

SETTLEMENT, PETITION, PHYSICIAN'S CERTIFICATE, AND JUDGE'S ORDER OF
APPROVAL, UNDER WORKMEN'S COMPENSATION LAW OF ALABAMA

APPROVED BY CHIEF JUSTICE SUPREME COURT OF ALABAMA, JANUARY 3, 1940

STATE OF ALABAMA,

County of Baldwin } ss.

IN THE MATTER OF COMPENSATION FOR INJURY

To W. B. Godwin Employee.Against J. M. McMillan Employer.SETTLEMENT
AND
PETITION.

The undersigned being the only parties interested in the above entitled matter, hereby petition the Court for approval of the following agreement and settlement, and agree and represent to the Court as follows:

That they are subject to the provisions of the Workmen's Compensation Law of Alabama, as amend-

ed. That the said employee, aged 65, residing at Bay Minette, Alabama

Alabama, who can ~~not~~ read and understand the English language, did on the 28th day of November 1962 on or about o'clock M., sustain injury by accident while

employed by said employer, which injury occurred at sawmill at Stockton, Alabama resulting in Temporary Total and partial permanent disability of said employee and consisted of

(Specify disability extent and type)

injury to left hand including amputattion of ring and little fingers, which involve specific compensation for 20 and 15 weeks, respectively, and a minor injury to the distal phalange of the index finger with an overall rating as confined to and applied to the left hand of 30% by Dr. Chas. W. Gaston, the attending physician; but rated at 35% of the hand by Orthopedist Crampton Harris, employed independently by employee for a special examination and rating and 35% amounts to 52½ weeks as applied to the hand. That said employee was receiving, at the time of injury, wages at the rate of \$ 125.00 per week.

Therefore, it is hereby agreed that the employee is entitled to and shall receive compensation for said injury from the employer beginning Nov 29 19 62, at the rate of \$ 33.00

per week during disability payable as follows: of which 30% or 45 weeks were timely paid, then 7½ weeks additional were tendered based on medical obtained by employee thru Dr. Harris, but payment of same in sum of \$247.50 refused as employee made further claim for \$990.00 in addition to \$1485.00 paid and accepted and suit now pending in Circuit Court in Baldwin County. We now compromise all further claims for \$632.50; all subject to the limitations of said Act, and the employee agrees to give proper receipts for each payment made hereunder.

The employee acknowledges that he has received to date medical and surgical treatment and benefits given by said Act and the employer agrees to continue to furnish the same if any be necessary to the extent and in the manner required by said Act. The employee agrees to present himself for examination, or if physically unable to do so, to submit to examination by the physician or physicians designated by the employer when requested.

This settlement is substantially in accordance with Sections 278 and 279 of the 1940 Code of Ala., as amended. When all payments hereunder have been made the employer shall be, and hereby is released from all claims on account of said injury, under said Act or otherwise. This settlement contains the whole agreement between the parties hereto.

Dated at Bay Minette, AlabamaW B Godwin

Employee.

J. M. McMillan andConsolidated Underwriters

Employer.

Approved as Attorneys for employee:

X Malone P. Stone, Jr.
STATE OF ALABAMA,By W. B. Riffie, AdjusterCounty of Baldwin } ss.On this 8th day of February, A. D. 1965, before me, a Notary Public within

and for said County and State, personally appeared W. B. Godwin to me known to be the identical person described in and who executed the foregoing instrument as employee, and acknowledged that the same is true; and that after reading the same or having the same read to him, and with a full understanding of the terms and the effect thereof, he executed the same as his free act and deed and for the uses and purposes therein expressed, and as a full settlement of all claims on account of said injury.

FILED

FEB 9 1965

ALICE I. DICK, CLERK

Malone P. Stone, Jr.
Notary Public, Baldwin County, Alabama.

My commission expires January 6, 1966

(Physician's Certificate on reverse should be executed and signed)

(Physician's Certificate should be executed and signed in each case)

STATE OF ALABAMA,

County of Mobile

ss.

PHYSICIAN'S CERTIFICATE

I, Charles W. Gaston, residing at Mobile, Alabama

certify that I am a physician duly licensed to practice in the State of Alabama; that I professionally attended W. B. Godwin, the person described as employee in the foregoing instrument; that his injury and the nature and extent of his disability are as follows:

Lacerations and fractures of left hand including surgical amputation of the ring and little fingers. Patient made an uneventful recovery and able to return to work on or about Feb 4, 1963 and in my opinion had about 30% partial disability as applied to the left hand as a whole.

Subscribed and sworn to before me this 25th day of January 19 65

Notary Public,

Mobile

County, Alabama.

My commission expires My Commission Expires Aug. 20, 1968

STATE OF ALABAMA,

ss.

IN THE CIRCUIT COURT.

County of Baldwin

IN THE MATTER OF COMPENSATION FOR INJURY

To W. B. Godwin

Employee.

ORDER
APPROVING SETTLEMENT
AND
PETITION.

Against J. M. McMillan

Employer.

Upon reading and filing the foregoing joint petition, agreement, and settlement of the parties, and being fully advised in the premises, and it appearing that the allegations of said petition are true and that said settlement is substantially in accordance with the provisions of the Workmen's Compensation Law of Alabama:

IT IS ORDERED that the said petition, settlement, and release be, and the same hereby are approved, and that the parties in all things conform thereto.

Dated at Bay Minette, Alabama,

February 9, 19 65

Judge.

STATE OF ALABAMA

County of

CIRCUIT COURT

IN THE MATTER OF COMPENSATION
FOR INJURY

To

Employee.

Against

Employer.

SETTLEMENT AND PETITION AND
ORDER APPROVING
DISABILITY

Filed on this day of

A. D. 19

at o'clock M. in this office

Clerk.

By Deputy.

FILED
FEB 9 1965
ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. M. McMillan 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 W. B. Godwin.

Witness this 2nd day of Oct., 1964

Alice J. Duck
Clerk

W. B. GODWIN,

Plaintiff,

vs.

J. M. McMILLAN,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6220

WORKMEN'S COMPENSATION

The Plaintiff claims of the Defendant, J. M. McMillan workmen's compensation benefits in the amount of, to-wit: \$990.00, arising out of the following facts, to-wit:

FIRST:

That the Plaintiff was, on the 28th day of November, 1962, and is now, a resident citizen of Baldwin County, Alabama, and an employee of J. M. McMillan in Stockton, Baldwin County, Alabama.

SECOND:

That on said 28th day of November, 1962, the Plaintiff was injured by an accident arising out of and in the course of his said employment, in which accident his left hand was severely

crushed in a conveyor chain, requiring the amputation of part of two fingers on said left hand and he sustained a permanent partial disability of said left hand; and the said J. M. McMillan was at that time subject to the provisions of the Workmen's Compensation Law of Alabama, and in accordance with the provisions of said law, had insured his liability thereunder with the Consolidated Underwriters Insurance Company.

THIRD:

That your Petitioner's average weekly wage was, at the time of the accident and for a long period of time theretofore, more than sixty dollars (\$60.00) per week.

FOURTH:

That the said J. M. McMillan had prompt and immediate actual notice of said accident.

FIFTH:

The Plaintiff avers that as a proximate result of said accident and injuries sustained by him, he has been permanently partially disabled since the date of said accident in that he has a fifty percent (50%) permanent partial disability of his left hand which entitles him to compensation at the maximum rate of Thirty-three Dollars (\$33.00) per week for seventy-five (75) weeks and that the Plaintiff further avers that he has been paid such workmen's compensation benefits at the maximum rate of Thirty-three Dollars (\$33.00) per week but that such payments were made only for forty-five (45) weeks based on a disability of only thirty percent (30%) and therefore the Plaintiff is entitled to the amount herein claimed for said disability.

FILED

OCT 1964

W. B. Galt
Plaintiff

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

I, W. B. Godwin, the Plaintiff herein, make oath in due form of law that I have read the foregoing complaint and am familiar with the allegations made therein and that the same are true.

W. B. Godwin
Plaintiff

Sworn to and subscribed before me

on this the 1st day of October,

1964.

Blanche White
Notary Public, Baldwin County, Alabama

FILED

OCT 2 1964

ALICE L. DUCK, CLERK
REGISTER

ved 2 day of Oct 1964
on 12 day of Oct 1964
ved a copy of the within J. M. McMillan

service on

TAYLOR WILKINS, Sheriff
By W. A. Zellert
Stockton

Sheriff claims 22 miles at
Ten Cents per mile Total \$ 2.20
TAYLOR WILKINS, Sheriff
BY Zellert
DEPUTY SHERIFF

6228

W. B. GODWIN,

Plaintiff,

VS.

J. M. McMILLAN,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6228

WORKMEN'S COMPENSATION

FILED
2
ALICE A. DEAN, CLERK
RECEIVED

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