

JACOB A. FOSTER,

Plaintiff,

vs.

BYRON D. BAUER and
KENNETH H. BAUER,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CIVIL DIVISION NO. 6111

DEMURRER

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause and assign the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by the Defendants to the Plaintiff.
3. That the place where the accident occurred is not sufficiently set out.
4. It is not alleged in said Complaint that the accident occurred at the intersection referred to.
5. For aught that appears from the Complaint, the accident upon which the suit is based, did not occur in Baldwin County, Alabama.

FILED

AUG 12 1964

ALICE L. DUCK, CLERK
REGISTER

James Stone & Chas. H. ...
Attorneys for Defendants

DEMURRER

* * * * *

JACOB A. FOSTER,

Plaintiff,

vs.

BYRON D. BAUER and
KENNETH H. BAUER,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CIVIL DIVISION NO. 6111

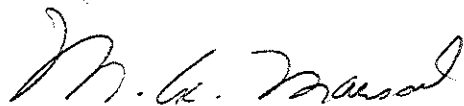
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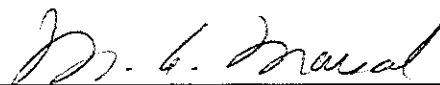
JACOB A. FOSTER	Y	IN THE CIRCUIT COURT OF
Plaintiff	Y	BALDWIN COUNTY
VS	Y	ALABAMA
BYRON D. BAUER AND	Y	CIVIL DIVISION
KENNETH H. BAUER	Y	
Defendants	Y	NO. <u>6111</u>

The Plaintiff claims of the Defendants ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) as damages for that heretofore and on, to-wit June 27, 1964 the Defendant, Byron D. Bauer, an agent, servant or employee of the Defendant Kenneth H. Bauer, while acting within the line and scope of his employment or agency did negligently operate an automotive vehicle on and along U. S. Highway 62 at its intersection with Highway 12, both being public highways in Baldwin County, Alabama as to run upon, over and against an automobile driven by Richard Foster, the Plaintiff's minor son and as a direct and proximate result of the negligence of Byron D. Bauer while acting within the line and scope of his employment, the Plaintiff's minor son, Richard Foster was killed, all for which the Plaintiff sues.



M. A. MARSAL
Attorney for Plaintiff

The Plaintiff demands a trial by a jury.



M. A. MARSAL
Attorney for Plaintiff

Defendants may be served:

Byron D. Bauer, Rt. 1, Box 115, Summerdale, Alabama
Kenneth H. Bauer, 1210-A Murray Hill Court, Mobile, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 6111-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon -----

Byron D. Bauer, and Kenneth Bauer

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-----

Byron D. Bauer and Kenneth Bauer-----, Defendant---

by Jacob A. Foster-----

-----, Plaintiff---

Witness my hand this 13 day of July 19 64

EX-7-30-64

Archie J. Luck, Clerk

Page_____

The State of Alabama

Baldwin County

CIRCUIT COURT

JACOB A . FOSTER

Plaintiffs

vs.

BYRON D. BAUER and KENNETH BAUER

Defendants

Summons and Complaint

7-13
Filed _____ 19-64

Alice J. Duck

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received in Office
RECEIVED

~~JUL 14 1964~~ 19-----

Sheriff
SHERIFF'S OFFICE
I have executed this summons

this July 2 1967

by leaving a copy with

Bryson H. Barnes - 8-14-47
Dolby,
L. L. L. L.

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF

Ryan Bridges Sheriff
W. H. Fische Deputy Sheriff

JACOB A. FOSTER,

Plaintiff,

vs.

BYRON D. BAUER and

KENNETH H. BAUER,

Defendants.

X

X

IN THE CIRCUIT COURT OF

X

BALDWIN COUNTY, ALABAMA

X

LAW SIDE

NO. 6111

X

PLEAS

Come the Defendants in the above styled cause and for plea to the Complaint filed in said cause, separately and severally, say:

1. Not guilty.

2. That at the time and place complained of in the Complaint Richard Foster, the minor son of the Plaintiff, was himself guilty of negligence which was the proximate cause of his injury and the damages of the Plaintiff, hence the Plaintiff cannot recover in this action.

3. That at the time and place complained of in the Complaint Richard Foster, the minor son of the Plaintiff, who was at said time and place an agent, servant or employee of the Plaintiff and was then and there acting within the line and scope of his employment as such agent, servant or employee, was himself guilty of negligence which was the proximate cause of his injury and the damages of the Plaintiff, hence the Plaintiff cannot recover in this action.

Gason, Stone & Gason
Attorneys for Defendants

6111

JACOB A. FOSTER,
Plaintiff,

-vs-

BYRON D. BAUER and
KENNETH H. BAUER,
Defendants.

PLEAS

FILED

APR 27 1938

ANGEL L. DICK, CLERK
REGISTER

HARRY SEALE

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

HARRY SEALE

M. A. MARSAL

A. J. SEALE

LEON G. DUKE

MAILING ADDRESS:
POST OFFICE BOX 1318
MOBILE 2-6686

July 10, 1964

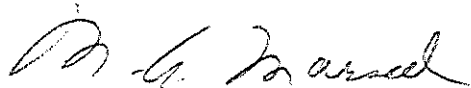
Mrs. Alice Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Please find enclosed our original and two copies of
a complaint to be served upon the Defendants. Please
list this in your docket for trial.

Thanking you, I am

Yours truly,



M. A. MARSAL

MAM:ml1