

|                           |   |                      |
|---------------------------|---|----------------------|
| REYNOLD B. WHITE,         | ) | IN THE CIRCUIT COURT |
| Plaintiff,                | ) | OF BALDWIN COUNTY,   |
| VS                        | ) | ALABAMA              |
| ST. LOUIS FIRE AND MARINE | ) | AT LAW               |
| INSURANCE COMPANY, a      | ) |                      |
| corporation, and STATE    | ) |                      |
| FARM FIRE AND CASUALTY    | ) |                      |
| COMPANY, a corporation,   | ) |                      |
| Defendants.               | ) | NO. 6157             |

DEMURRER

Comes now the defendant, State Farm Fire and Casualty Company, in the above styled cause and demurs to the plaintiff's complaint and for separate and several grounds of demurrer assigns separately and severally the following:

1. For that the said complaint does not state a cause of action against this defendant.
2. For that the said complaint is vague and indefinite.
3. For that the said complaint contains conclusions of law.
4. For that the said complaint contains conclusions of fact.
5. For that the said complaint contains conclusions of the pleader.
6. For aught that appears from the allegations of the said complaint the plaintiff was not the owner of the said premises at the time the alleged loss was sustained.
7. For that there is no allegation that the said premises was the property of the plaintiff at the time the alleged loss was sustained.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 11 day of Sept, 1964.

Richard W. Vollmer Jr.  
Attorney for Defendant  
State Farm Fire and Casualty Company

Richard W. Vollmer Jr.  
PILLANS, REAMS, TAPPAN, WOOD & ROBERTS  
Attorneys for Defendant  
State Farm Fire and Casualty Company

**FILED**

SEP 14 1964

ANGEL DICK, CLERK  
REGISTER

REYNOLD B. WHITE, : IN THE CIRCUIT COURT OF  
 Plaintiff, :  
 -vs- : BALDWIN COUNTY, ALABAMA  
 ST. LOUIS FIRE AND MARINE : AT LAW  
 INSURANCE COMPANY, a corpora-  
 tion, and STATE FARM FIRE AND  
 CASUALTY COMPANY, a corporation, NO. 6157.  
 Defendants. :

DE M U R R E R

COMES NOW St. Louis Fire and Marine Insurance Company,  
 a corporation, one of the defendants in the above-entitled  
 cause and demurs to the plaintiff's complaint and as grounds  
 therefor sets down and assigns the following, separately and  
 severally:

1. There is a misjoinder of parties defendant.
2. Said count fails to allege facts upon which the  
 relief prayed for can be granted.
3. For aught that appears from said count the insurance  
 policy issued by this defendant provides that there shall be  
 no coverage under said policy if there is any additional in-  
 surance on said property and complaint alleges that there was  
 additional insurance on said property.
4. That said complaint affirmatively shows a violation  
 of the terms of the policy sued upon.

FILED

SEP 14 1964

ALICE J. DUCK, CLERK  
 REGISTER

ATTORNEYS FOR THE DEFENDANT,  
 St. Louis Fire and Marine  
 Insurance Company.

OF COUNSEL:

Lyons, Pipes and Cook  
 517 First National Bank Building  
 Mobile, Alabama

CERTIFICATE OF SERVICE  
 I do hereby certify that I have on this 11  
 day of September, 1964, served a  
 copy of the foregoing pleading on counsel for all  
 parties to this proceeding by mailing the same  
 by United States mail, properly addressed, and  
 first class postage prepaid.

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 26th day of August, 1964, I sent by registered mail in an envelope as follows:

St. Louis Fire and Marine Insurance Company  
4144 Lindell Boulevard  
St. Louis 8, Missouri

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:

Reynold B. White, Plaintiff

VERSUS

in the Circuit Court of Baldwin County

St. Louis Fire and Marine Insurance Company, a corp. (Name of Court)  
and State Farm Fire and Casualty Company, a corp. Defendant

And that on the 31st day of August, 1964, I received the return card showing receipt by the designated addressee of said envelope on the 28th day of August, 1964.

Witness my hand and official seal this the 31st day of August, 1964.

Walter S. Houséal  
SUPERINTENDENT OF INSURANCE

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 26th day of August, 1964, I sent by registered mail in an envelope as follows:

State Farm Fire and Casualty Company  
112 East Washington Street  
Bloomington, Illinois

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:

Reynold B. White, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

St. Louis Fire and Marine Insurance Company, a corp., (Name of Court)  
and State Farm Fire and Casualty Company, a corp., Defendant

And that on the 31st day of August, 1964, I received the return card showing receipt by the designated addressee of said envelope on the 28th day of August, 1964.

Witness my hand and official seal this the 31st day of August, 1964.

Walter S. Houseal  
SUPERINTENDENT OF INSURANCE

STATE OF ALABAMA            ¶  
                              :  
BALDWIN COUNTY            ¶           IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ST. LOUIS FIRE AND MARINE INSURANCE COMPANY and STATE FARM FIRE AND CASUALTY 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 same, then and there to answer the complaint of REYNOLD B. WHITE.

WITNESS my hand this 21 day of August, 1964.

*Oliver D. Clark*  
Clerk

COMPLAINT


|   |   |                         |
|---|---|-------------------------|
| REYNOLD B. WHITE,   | ¶ |                         |
|   | ¶ |                         |
| Plaintiff,  | ¶ | IN THE CIRCUIT COURT OF |
|   | ¶ |                         |
| versus  | ¶ | BALDWIN COUNTY, ALABAMA |
|   | ¶ |                         |
| ST. LOUIS FIRE AND MARINE INSURANCE COMPANY, a corporation, | ¶ | AT LAW                  |
| and STATE FARM FIRE AND CASUALTY COMPANY, a corporation,    | ¶ | NO: <u>6157</u>         |
|   | ¶ |                         |
| Defendants.   | ¶ |                         |
|   | ¶ |                         |

COUNT ONE

The Plaintiff claims of the Defendants Ten Thousand Dollars (\$10,000.00), the amount of damage to a dwelling house, which the Defendants insured against loss or injury by fire and other perils (the Defendant St. Louis Fire and Marine Insurance Company under its policy No. AK-4-56-03 for a period of three years from January 24, 1964; and the Defendant State Farm Fire and Casualty Company under its policy No. 1-543426 for a period of one year

from January 13, 1964), which house was damaged by fire on the 25th day of February, 1964, of which each of the Defendants has had notice.

CHASON, STONE & CHASON

By:   
Attorneys for Plaintiff

Service may be had on each of the Defendants by service on the Superintendent of Insurance of the State of Alabama.

FILED

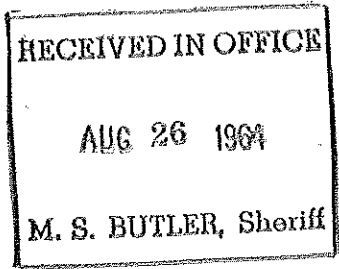
AUG 21 1964

\* \* \* \* \*

EX-8-26-64

ALICE J. DUCK, CLERK  
REGISTER

1766



1766

Executed by serving 4 copies of  
the within on Walter S. McNeal  
Superintendent  
of Insurance, State of Alabama  
This The 26 day of August 1964  
Sheriff of Montgomery County  
M. S. Butler,  
By J. R. Barnes D. S.

The Sheriff claims 2  
miles at 10c per mile for total  
of \$ 20  
M. S. Butler, Sheriff  
Montgomery County, Ala.

6157

REYNOLD B. WHITE,  
Plaintiff,

versus

ST. LOUIS FIRE AND MARINE  
INSURANCE COMPANY, a corp-  
oration, and STATE FARM  
FIRE AND CASUALTY COMPANY,  
a corporation,

Defendants.

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SUMMONS AND COMPLAINT

\*\*\*\*\*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

\*\*\*\*\*

FILED

AUG 21 1964

ALICE L. DUCK, CLERK  
REGISTER

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

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)

SAM W. PIPES, III

WALTER M. COOK

GORDON B. KAHN

IRWIN W. COLEMAN, JR.

G. SAGE LYONS

WILLIAM F. HORSLEY

36601

September 11th, 1964.

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

Dear Mrs. Duck:

We enclose herewith copy of demurrer in the case of  
White v. St. Louis Fire & Marine Insurance Co. Will  
you please acknowledge receipt of this pleading on  
copy of letter enclosed, and return same to us in the  
enclosed self-addressed, stamped envelope.

Very truly yours,

LYONS, PIPES & COOK

  
Sam W. Pipes, III

SWP:ee