

INSTRUCTIONS

SENDER: WRITE (OR TYPE) MESSAGE, PULL OUT YELLOW SHEET, MAIL THE OTHER TWO.  
 RECIPIENT: WRITE YOUR REPLY AT BOTTOM, MAIL BACK WHITE SHEET AND KEEP THE PINK.

JOHN V. DUCK  
 R. RICHARD & LEE  
 Attorneys At Law  
 215 Aberdeen Avenue  
 BARBOUR, ALA 36508

Message  
 Reply

DATE:

FILE NO:

ATTENTION:

SUBJECT:

PRIORITY

- ☐ URGENT!  
☐ SOON AS POSSIBLE  
☐ NO REPLY NEEDED

Mr. Alice J. Dick  
 Circuit Clerk  
 Bar Metairie, Alabama

Mon W. Gates Vs. Jenkins L. Nelson  
 and  
 Mon W. Gates Vs. Harold Lowell

6/12

Dear Mr. Duck:

Enclosed are return and complaints on the above. Please file and have served.

Sincerely yours,

SIGNED:

DATE OF REPLY:

REPLY TO:

John V. Duck

SIGNED:

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON  
LAWYERS

SIXTH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

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 D. PARKMAN  
G. PORTER BROCK, JR.

August 5, 1964

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

Re: Gates vs. Nelson  
Circuit Court of Baldwin County  
Case No: 6112


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Dear Miss Duck:

Enclosed is a copy of the demurrer which we wish to file in the above case. Also enclosed is a carbon copy of this letter. Would you please make a notation on this carbon copy indicating that this demurrer has been received and filed and return it to us.

Thank you very much.

Yours very truly,



For the Firm

LEB.sc

Enc.

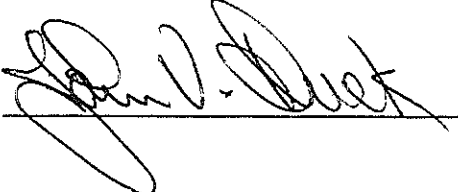
AMON M. GATES,	)	IN THE CIRCUIT COURT OF
PLAINTIFF	)	BALDWIN COUNTY, ALABAMA
VS:	)	AT LAW
JENKINS L. NELSON,	)	CASE NO. <u>6117</u>
DEFENDANT	)	

COUNT ONE

Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTEEN and 85/100 (\$115.85) DOLLARS as damages, for that, heretofore, and on to-wit the 21st day of July, 1963, the Defendant so negligently operated a motor boat, at a point approximately three hundred (300) yards East of the mouth of Weeks Bay and Bon Secour Bay, so as to allow the same, to run into, upon or against the motor boat of the said Plaintiff, and as a direct and proximate result of the said negligence of the Defendant as aforesaid, the motor boat of the Plaintiff was damaged in that a hole was knocked in the bow at the water line, that it was scraped, dented, and otherwise torn and damaged, all as a result of the negligence of the Defendant as aforesaid, hence this suit.

  
ATTORNEY FOR PLAINTIFF

Plaintiff demands a trial by jury.

  
**FILED**  
JUL 15 1964  
ALICE L. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JENKINS L. NELSON

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.....

JENKINS L. NELSON

Defendant.....

by AMON M. GATES

Plaintiff.....

Witness my hand this.....15.....day of.....July.....19.....64

Dee J. French Clerk

Ex-7-22-64

No. 6112

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

AMON M. GATES

Plaintiffs

vs.

JENKINS L. NELSON

Defendants

SUMMONS AND COMPLAINT

Filed ..... 19.....

JUL 15 1901

CLERK  
ALICE J. DUCK, REGISTER

DUCK AND LACEY  
Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

South Section Street  
Fairhope, Alabama

Received In Office

7/15 1901

....., Sheriff

I have executed this summons

this 22<sup>nd</sup> July 1901  
by leaving a copy with

Jenkins L. Nelson

Should claim  
Ten Cents per mile  
JAMES WILKINS  
BY Taylor Wilkins

Taylor Wilkins Sheriff

James Eastman Deputy Sheriff  
Fairhope, Ala.

AMON M. GATES, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. : AT LAW  
JENKINS L. NELSON, :  
Defendant. : Case No. 6112

D E M U R R E R

Comes now the defendant Jenkins L. Nelson and demurs to each separate and several count of the complaint filed herein, separately and severally, and assigns as separate and several grounds of demurrer to each separate and several count, the following, separately and severally:

1. That it does not state facts sufficient to constitute a cause of action against the defendant.

2. For that negligence is therein alleged merely as a conclusion of the pleader.

3. For that it is vague, indefinite, and uncertain in that it does not apprise the defendant with sufficient certainty against what act or acts of negligence the defendant is called on to defend.

4. For that it does not appear with sufficient certainty what duty, if any, the defendant may have owed to the plaintiff.

5. For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by the defendant to the plaintiff.

6. For that it does not appear that the defendant owed any duty to the plaintiff which the defendant negligently failed to perform.

7. For that the averments set up, if true, do not show any liability on the part of the defendant.

8. For that the pleader sets out in what the negligence consisted, and the facts so set out do not show negligence.

9. For that there does not appear sufficient causal connection between the defendant's said breach of duty and plaintiff's injuries and damages.

10. For that it is not alleged with sufficient certainty where the accident occurred.

11. For aught that appears, the plaintiff had no right to be where the plaintiff was at the time and place of the accident.

12. For aught that appears, the plaintiff had no right to be where the plaintiff was at the time and place complained of in the complaint.



622 First National Bank Building  
Mobile, Alabama  
Attorney for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE,  
GREAVES & JOHNSTON

787

FILED  
AUG 6 1984  
CLERK  
REGISTER

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct  
copy of the foregoing pleading to John Duck  
....., Esq., Attorney for Plaintiff  
by depositing a copy of same in the United States mail,  
postage prepaid, addressed to said attorney at his off-  
ice in Mobile, Alabama on this, the 5th day of  
August, 19 64.

Louis E. Brumwell

FILED

AUG 6 1964

ALICE L. DICK, CLERK  
REGISTER