is the property of the plaintiffs.

COUNT TWO

The plaintiffs claim of the defendant Five Thousand Dollars (\$5,000.00) due on a policy, whereby the defendant on the 10th day of December, 1963, insured Paul F. Burroughs against the loss of his life resulting solely from bodily injuries effected directly and independently of all other causes through accidental means. The plaintiffs aver that the said Paul F. Burroughs lost his life solely from bodily injuries effected directly and independently of all other causes through accidental means, which death occurred on the 8th day of January, 1964, of which the defendant has had notice. The plaintiffs aver that they are the owners of said policy and are the beneficiaries thereof and claim the proceeds thereof, together with interest at the rate of six percent (6%) per annum.

  
Attorney for Plaintiffs

FILED

AUG 13 1965

WILLIE L. DIXON, CLERK  
REGISTER





CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. BOX 120

BAY MINETTE, ALABAMA

JOHN CHASON  
NORBORNE C. STONE, JR.  
JOHN EARLE CHASON

November 29, 1965

TELEPHONE 937-2191

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

Dear Mrs. Duck:

Re: Dyess (Burroughs) vs. Liberty  
National Life Insurance Company  
Case No. 6040

We hand you herewith check number K24236 of Liberty National Life Insurance Company dated November 26, 1965, payable to your order in the amount of \$5,133.45 in full payment of the judgment and court cost in the above matter.

As reflected in the court file in this case, the Plaintiff, Lois Burroughs Dyess, has heretofore executed an assignment of an undivided two-thirds interest in the proceeds of the life insurance policy upon which this cause of action was based, the original assignment being on file in the Circuit Court of Baldwin County, Alabama. This judgment represents a settlement of a claim under that policy with Mrs. Dyess and the Defendant has not now nor in the past recognized the validity of such attempted assignment, but we feel that you should have notice of that attempted assignment so that you might protect yourself in disbursing the proceeds of this judgment.

Would you please acknowledge receipt of this letter by executing the copy hereof which is being delivered to you along with the original and return the executed copy to us.

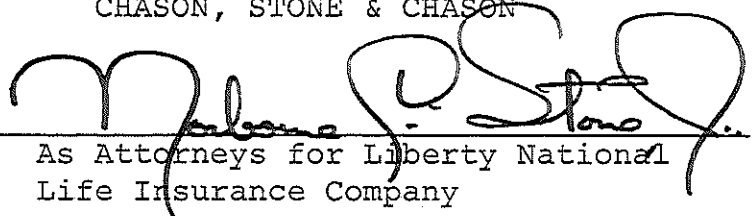
Sincerely,

CHASON, STONE & CHASON

NCS:dl

Encl: As Noted

By

  
As Attorneys for Liberty National  
Life Insurance Company

FILED  
NOV 30 1965  
BAY MINETTE, ALA.  
CLERK OF COURT

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Liberty National Life Insurance Company to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Lois H. Burroughs.

WITNESS my hand this 5 day of May, 1964.

Alice J. Smith  
Clerk

The defendant may be served by serving a copy of the summons and complaint on the ~~Superintendent of Insurance for the State of Alabama, Montgomery, Alabama.~~

Jefferson Co. on officer of Dept.

\* \* \* \* \*

LOIS H. BURROUGHS,

Plaintiff,

VS.

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

6040

# COMPLAINT

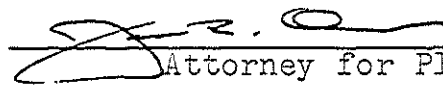
## COUNT ONE

The plaintiff claims of the defendant Five Thousand Dollars (\$5,000.00) due on a policy, whereby the defendant on the 10th day of December, 1963, insured the life of Paul F. Burroughs, who died on January 8, 1964, of which the defendant has had notice. Said policy is the property of the plaintiff.

## COUNT TWO

The plaintiff claims of the defendant Five Thousand Dollars (\$5,000.00) due on a policy, whereby the defendant on the 10th day of December, 1963, insured Paul F. Burroughs against the loss of his life resulting solely from bodily injuries effected directly and independently of all other causes through accidental

means. The plaintiff avers that the said Paul F. Burroughs lost his life solely from bodily injuries effected directly and independently of all other causes through accidental means, which death occurred on the 8th day of January, 1964, of which the defendant has had notice. The plaintiff avers that she is the owner of said policy and is the beneficiary named therein and claims the proceeds thereof, together with interest at the rate of six percent (6%) per annum.

  
Attorney for Plaintiff

FILED

MAY 5 1964

ALICE J. DUCK, CLERK  
REGISTER

EX-5-7-64



LOIS H. BURROUGHS,

Plaintiff,

vs.

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY,

Defendant.

Y

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

OBJECTIONS TO INTERROGATORIES

Comes now the Defendant in the above styled cause and objects to interrogatories numbered "7", "8", "9", and "10", separately and severally, heretofore propounded to it by the Plaintiff in this cause and assigns the following separate and several grounds of objections to each of said interrogatories:

1. Said interrogatories seek to elicit facts which are incompetent, immaterial, illegal and impertinent to the issues in this case.

2. Said interrogatories call for hearsay testimony.

3. Said interrogatories constitute a mere fishing expedition.

4. Interrogatories "7" and "8", seek information concerning a copy of a report made subsequent to the act giving rise to this cause of action and interrogatory "9" seeks a copy of said report, all of which said interrogatories call for unsworn ex parte statements of persons not parties which are merely hearsay and prima facie inadmissible.

ANSWERS TO INTERROGATORIES:

Comes now the Defendant and for answer to the interrogatories heretofore propounded to it by the Plaintiff, and without waving the foregoing objections, says as follows:

1. Yes.

2. No.

3. (See answer to Number "2.", above).

4. No.

5. We were notified by the beneficiary named in the policy that the insured died accidentally on January 8, 1964.

6. We have tendered to the beneficiary of said policy, Lois H. Burroughs, the reduced death benefits due under the terms of such policy where the insured has committed suicide within two years from the effective date of the policy, as the sole payment of the proceeds due under this policy in view of the circumstances of Mr. Burroughs' death.

7. Upon advice of counsel the Defendant declines to answer this question.

8. Upon advice of counsel the Defendant declines to answer this question.

9. Upon advice of counsel the Defendant declines to answer this question.

10. Upon advice of counsel the Defendant declines to answer this question.

11. No.

LIBERTY NATIONAL LIFE INSURANCE COMPANY

BY: Jack W. Perry

As Its Assistant Secretary

STATE OF ALABAMA

JEFFERSON COUNTY

Before me, Joseph G. Gamble, a notary Public, in and for said State at Large personally appeared Jack W. Perry who after being by me first duly and legally sworn says:

That his name is Jack W. Perry. That he is Assistant Secretary of Liberty National Life Insurance Company and as such has made the answers to the foregoing Answers to Interrogatories and the same are true and correct.

Sworn to and subscribed before me this 7 day of July, 1964.

Joseph G. Gamble  
Notary Public, Jefferson County, Alabama

FILED

JUL 8 1964

ALICE I. DUCK, CLERK  
REGISTER

LOIS H. BURROUGHS,

Plaintiff,

vs.

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

PLEA:

Comes now the Defendant, by its attorneys, and for answer to the complaint heretofore filed against it in the above styled cause, pleads, separately and severally, as follows:

1. That the allegations of the complaint are untrue.

2. That the Contract of Insurance entered into between the Defendant and Paul F. Burroughs on the 10th day of December, 1963, and which is the contract here sued upon, provided "If the Insured within two years from the effective date of this policy shall commit suicide, whether sane or insane, the amount payable under this policy shall be a sum equal to the premiums thereon which have been paid to and received by the company less any indebtedness to the company."; and the insured Paul F. Burroughs did within two years from the effective date thereof and on, to-wit: January 8, 1964, commit suicide. That the Defendant is indebted to the Plaintiff in the amount of Twelve Dollars and Sixty-five Cents (\$12.65) with interest at the rate of six per cent (6%) per annum from the 10th day of December, 1963, which said amount is tendered to the Plaintiff at this time and herewith paid into court; hence the Plaintiff can not recover in this suit.

3. The Defendant saith that it tendered to the Plaintiff the amount due to her, to-wit: Twelve Dollars and Sixty-five Cents (\$12.65), before the action was commenced, and now brings the money into court, together with interest thereon at six percent.

CHASON, STONE & CHASON

By: John Earle Chason

The Defendant respectfully demands a trial of this cause by jury.

CHASON, STONE & CHASON

By: John Earle Chason

FILED

MAY 29 1964

533

ALICE J. DUCK, CLERK  
REGISTER

LOIS DYESS,

Plaintiff,

vs.

LIBERTY NATIONAL LIFE INSURANCE  
COMPANY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

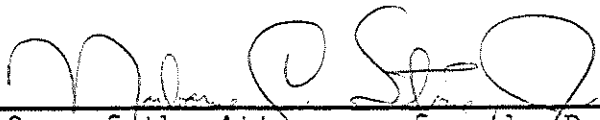
AT LAW

NOTICE OF TAKING OF DEPOSITION UPON ORAL EXAMINATION

TO: HONORABLE JAMES R. OWEN, ATTORNEY AT LAW, BAY MINETTE, ALABAMA,  
ATTORNEY FOR PLAINTIFF:

You are hereby notified that the Defendant will, pursuant to the provisions of Title 7, Section 474(1) et seq., of the Code of Alabama of 1940, take the testimony of J. Fred Thrasher, Bay Minette, Alabama, before Louise Dusenbury, a person authorized to administer oaths by the State of Alabama, by deposition upon oral examination at the office of Louise Dusenbury in the courthouse at Bay Minette, Alabama, at 9 A.M. on the 25<sup>th</sup> day of February, 1965.

WITNESS my hand this 15<sup>th</sup> day of February, 1965.



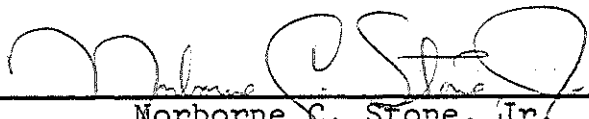
One of the Attorneys for the Defendant

STATE OF ALABAMA

BALDWIN COUNTY

I, Norborne C. Stone, Jr., one of the attorneys for the Defendant in the above styled cause do hereby certify that I have served a copy of the foregoing notice on Honorable James R. Owen, the attorney for the Plaintiff, by delivering a copy thereof to him at his office in Bay Minette, Alabama.

WITNESS my hand this 15<sup>th</sup> day of February, 1965.



Norborne C. Stone, Jr.

FILED

FEB 15 1965

Alice J. Duck, CLERK  
REGISTER

LOIS DYESS,

Plaintiff

vs.

LIBERTY NATIONAL LIFE INSURANCE  
COMPANY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

REQUEST FOR ISSUANCE OF SUBPOENA

Comes now the Defendant in the above styled cause, by its attorneys, and requests the Clerk of the Circuit Court of Baldwin County, Alabama, to issue a subpoena directed to J. Fred Thrasher, Bay Minette, Alabama, to appear at the office of Louise Dusenbury in the courthouse in Bay Minette, Baldwin County, Alabama, at 9 A.M. on the 25<sup>th</sup> day of February, 1965, at the instance of the Defendant for examination by the Defendant under the provisions of Title 7, Section 474(1) et seq., of the Code of Alabama of 1940.

Respectfully submitted,

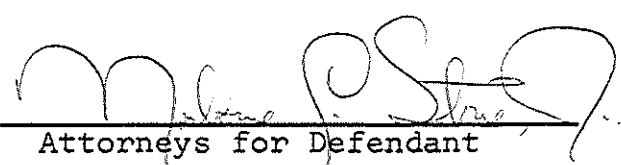
CHASON, STONE & CHASON

FILED

FEB 15 1965

ALICE L. DUCK, CLERK  
REGISTER

By:

  
Attorneys for Defendant

Lois Burroughs

U.S.

Liberty National Ins. Co.

JURY LIST - MAY 31, 1965

1. Anacker, Walter R., Farmer, Fairhope
2. Beaty, Raymond, Laborer, Fairhope
3. Beck, John, Mechanic, Foley
4. Broughton, Joe N., Merchant, Cross Roads
5. Bryhn, Vernon A., Farmer, Elberta
6. Carlisle, D.E., Newport, Bay Minette
7. Carlisle, Otis A., Newport, Bay Minette
8. Corley, Horace W., Brookley Field, Bay Minette
9. Crook, Prince, Laborer, Bay Minette
10. Drinkard, Everette E., Farmer, Bay Minette
11. Dusek, Frank J., Jr., Civil Service, Lillian
12. Ebert, Charles J., Jr., Ins. Agt., Foley
13. ~~Emmons, Elmer, Post Office Clerk, Bay Minette~~
14. Fell, Frank, Mechanic, Elberta
15. Fell, Neal J., Farmer, Lillian
16. Frank, George, Farmer, Elberta
17. Gilbert, B.B., Mechanic, Bay Minette
18. Gilbert, Jimmy, Insurance, Robertsdale
19. Hall, Gerald B., Jr., Newport, Bay Minette
20. Hall, Origen, Club Operator, Bay Minette
21. Hamilton, Percy, Town of Bay Minette, Bay Minette
22. Harrison, Joseph M., Farmer, Fairhope
23. Henderson, James M., Farmer, Fairhope
24. Hobbs, William G., Merchant, Bay Minette
25. Hodges, Willie Lee, Sawmill, Bay Minette
26. ~~Hunter, Pierce E., Electrician, Seaboard~~
27. Keuler, Albert, Salesman, Loxley
28. Keuler, Jake W., Farmer, Loxley
29. King, Horace E., Farmer, Mag. Spgs.
30. McCarthy, James G., Merchant, Bay Minette
31. Meszaros, Michael A., Retired, Elberta
32. Morse, Wilson W., Civil Service, Foley
33. Nix, B. Coles, Ag. Teacher, Foley
34. ~~Palmer, James J., Farmer, Robertsdale~~
35. Pridgen, J. Phillip, Farm Adm., Bay Minette
36. Ryan, Robert, Newport, Bay Minette
37. Seaburn, James, Farmer, Foley
38. ~~Sherry, Gordon, Farmer, Daphne~~
39. Stimpson, Carl, Clay Products, Fairhope
40. Toler, Johnnie G., Electrician, Foley
41. Trawick, Walter, Laborer, Bay Minette
42. Underwood, Hilary H., Farmer, Foley
43. Vasut, Charles F., T.V. Repair, Robertsdale
44. Weekley, Willard A., Newport, Bay Minette
45. Wilson, John R., Auto. Dealer, Bay Minette
46. ~~Young, William, Post Office, Bay Minette~~
47. Mikkelson, Roy, Farmer, Summerdale
48. Stuart, Harold, Cleaners, Bay Minette
49. Fuller, David, Motel, Spanish Fort-Daphne

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6040

Burroughs vs. Liberty National

JURY LIST - SEPTEMBER 13, 1965

1. Cleverdon, Paul L., Farmer, Summerdale
2. Clark, J.W., Jr., Merchant, Robertsdale
3. Boone, W.A., Farmer, Little River
4. Bankester, Artie, Retired, Robertsdale
5. Armstrong, Charles, Ins. Salesman, Robertsdale
6. Fullbright, Lex J., Army-Retired, Gulf Shores
7. Frank, Lawrence J., Farmer, Elberta
8. Gideon, Elijah M., Laborer, Bay Minette
9. Black, Rufus M., Farmer, Loxley
10. Bauer, Hilbert, Farmer, Summerdale
11. Good, John, Jr., Farmer, Elberta
12. Gottler, Joe, Farmer, Elberta
13. Guthrie, Hershey H., Farmer, Foley
14. Hatchcock, Roy, Laborer, Summerdale
15. Hobbs, Tom, Farmer, Rosinton
16. Hinkelman, Howard, Civil Service, Elberta
17. Herron, John L., Chemstrand, Bay Minette
18. Kaechele, John F., Mechanic, Elberta
19. Ingram, Charles C., Linesman, Foley
20. Horne, Thomas B., Fleet, Crossroad
21. Chestang, J.D., Paper Mill, Bay Minette
22. Keenan, Ruben A., Oil Dealer, Robertsdale
23. Lyles, O.C., Real Estate, Bay Minette
24. Hastings, Donald E., Farmer, Rosinton
25. Erdmann, Rudolph C., Plumber, Mag. Spgs.
26. Capps, James C., Merchant, Bay Minette
27. Galloway, Lawrence E., Fisherman, Gulf Shores
28. Byrd, Claude, Newport, Bay Minette
29. Burns, Guy, Farmer, Summerdale
30. Brantley, E.R., Contractor, Bay Minette
31. Ebentheuer, Henry A., Trk. Driver, Elberta
32. Dyer, Ted, Mechanic, Fairhope
33. Dvork, Joseph, Jr., Salesman, Belforest
34. Day, Gladden, Salesman, Bay Minette
35. Crotwell, Alfred, Carpenter, Gulf Shores
36. Conway, Wm. Brookley Field, Bay Minette
37. Armstead, George, Emp. Fairhope Hardware, Daphne
38. Evans, Clovice, Newport Industry, Bay Minette
39. Hudson, Homer, Standard Furniture Co., Bay Minette
40. Benton, George H., Fisherman, Gulf Shores
41. Lindsey, Walter M., Abstractor, Bay Minette
42. Glisson, Courtney, Jr., Farmer, Foley

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LOIS H. DYESS, formerly  
Lois H. Burroughs,

Plaintiff,

VS.

LIBERTY NATIONAL LIFE  
INSURANCE COMPANY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

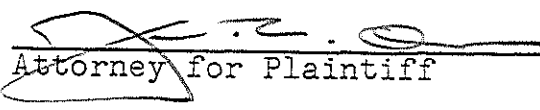
6040

MOTION TO COMPEL ANSWERS

Now comes the plaintiff in the above styled cause and shows unto the court and your Honor that heretofore on to-wit, January 29, 1965, the plaintiff did, pursuant to Title 7, Section 474(1), et seq., of the 1940 Code of Alabama, take the testimony of Jack W. Perry at the law library, Liberty National Life Insurance Company, Birmingham, Alabama, at which time the following questions were propounded to the said witness by the plaintiff:

1. Q. Who made that investigation, please, sir, if you know? (Page 4)
2. Q. Now, then, you have stated that you have caused an investigation to be made as to the cause of death of the decedent, Paul F. Burroughs. I will ask you if during the course of that investigation you took any statement from Mrs. Highnote, the mother-in-law of the decedent? (Page 5)
3. Q. What papers, please, sir? (Page 6)

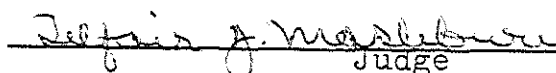
Plaintiff avers that none of the questions asked the said witness called for privileged testimony and that the said questions and answers were relevant to the subject matter involved in the pending action. Wherefore, plaintiff moves the court to make and enter an order compelling the said witness to answer the said questions as aforesaid, after giving reasonable notice to Norborne C. Stone, attorney for defendant in said cause.

  
Attorney for Plaintiff

ORDER

This cause coming on to be heard on the motion to compel answers, notice is hereby given to Norborne C. Stone, attorney for defendant, that the said motion is hereby set for hearing on February 25, 1965, at 10:00 A. M.

ORDERED on this the 17 day of February, 1965.

  
Judge

FILED  
FEB 17 1965  
CLERK  
REGISTER



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

ALICE L. DUBO, CLERK  
REGISTER