

FRED H. MITCHELL,

PLAINTIFF

-VS-

INSURANCE COMPANY OF  
NORTH AMERICA, A CORPORATION,

DEFENDANT.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA.

) AT LAW NO. 6147

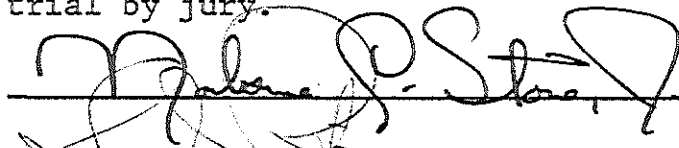
COUNT ONE.

The plaintiff claims of the defendant the sum of Ten Thousand Six Hundred Eighty-one and no/100 (\$10,681.00) Dollars, the value of a dwelling house, contents and the cost of moving and additional living expenses, which the defendant on the 9th day of May, 1963, insured against loss or injury by fire and other perils in the policy of insurance mentioned, for the term of three (3) years, which house and other property was damaged by fire on the 21st day of January, 1964, of which the defendant has had notice.



ATTORNEYS FOR THE PLAINTIFF

Plaintiff demands a trial by jury.



ATTORNEYS FOR THE PLAINTIFF

OF COUNSEL:

Chason, Stone & Chason, Atty.  
Bay Minette, Ala.

Lyons, Pipes & Cook  
517 First National Bank Bldg.,  
Mobile, Alabama.

DEFENDANT MAY BE SERVED:  
Through the Supt. of Insurance  
State of Alabama  
Montgomery, Alabama.

FILED

AUG 13 1964

ALICE J. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6147

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Insurance Company of North America,  
Insurance Company of North ~~State~~ a Corporation

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.....  
Insurance Company of North America, a Corporation..... Defendant.....

by Fred H. Mitchell.....  
..... Plaintiff.....

Witness my hand this..... 13th ..... day of August ..... 19..64.

64-8-14-64

Alice J. Duck Clerk

No. 6147

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

FRED H. MITCHELL

Plaintiffs

vs.

INSURANCE COMPANY OF NORTH AMERICA,

A Corporation,

Defendants

SUMMONS AND COMPLAINT

Filed August 13, 1964

Alice J. Duck Clerk

Chason, Stone, & Chason  
Lyons, Pipes & Cook  
Plaintiff's Attorney

Defendant's Attorney

RECEIVED IN OFFICE

Defendant lives at

AUG 14 1964

M. S. BUTLER, Sheriff  
Received

1964

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Executed by serving 2 copies of

the within on Walter

Naumal Superintendent

of Insurance, State of Alabama

This The 14 day of Aug, 1964

Sheriff of Montgomery County

M. S. Butler,

By Walter + W. L. S.

The Sheriff claims 2

miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff  
Montgomery County, Ala.

Sheriff

Deputy Sheriff

In the Matter of the Removal to the  
District Court of the United States  
for the Southern District of Alabama,  
Southern Division, of the case of:

FRED H. MITCHELL

Plaintiff,

VS.

INSURANCE COMPANY OF NORTH AMERICA,  
a Corporation

Defendant .

TO: Mrs. Alice J. Duck,  
Clerk, Circuit Court of Baldwin  
County, Alabama

Pursuant to the provisions of law in such cases made  
and provided, there is hereby filed with you a copy of the  
petition of the defendant , Insurance Company of North America,  
a Corporation,  
in the above entitled cause to remove said cause to the  
United States District Court for the Southern Division of  
the Southern District of Alabama. The said petition,  
accompanied by a bond with good and sufficient surety con-  
ditioned as is required by law, has been this day filed in  
the said United States District Court for the Southern  
Division of the Southern District of Alabama.

Written notice of the filing of the aforesaid petition  
and bond has been this day mailed to the attorney for the  
plaintiff herein, and you are hereby notified that the filing  
of a copy of the aforesaid petition with you as Clerk of the  
Circuit Court of Baldwin County, Alabama, effects the


FILED

25 1982

ALICE J. DUCK, CLERK  
REGISTERED

removal of said cause to the aforesaid District Court of  
the United States.

DATED this 26th day of August, 19 64.

  
\_\_\_\_\_  
Attorney for Defendant,  
Insurance Company of North America, a  
Corporation  
622 First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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FRED H. MITCHELL,	)	
	)	
Plaintiff	)	
	)	
vs.	)	
	)	CIVIL ACTION NO. _____
INSURANCE COMPANY OF	)	
NORTH AMERICA, a	)	
Corporation,	)	
	)	
Defendant.	)	

PETITION OF DEFENDANT FOR REMOVAL TO  
UNITED STATES DISTRICT COURT

Comes now your petitioner, Insurance Company of North America, a Corporation, defendant in the above-styled cause, and would show unto this Honorable Court as follows:

1. That the defendant, Insurance Company of North America is a corporation organized and existing by virtue of the laws of the Commonwealth of Pennsylvania, with its principal place of business in the State of Pennsylvania, in the City of Philadelphia; that the plaintiff, Fred H. Mitchell, is now and was at the time of the commencement of this suit a resident citizen of the State of Alabama; that this is an action brought by a citizen of the State of Alabama against a citizen of the State of Pennsylvania, and is wholly between citizens of different states, and one which can be fully determined between them.

2. That this is a suit for recovery of the sum of TEN THOUSAND SIX HUNDRED EIGHTY-ONE AND NO/100 (\$10,681.00) DOLLARS from the defendant, same being the amount claimed

by the plaintiff in the suit filed in the Circuit Court of Baldwin County, Alabama, At Law, being Case Number 6147 on the docket of said Court and which suit is for the alleged damage to plaintiff's property caused by fire on the 21st day of January, 1964.

3. That the amount sued for and involved in this action exceeds the sum of \$10,000, exclusive of interest and costs; that defendant has filed no pleadings in the Circuit Court of Baldwin County, Alabama in said cause; that less than twenty days have expired since defendant Insurance Company of North America, a corporation, was purportedly served with the complaint in this cause; that defendant Insurance Company of North America, a corporation, has therefore filed this Petition for Removal within the time allowed by law; and that said defendant has a good defense to said cause. Said defendant attaches hereto as Exhibit "A" and makes a part hereof, copies of all process and pleadings purported to have been served in said Circuit Court action.

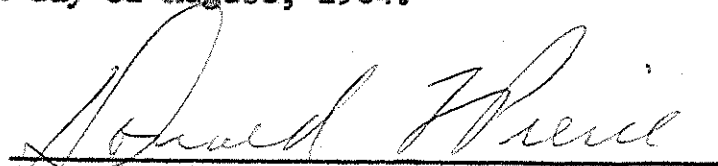
4. Petitioner desires to remove this action to this Court on the grounds of diversity of citizenship existing therein between the plaintiff and the defendant, pursuant to the Acts of Congress in that behalf provided. Petitioner therefore files and offers herewith bond with good and sufficient surety in the penal sum of FIVE HUNDRED

AND NO/100 (\$500.00) DOLLARS conditioned that the defendant will pay all costs and disbursements incurred by reason of this said removal proceeding should it be determined that this action was wrongfully or improperly removed to this said Court.

5. Petitioner represents that promptly upon the filing of this petition and the bond filed herewith, petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of Baldwin County, Alabama, wherein said action is now pending.

WHEREFORE, your petitioner prays that the said bond filed herewith be accepted as good and sufficient and that this Court will enter such order as may be proper in the premises.

Dated this 26th day of August, 1964.

  
\_\_\_\_\_  
Attorney for Insurance Company of  
North America, a Corporation  
622 First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON



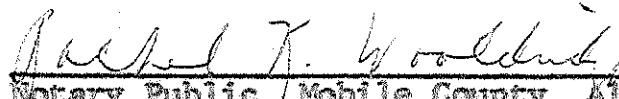
STATE OF ALABAMA:

COUNTY OF MOBILE:

Donald F. Pierce, first being duly sworn, deposes and says that he is a member of the law firm of Hand, Arendall, Bedsole, Greaves and Johnston, Attorneys for the Defendant, Insurance Company of North America, a Corporation, in the above-styled cause, and is authorized to execute this affidavit in behalf of said defendant, Insurance Company of North America, a corporation; that he has read the foregoing petition and knows the contents thereof, and that the facts stated therein are true.

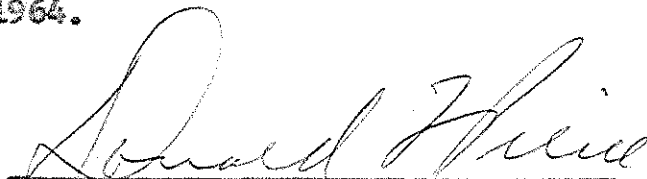
  
DONALD F. PIERCE

Subscribed and sworn to before me this 26th day of August, 1964.

  
Notary Public, Mobile County, Alabama

C E R T I F I C A T E

I hereby certify that I have mailed a true and correct copy of the foregoing Petition to Sam W. Pipes, III, Esq. and Norborne C. Stone, Esq., Attorneys for Plaintiff, by depositing a copy of same in the United States Mail, postage prepaid, addressed to Mr. Pipes' office in Mobile and Mr. Stone's office in Bay Minette, Alabama on this, the 26th day of August, 1964.

  
DONALD F. PIERCE

FILED  
AUG 31 1964  
ALICE I. DUCK, CLERK  
REGISTER

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 14th day of August, 1964, I sent by registered mail in an envelope as follows:

Insurance Company of North America  
1600 Arch Street  
Philadelphia 1, Pennsylvania

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Fred H. Mitchell, Plaintiff

VERSUS

in the Circuit Court of Baldwin County

Insurance Company of North America,  
a corporation, Defendant

(Name of Court)

And that on the 19th day of August, 1964, I received the return card showing receipt by the designated addressee of said envelope on the 17th day of August, 1964.

Witness my hand and official seal this the 19th day of August, 1964.

Walter L. Houseal  
SUPERINTENDENT OF INSURANCE