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DUCK & LACEY
Attorneys at Law
FAIRHOPE, ALABAMA

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February 16, 1965

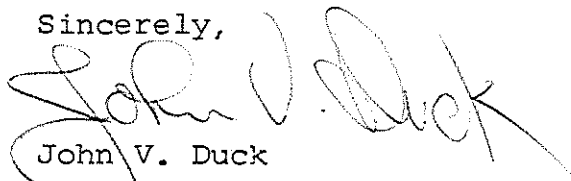
6398

Mrs. Alice J. Duck
P. O. Box 239
Bay Minette, Alabama

Dear Mrs. Duck:

We enclose herewith Bill of Complaint in the case of J. H. Hale vs. Leroy McClelland to be filed, together with copy of same and Summons to be served.

Sincerely,


John V. Duck

JVD:lh
Encls.

J. H. HALE

Plaintiff

vs

LEROY McCLELLAND

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6398

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA:

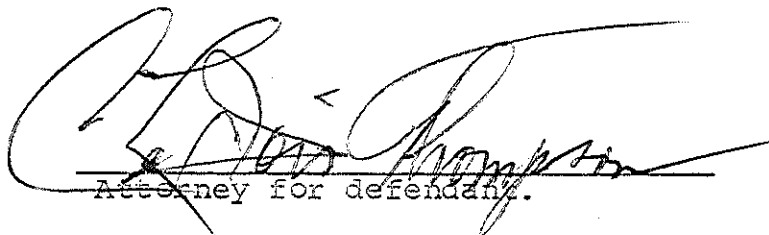
Comes the defendant, Leroy McClelland and shows unto the Court that more than thirty days prior to the filing of this motion, the defendant in the above styled cause propounded interrogatories to plaintiff, J. H. Hale, under Code 1940, Tit. 7, Section 477-486, requiring said plaintiff to answer certain interrogatories therein propounded, and that although more than sixty days have elapsed since the service by the Sheriff of said interrogatories upon the plaintiff, J. H. Hale, the said plaintiff has failed and still fails and refuses to answer the interrogatories therein propounded.

Wherefore, the defendant moves the Court to enforce the penalty as provided by Title 7, Section 483 of the Code of 1940, as recompiled.

FILED

AUG 24 1925

ALICE A. DICK, CLERK
REGISTER


Attorney for defendant.

J. H. HALE

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

LEROY MCCLELLAND

X

AT LAW

NO. 6398

Defendant

X

Comes the defendant in the above styled cause and propounds the following interrogatories to the plaintiff, J. H. Hale:

1. State your name and address.
2. State your occupation.
3. Are you the plaintiff in the above named case?
4. State the point of your destination and point of departure on the day on which the alleged accident took place.
5. Identify your vehicle as to make, model and year.
6. If there were any passengers in your vehicle, give the name and address of each passenger.

FILED

MAR 11 1965

CLERK
REGISTER

THOMPSON & WHITE

BY:

C. LeNoir Thompson
Attorneys for defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the defendant in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the plaintiff to the foregoing interrogatories will, if truthfully made, be material evidence for the defendant on the trial of said cause.

C. LeNoir Thompson
C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir

Thompson on this the 11th day of March 1965.

Walter R. Page
Notary Public

J. H. HALE

Plaintiff

vs

LEROY MCCLELLAND

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6398

Comes the defendant in the above styled cause and for demurrer to the complaint filed in said cause shows unto this Honorable Court as follows:

1. That said complaint fails to allege a duty on the part of the defendant.
2. Said complaint fails to state a cause of action.
3. Said complaint fails to allege that plaintiff was where he had a right to be.
4. Said complaint fails to allege in what manner both doors were damaged in that said automobile was damaged on the left side of same.
5. Said complaint fails to allege any specific negligence on the part of the said defendant.

THOMPSON & WHITE

BY:

C. L. Thompson
Attorneys for defendant.

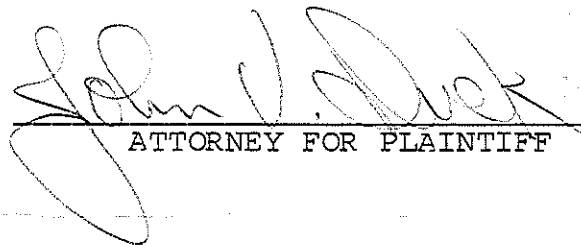
FILED

MAR 11 1965

MADE I. J. J. CLERK
MADE I. J. J. REGISTER

J. H. HALE,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
LEROY McCLELLAND,)	
Defendant.)	

Plaintiff claims of the Defendant the sum of FOUR HUNDRED TWENTY-TWO AND 40/100 (\$422.40) DOLLARS as damages, for that, heretofore and on, to-wit: the 16th day of April, 1964, at 10:00 o'clock P. M., Plaintiff was operating his motor vehicle along Alabama Highway No. 138 in a westerly direction, at a point thereon six (6) miles from its intersection with Highway No. U. S. 31, which said highway No. 138 was then and there a public highway of Baldwin County, Alabama, and the Defendant so negligently operated his motor vehicle as to allow it to run into, upon or against the vehicle of the Plaintiff, and as a proximate and direct result of the negligence of the Defendant, the Plaintiff's car was damaged in that the left side was damaged, the left front fender was bent, smashed and torn, the front bumper was rendered a total loss; that both doors had to be replaced, with the molding, and that Plaintiff's said automobile was otherwise bent, smashed and torn, all as a result of the negligence of the Defendant as aforesaid, hence this suit.


 ATTORNEY FOR PLAINTIFF

The Defendant can be served at
 Route 1, Bay Minette, Alabama.

FILED
 FEB 18 1964
 JAMES A. DUCK, CLERK
 REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon LEROY McCLELLAND

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.....
LEROY McCLELLAND..... Defendant.....
by J. H. HALE.....

Witness my hand this 15 day of Feb 1965 Plaintiff.....
Ex-2-24-65 Wing-Quirk Clerk

No. 6395

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

J. H. HALE

Plaintiffs

vs.

LEROY McCLELLAND

Defendants

SUMMONS AND COMPLAINT

Filed FILED 19.....

FEB 18 65 Clerk

CLERK
REGISTER

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Route 1, Bay Minette, Alabama

RECEIVED

Received In Office

FEB 18 1965 19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this Feb 24 1965

by leaving a copy with

Leroy McClelland

Taylor Wilkins Sheriff

D. C. Zeller Deputy Sheriff

over