

ANNIE D. WASHINGTON, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. : AT LAW  
CONTINENTAL CASUALTY CO., : CASE NO: 6320  
Defendant. :

Comes the Defendant in the above styled cause and demurs to the Plaintiff's complaint on the following separate and several grounds:

1. The Plaintiff fails to state a cause of action against the Defendant.
2. From aught that appears the insurance policy sued on is not the property of the Plaintiff.
3. From aught that appears the Plaintiff is not the beneficiary under said policy.

JOHNSTON, JOHNSTON & NETTLES  
Attorneys for Defendant.

BY

Sam M. Johnston, Jr.

804 First National Bank Annex  
Mobile, Alabama

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 28th day of December, 1964

Sam M. Johnston, Jr.  
Attorney for Defendant

FILED

DEC 29 1964

AUG. J. DICK, CLERK  
REGISTER

ANNIE D. WASHINGTON,

Plaintiff,

vs.

CONTINENTAL CASUALTY COMPANY,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 6320

PLEA:

Comes now the Defendant in the above styled cause by its attorneys and makes the following separate and several pleas to the Complaint heretofore filed against it by the Plaintiff, viz:

1. The allegations of the complaint are untrue.
2. Part III of the policy sued on provides "when

injury results in loss of life of the insured within one hundred days after the date of the accident the company will pay the Loss of Life Accident Indemnity stated in the Schedule."

The second paragraph of page one defines "injury" as "...bodily injury caused by an accident occurring while this policy is in force and resulting directly and independently of all other causes in loss covered by this policy."

The Defendant further avers that the death of the insured in this case was not the result of injury caused by an accident resulting directly and independently of all other causes in loss covered by this policy and hence the Plaintiff should not recover under this policy.

CHASON, STONE & CHASON

FILED

JUN 11 1905

ALICE J. DUCK, CLERK  
REGISTER

By

*John Earle Chason*

6320

ANNIE D. WASHINGTON,

Plaintiff,

vs.

CONTINENTAL CASUALTY COMPANY,

Defendant.

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PLEA:

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FILED

JUN 11 1935  
ALICE A. RUCK, CLERK  
REGISTERED

ANNIE D. WASHINGTON,

Plaintiff,

Vs.

CONTINENTAL CASUALTY  
COMPANY,

Defendant.

X

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X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

6320

1.

The Plaintiff claims of the Defendant the sum of ONE THOUSAND ONE HUNDRED FIFTY AND 00/100 (\$1,150.00) DOLLARS, due on a policy whereby the Defendant on to-wit, the 20th day of July, 1960, insured the life of James D. Washington who died on to-wit, the 25th day of March, 1964, of which the Defendant had notice; said policy is the property of the Plaintiff.

WILTERS & BRANTLEY

BY:

S. Allen M. Brantley  
Attorney for the Plaintiff

Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

BY:

S. Allen M. Brantley  
Attorney for the Plaintiff

Defendant's Address: Chicago, Illinois

To be served on the Secretary of Insurance

FILED

NOV 25 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. 6320

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Continental Casualty Company

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 Continental  
Casualty Company....., Defendant.....

by Annie D. Washington.....

..... Plaintiff.....

Witness my hand this 25th day of November 1964

Alice D. Duck Clerk

330

Executed

Nov. 30, 1964

No. 6320

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ANNIE D. WASHINGTON

Plaintiffs

vs.

CONTINENTAL CASUALTY COMPANY

Defendants

SUMMONS AND COMPLAINT

Filed .....November 25,..... 1964....

Alice J. Duck

Clerk

Wilters & Brantley

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Received In Office

NOV 30 1964

11/25 1964

M. S. BUTLER, Sheriff

Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Executed by sending 3 copies of

the within on Walter S.

Superintendent

of Insurance, State of Alabama

This the 30 day of Nov 1964

Sheriff of Montgomery County

M. S. Butler

By [Signature] D. S.

The Sheriff claims

at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff

Montgomery County, A Sheriff

Deputy Sheriff

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 30th day of November, 1964, I sent by registered mail in an envelope as follows:

Mr. John A. Henry, Vice President & General Counsel  
Continental Casualty Company  
310 South Michigan Avenue  
Chicago, 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:

Annie D. Washington, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

(Name of Court)

Continental Casualty Company, Defendant

And that on the 4th day of December, 1964, I received the return card showing receipt by the designated addressee of said envelope on the 2nd day of December, 1964.

Witness my hand and official seal this the 4th day of December, 1964.

Walter A. Houseal  
SUPERINTENDENT OF INSURANCE

FILED

DEC 8 1964

ALICE J. DUCK, CLERK  
REGISTERED

Johnston, Johnston & Nettles  
Lawyers

Fifth Floor First National Bank Annex

Mobile, Alabama 36601

Telephone 432-1811

December 28, 1964

Samuel M. Johnston  
William F. Johnston  
Samuel M. Johnston, Jr.  
Bert S. Nettles

Mailing Address  
P. O. Box 550  
Mobile, Alabama

Mrs. Alice Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

Re: Annie D. Washington vs.  
Continental Casualty Co.  
At Law  
Case No: 6320

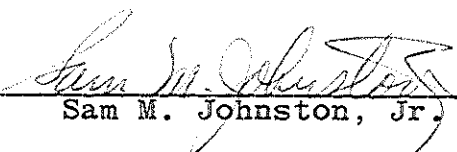
Dear Mrs. Duck:

We represent the Defendant in the above case.  
I am enclosing herein the original and one copy of  
a demurrer and would thank you to file the same upon  
receipt of it.

Very truly yours,

JOHNSTON, JOHNSTON & NETTLES

BY

  
Sam M. Johnston, Jr.

SMJjr:see

enc.