

October 16, 1964

PHILLIP K. DICKMAN, Administrator of
the Estate of OTTICE DICKMAN,
Deceased, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

VS
MARSHALL E. TRAWICK, Defendant

CASE NO. 6229

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on October 9, 1964
I sent by certified mail in an envelope addressed as follows:

"Marshall E. Trawick
Route 2
Delhi, La."

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Marshall E. Trawick
Route 2
Delhi, La.

You will take notice that on October 9, 1964 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: PHILLIP K. DICKMAN, Administrator of the Estate of OTTICE DICKMAN, Deceased, Plaintiff VS MARSHALL E. TRAWICK, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 6229 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9
day of October 1964

Enclosure (1)

(Signed) Mrs. Agnes Baggett
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on Oct 15 1964 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Delhi La.
on 10/14/64

WITNESS MY HAND and the Great Seal of the State of Alabama this the 16 day
of October 1964

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

cc: Wilters & Brantley
Bry Minette, Ala.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

Circuit Court, Baldwin County

STATE OF ALABAMA
BALDWIN COUNTY

No.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Marshall B. Trawick

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.....

Marshall B. Trawick

....., Defendant.....

by Phillip H. Dickman, Administrator of the Estate of Ottine Dickman, deceased

....., Plaintiff.....

Witness my hand this 2 day of October 19 61

Alfred J. Newell....., Clerk

PHILLIP K. DICKMAN, Admin-
istrator of the Estate of
OTTICE DICKMAN, Deceased,

Plaintiff,

Vs.

MARSHALL E. TRAWICK,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Plaintiff claims of the Defendant the sum of Thirty-five thousand Dollars (\$35,000.00) as damages, for that heretofore on to-wit, the 6th day of March, 1964, Ottice Dickman was riding in a vehicle which was being driven along or upon U. S. Highway 31 at a point approximately 1 1/2 miles North of Spanish Fort in Baldwin County, Alabama, which is a public highway in Baldwin County, Alabama. At said time and place, the Defendant, Marshall E. Trawick did so negligently operate the vehicle he was driving so as to cause it to collide with the vehicle Ottice Dickman was riding and as a proximate result thereof, Ottice Dickman was killed. Your Plaintiff avers that he is the Administrator of the Estate of Ottice Dickman, deceased.

Plaintiff further avers that Marshall E. Trawick is and was on the date of said collision a non resident of the State of Alabama and that the Defendant's address is Route 2, Delhi, Louisiana and the Plaintiff prays that service of process upon the Defendant, Marshall E. Trawick, may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

FILED

OCT 8 1964

ALBANY, ALA. CLERK OF COURT

WILKERS & BRANTLEY

BY:

Robert M Brantley
Attorney for Plaintiff

Plaintiff demands a trial by jury.

Wilkens & Brantley

By:

Robert M Brantley

PHILLIP K. DICKMAN, Admin-
istrator of the Estate of
OTTICE DICKMAN, Deceased,

Plaintiff,

Vs.

MARSHALL E. TRAWICK,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

720 6229

Plaintiff claims of the Defendant the sum of Thirty-five thousand Dollars (\$35,000.00) as damages, for that heretofore on to-wit, the 6th day of March, 1964, Ottice Dickman was riding in a vehicle which was being driven along or upon U. S. Highway 31 at a point approximately 1 1/2 miles North of Spanish Fort in Baldwin County, Alabama, which is a public highway in Baldwin County, Alabama. At said time and place, the Defendant, Marshall E. Trawick did so negligently operate the vehicle he was driving so as to cause it to collide with the vehicle Ottice Dickman was riding and as a proximate result thereof, Ottice Dickman was killed. Your Plaintiff avers that he is the Administrator of the Estate of Ottice Dickman, deceased.

Plaintiff further avers that Marshall E. Trawick is and was on the date of said collision a non resident of the State of Alabama and that the Defendant's address is Route 2, Delhi, Louisiana and the Plaintiff prays that service of process upon the Defendant, Marshall E. Trawick, may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

FILED

OCT 8 1964

ALICE J. DICK, CLERK

WILTERS & BRANTLEY

BY:

William M Brandy
Attorney for Plaintiff

Plaintiff demands a trial by jury.

Wilters & Brantley

By:

William M Brandy

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 6229

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Marshall E. Trawick

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

Marshall E. Trawick

, Defendant.

by Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, deceased

, Plaintiff.

Witness my hand this 8 day of October 19 64

EX-10-9-64

Deane J. Smith

, Clerk

No. 6229 Page

The State of Alabama

Baldwin County

CIRCUIT COURT

PHILLIP K. DICKMAN, Administrator of the
Estate of Office Dickman, deceased

Plaintiffs

vs.

MARSHALL E. TRAWICK

Defendants

Summons and Complaint

Filed 10-8 19 64

Alice J. Duck Clerk

Walters & Brantley
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Received In Office

M. S. BUTLER, Sheriff

19

, Sheriff

I have executed this summons

this 19

by leaving a copy with

Executed by serving 3 copies of

the within on Alice J. Duck

Secretary of State of The State of

Alabama.

This the 9 day of Oct 19 64

Sheriff of Montgomery County

M. S. Butler,

By J. B. Butler D. S.

The Sheriff claims 2

miles at 10c per mile for a total

of \$ 20

M. S. Butler,

Montgomery County, Ala.

Sheriff

Deputy Sheriff

PHILLIP K. DICKMAN, Admin-
istrator of the Estate of
OTTICE DICKMAN, Deceased,

Plaintiff,

Vs.

MARSHALL E. TRAWICK,

Defendant.

I
I
I
I
I
I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

720 6229

Plaintiff claims of the Defendant the sum of Thirty-five thousand Dollars (\$35,000.00) as damages, for that heretofore on to-wit, the 6th day of March, 1964, Ottice Dickman was riding in a vehicle which was being driven along or upon U. S. Highway 31 at a point approximately 1 1/2 miles North of Spanish Fort in Baldwin County, Alabama, which is a public highway in Baldwin County, Alabama. At said time and place, the Defendant, Marshall E. Trawick did so negligently operate the vehicle he was driving so as to cause it to collide with the vehicle Ottice Dickman was riding and as a proximate result thereof, Ottice Dickman was killed. Your Plaintiff avers that he is the Administrator of the Estate of Ottice Dickman, deceased.

Plaintiff further avers that Marshall E. Trawick is and was on the date of said collision a non resident of the State of Alabama and that the Defendant's address is Route 2, Delhi, Louisiana and the Plaintiff prays that service of process upon the Defendant, Marshall E. Trawick, may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section

199

FILED

OCT 8 1964

ALICE L. DICK, CLERK

WILTERS & BRANTLEY

BY: Edward M. Brantley

Attorney for Plaintiff

Plaintiff demands a trial by jury.

Wilters & Brantley

By: Edward M. Brantley

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

PHILLIP K. DICKMAN, Administrator)
of the Estate of OTTICE DICKMAN,
Deceased,)

PLAINTIFF)

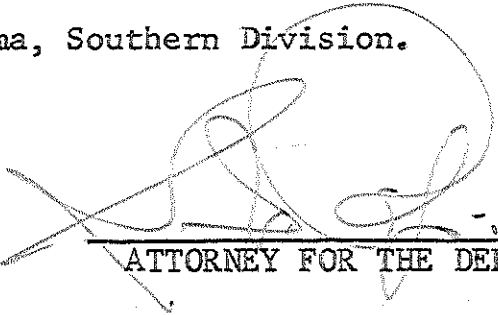
-vs)

MARSHALL E. TRAWICK,)

DEFENDANT.)

TO THE HONORABLE ALICE
DUCK, CLERK OF THE CIRCUIT
COURT OF BALDWIN COUNTY,
ALABAMA.

Please take notice that the undersigned, as attorney for the defendant in the above entitled cause, has this 26th day of October, 1964, filed a petition and bond in the United States District Court for the Southern District of Alabama, Southern Division, petitioning that Court to remove from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, that certain cause wherein Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, Deceased, is the plaintiff and Marshall E. Trawick is the defendant, and that the petition and bond constitutes a removal of said cause of action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division.



ATTORNEY FOR THE DEFENDANT.

FILED

OCT 27 1964

ALICE I. DUCK, CLERK
REGISTER

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

PHILLIP K. DICKMAN, Administrator	)	IN THE UNITED STATES DISTRICT
of the Estate of OTTICE DICKMAN,	)	COURT FOR THE SOUTHERN DIS-
Deceased,	)	TRICT OF ALABAMA, SOUTHERN
PLAINTIFF	)	DIVISION.
-VS-	)	
MARSHALL E. TRAWICK,	)	CIVIL ACTION NO. _____
DEFENDANT	)	

Comes now Marshall E. Trawick, defendant in the above entitled cause, and presents this petition for removal of said action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, and shows and represents unto the Court as follows:

That the above entitled suit was begun against this defendant in the Circuit Court of Baldwin County, Alabama, on the 8th day of October, 1964; that at the time said suit was begun, and at the present time, the defendant was and still is, a non-resident of the State of Alabama, being a resident of the town of Delhi, State of Louisiana.

That the plaintiff in said suit was and still is a citizen and resident of the State of Alabama; that the said suit is wholly between citizens of different states; that the matter in dispute in said suit and for which said suit is brought, exceeds the sum of Ten Thousand and no/100 (\$10,000.00) Dollars, excluding all interest and costs;

That said suit claims damages arising from the negligent

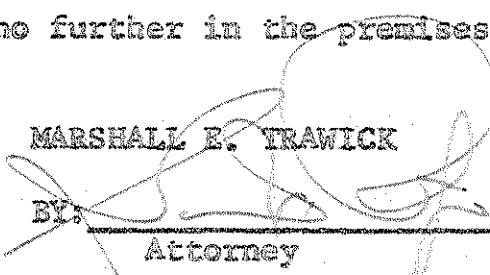
operation of an automobile; and the defendant herewith files a bond with good and sufficient surety, conditioned that the defendant will pay all costs and disbursements incurred by reason of the removal proceedings, should it be determined that this cause of action was not removable, or was improperly removed;

That the petitioner has not yet appeared or pleaded in said action; that service was had upon your petitioner in said suit by service upon the Secretary of State of the State of Alabama, on October 9th, 1964, less than twenty (20) days before the filing of this petition; that a copy of all process, pleadings and orders that have been served upon the defendant in the above entitled cause are attached to this petition;

That the defendant will promptly after the filing of this petition and bond, give written notice thereof to the plaintiff; and will file a copy of said petition with the Clerk of the Circuit Court of Baldwin County, Alabama;

WHEREFORE the petitioner prays this Honorable Court that this petition and bond may be accepted and approved, and that said suit be removed to the United States District Court for the Southern District of Alabama, Southern Division, and that the Circuit Court of Baldwin County, Alabama, proceed no further in the premises.

MARSHALL E. TRAWICK

BY: 

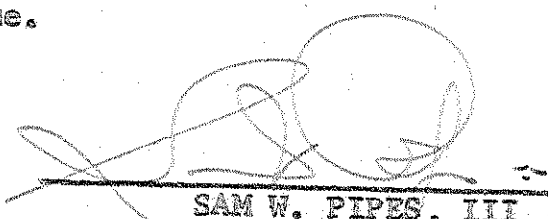
Attorney

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, SAM W. PIPES, III, who being by me first duly sworn, deposes and says that he is one of the attorneys for Marshall E. Trawick, and as such is duly authorized to remove that certain suit wherein

Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, Deceased, is the plaintiff, and Marshall E. Trawick, is the defendant, from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division; that he has read the above and foregoing petition and that the facts stated therein are true.


SAM W. PIPES, III

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


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

LYONS, PIPES & COOK
Of Counsel, P. O. Drawer 79
Mobile, Alabama.

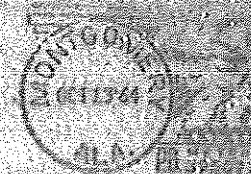

ATTORNEY FOR PETITIONER
P. O. Drawer 79
Mobile, Alabama.

STATE OF ALABAMA
SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

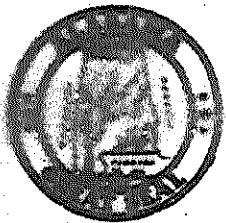
DISTRIBUTION OF PUBLIC DOCUMENTS

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

CERTIFIED MAIL
No. 62020



Marshall E. Trawick
Box 2
Mound, La.



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

October 9, 1964

MRS. AGNES BAGGETT
SECRETARY OF STATE

Marshall E. Trawick
Route 2
Delhi, La.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on October 9, 1964 the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, Summons and Com-
plaint in a case entitled: PHILLIP K. DICKMAN, Administrator of the Estate of
OTTICE DICKMAN, Deceased,

Plaintiff VS MARSHALL E. TRAWICK,

Defendant in the CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

Case No. 6229 true copy of which Summons and Complaint is attached hereto and
the said service upon me as Secretary of State of the State of Alabama has the force and effect
of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9
day of October 1964

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Enclosure : Copy of Summons and Complaint
cc: Wilters & Brantley
Bay Minette, Ala.

56-A

RETURN AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

62290.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Marshall E. Trawick

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.....

Marshall E. Trawick....., Defendant.....

by Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, deceased.....

..... Plaintiff.....

Witness my hand this..... 8..... day of..... October..... 19..... 64

Philip K. Dickman..... Clerk

567

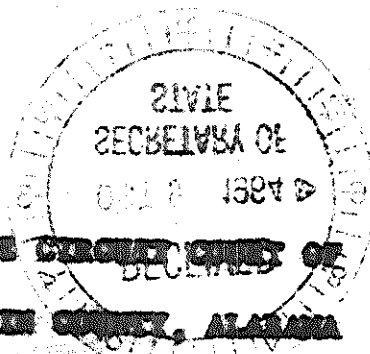
WILLIAM E. DICKMAN, Admin-
istrator of the Estate of
OTTO DICKMAN, Deceased,

Plaintiff,

vs.

MARSHALL E. TRAWICK,

Defendant.



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Plaintiff states of the Defendant the sum of Thirty-five thousand Dollars (\$35,000.00) as damages, for that heretofore on to-wit, the 6th day of March, 1964, Ottice Dickman was riding in a vehicle which was being driven along or upon U. S. Highway 31 at a point approximately 1 1/2 miles North of Spanish Fort in Baldwin County, Alabama, which is a public highway in Baldwin County, Alabama. At said time and place, the Defendant, Marshall E. Trawick did so negligently operate the vehicle he was driving so as to cause it to collide with the vehicle Ottice Dickman was riding and as a proximate result thereof, Ottice Dickman was killed. Your Plaintiff avers that he is the Administrator of the Estate of Ottice Dickman, deceased.

Plaintiff further avers that Marshall E. Trawick is and was on the date of said collision a non resident of the State of Alabama and that the Defendant's address is Route 2, Delhi, Louisiana and the Plaintiff prays that service of process upon the Defendant, Marshall E. Trawick, may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

WILTERS & BRANTLEY

BY:

Sallie M. Brantley
Attorney for Plaintiff

Plaintiff demands a trial by jury.

Wilters & Brantley

By:

Sallie M. Brantley

STATE OF ALABAMA
COUNTY OF MOBILE

KNOW ALL MEN BY THESE PRESENTS, That Marshall E. Trawick, as principal, and the United States Fidelity & Guaranty Company, a corporation, as surety, are held and firmly bound unto Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, Deceased, in the penal sum of Five Hundred and no/100 (\$500.00) Dollars, payment whereof well and truly to be made unto the said Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, Deceased, his successors and assigns, we bind ourselves, our heirs, successors, assigns and representatives jointly and severally firmly by these presents, yet upon these conditions the said Marshall E. Trawick is the petitioner in the United States District Court for the Southern District of Alabama, Southern Division, for the removal of a certain cause pending in the Circuit Court of Baldwin County, Alabama, wherein Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, Deceased, is the plaintiff, and Marshall E. Trawick is the defendant;

NOW if the said Marshall E. Trawick will pay all costs and disbursements incurred by reason of the removal of said cause should it be determined that the case was not removable or was improperly removed, then this obligation to be void, otherwise in full force and effect.

IN WITNESS WHEREOF, Marshall E. Trawick has hereunto set his hand and seal and the United States Fidelity & Guaranty Company, a corporation, has hereunto caused its corporate name to be signed by J. L. Weed, its Attorney in Fact, both this 26th day of Oct. 1964.

MARSHALL E. TRAWICK

BY: SAM W. P. [unclear] (signed)

Attorney

UNITED STATES FIDELITY & GUARANTY
COMPANY, A CORPORATION

BY: J. L. Weed (signed)

Attorney-in-Fact

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

PHILLIP K. DICKMAN, Administrator)
of the Estate of OTTICE DICKMAN,)
Deceased,)

PLAINTIFF)

-VS-

MARSHALL E. TRAWICK,)

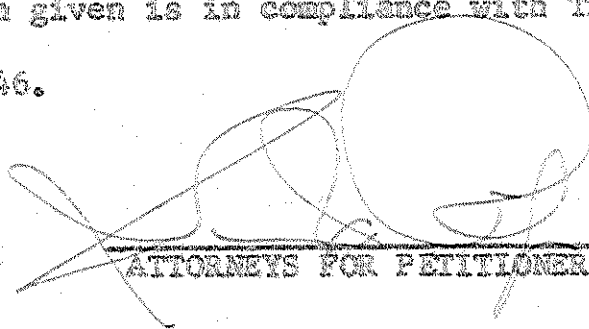
DEFENDANT.)

TO THE HONORABLE

T ALBERT M. BRANTLEY

Please take notice the undersigned, as attorneys for the defendant in the above entitled cause, has this 26th day of October, 1965, filed a petition and bond in the United States District Court for the Southern District of Alabama, Southern Division, petitioning that Court to remove from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, that said cause wherein Phillip K. Dickman, Administrator of the Estate of Ottice Dickman, Deceased, is the plaintiff and Marshall E. Trawick is the defendant.

The notice herein given is in compliance with Title 28,
U. S. C. A., Paragraph 1446.



ATTORNEYS FOR PETITIONER.

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

PHILLIP K. DICKMAN, Administrator)
of the Estate of OTTICE DICKMAN,)
Deceased,)

PLAINTIFF)

-VS-

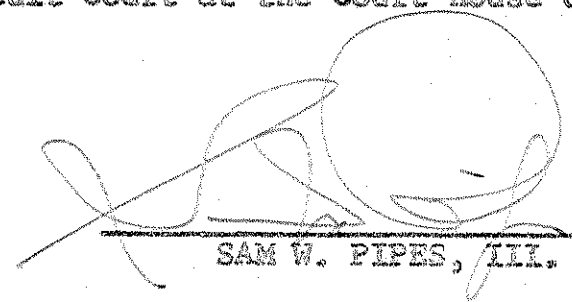
CERTIFICATE

MARSHALL E. TRAWICK,)

DEFENDANT)

I, Sam W. Pipes, III, one of the attorneys for the defendant in the above entitled cause, do hereby certify that I have this 26 day of October, 1964, served a copy of the petition and bond for removal of the above entitled cause from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, upon the Honorable Talbert M. Brantley, attorney of record for the plaintiff, by mailing a copy of said petition and bond, postage prepaid, registered mail, return receipt requested, to the said Talbert M. Brantley, in Bay Minette, Alabama;

And I do further certify that I have this day served a copy of the petition and bond on the Clerk of the Circuit Court of Baldwin County, Alabama, by mailing a copy of said petition and bond, postage prepaid, registered mail, return receipt requested, to the said Clerk of the Circuit Court at the Court House of Baldwin County, Bay Minette, Alabama.



SAM W. PIPES, III.

RECEIVED BY: DICKMAN, AGENT VS MARSHALL E. HANCOCK

INSTRUCTIONS TO DELIVERING EMPLOYEE

☒ Deliver ONLY to addressee

☐ Show address where delivered

6229

(Additional charges required for these services)

RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Marshall E. Hancock

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED TO: APR 4 1964

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

APR 4 1964