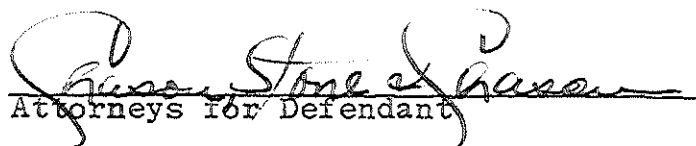


6387

D. L. WALLACE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs	X	
EMMETTE A. MIDDLETON,	X	BALDWIN COUNTY, ALABAMA
Defendant.	X	LAW SIDE

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause, and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That the place where the accident occurred is not sufficiently set out in either count of the Complaint.
3. The allegation in each count of the Complaint that the Plaintiff was operating a motor vehicle along or upon farm to market road at a point two and one-half miles East of the intersection of U. S. Highway 59 fails to allege which farm to market road it referred to.
4. For aught that appears from either count of the Complaint there would be more than one farm to market road in Baldwin County intersecting U. S. Highway 59.
5. The damages to Plaintiff's property are not sufficiently described in either count of the Complaint.
6. The Complaint does not sufficiently set out in what manner the motor vehicle owned by the Plaintiff was damaged.
7. That count "2." of the Complaint does not allege that the Defendant wantonly injured the Plaintiff.


Attorneys for Defendant

FILED

MAY 27 1935

APR 1 1935

D. L. WALLACE,
Plaintiff,

vs.

EMMETTE A. MIDDLETON,
Defendant.

DEMURRER


STATE OF ALABAMA

BALDWIN COUNTY


AFFIDAVIT

Phyllis S. Nesbit, being first duly sworn, deposes and says that she is an attorney of D. L. Wallace, Plaintiff, in the aforementioned cause of action and that in the belief of your affiant the Defendant, Emmett A. Middleton, is a resident of the State of Alabama, and further, that he has been absent from the State more than six (6) months prior to the institution of this cause of action. Your affiant further avers that in her belief, the last known Post Office address of the said Defendant is, 509 Avenue A, LaMarque, Texas, 77568, and that the Defendant is over the age of twenty-one years.

The Plaintiff prays that service of process upon the Defendant may be had in accordance with the provisions of Code of Alabama 1940, Title 7, Sections 201-202, which provides for a service by registered mail, postage prepaid, and marked "for delivery only for the person to whom addressed," and "return receipt" demanded, addressed to sending officer; and such receipt when received in return, shall be filed in the cause and entered upon the final records of said Court.


Attorney for Plaintiff

Sworn before me this 28th day of April, 1965.


Notary Public

FILED

APR 29 1965

ALICE I. DIXON, CLERK
BALDWIN COUNTY REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Emmette A. Middleton 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 D. L. Wallace.

WITNESS my hand this 4 day of February, 1965.

Rebecca J. French
Clerk

D. L. WALLACE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
Vs.	X	BALDWIN COUNTY, ALABAMA
EMMETTE A. MIDDLETON,	X	AT LAW
Defendant.	X	

COMPLAINT

I.

The Plaintiff claims of the Defendant the sum of SEVEN HUNDRED FIFTY (\$750.00) DOLLARS, as damages for that heretofore on to-wit, the 8th day of February, 1964, the Plaintiff was operating his motor vehicle along or upon a farm to market road, which is a public road in Baldwin County, Alabama, at a point approximately 2 1/2 miles East of the Intersection of U. S. Highway #59 in Baldwin County, Alabama; At said time and place, the Defendant so negligently operated his motor vehicle as to cause it to collide with the Plaintiff's motor vehicle and as a direct and proximate consequence and result of said negligence, the Plaintiff's motor vehicle was bent, torn and twisted and rendered less valuable, all to the loss of the Plaintiff in the aforesaid amount.

2.

The Plaintiff claims of the Defendant the sum of SEVEN HUNDRED FIFTY (\$750.00) DOLLARS, as damages for that heretofore on to-wit, the 8th day of February, 1964, the Plaintiff was operating his motor vehicle along or upon a public road in Baldwin County, Alabama, to-wit, a farm to market road, at a point approximately 2 1/2 miles East of the Intersection of U. S. Highway #59; At said time and place, the Defendant so wantonly operated his motor vehicle as to cause it to collide with the motor vehicle owned and operated by the Plaintiff and as a proximate consequence of said wantonness, the Plaintiff's motor vehicle was ^{wantonly} damaged as follows: it was torn, twisted and bent and rendered less valuable, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS, BRANTLEY & NESBIT

BY:

Solomon M B Brantley
Attorney for the Plaintiff

Plaintiff demands a trial by jury

WILTERS, BRANTLEY & NESBIT

BY:

Solomon M B Brantley
Attorney for the Plaintiff

Defendant's Address:

Route 1, Loxley, Alabama

FILED

FEB 8 1965

ALICE L. DUCK, CLERK
REGISTER

6387

etved 8 day of Feb 1965

on day of 19

erved a copy of the within 5 + C

Emmett H. Middleton

service on

TAYLOR WILKINS, Sheriff

By D.S.

D.L. Wallace

VS

Emmett A. Middleton

Com. Michael to Texas

11-1

1965
By of
Emmett H. Middleton
Taylor Wilkins Sheriff
Emmett H. Middleton
Taylor Wilkins Deputy Sheriff

FILED

1965

ALICE L. DUCK, CLERK
REGISTER

INSTRUCTIONS TO ADDRESSEE

10/11/50



Deliver ONLY to
addressee



Show address where
delivered

(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)

James D. [illegible]

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

MAILED
OCT 11 1950
FBI
RECEIVED