

September 17, 1965

EDWARD H. KANE, JR., Plaintiff
VS
E. L. BARCLAY, Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. 6683

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

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on September 10, 1965
I sent by certified mail in an envelope addressed as follows:

“

E. L. Barclay
3023 Asher Ave.
Little Rock, Ark.”

“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:

“

E. L. Barclay
3023 Asher Ave.
Little Rock, Ark.

You will take notice that on September 10, 1965 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: EDWARD H. KANE, JR., Plaintiff VS E. L. BARCLAY, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 6683 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 10
day of September 1965

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 Sep 17 1965 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Little Rock Ark.
on 9-15-65

WITNESS MY HAND and the Great Seal of the State of Alabama this the 17 day
of September 1965

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

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

cc: Hon. James H. Lackey
958 Dauphin St.
Mobile, Ala.

FILED
9-18 1965
CLERK
RECEIVED

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6683

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon E.L. BARCLAY

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.....

E.L. BARCLAY

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

by EDWARD H. KANE

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

Witness my hand this 9th day of September 1965

Alice J. Suck Clerk

EDWARD H. KANE, JR., : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
E. L. BARCLAY, : AT LAW
Defendant. : CASE NO. 6683

COUNT ONE

The Plaintiff claims of the Defendant SEVEN HUNDRED FIFTY DOLLARS (\$750.00) as damages for that heretofore and on to-wit, March 24, 1965 the Plaintiff was operating his automobile upon and along U. S. Highway 90, at a point approximately four-tenths of a mile east of County Road No. 27, at which point said U. S. Highway 90 is a public highway in Baldwin County, Alabama, and at the time and place aforesaid the Defendant so negligently operated or maintained a motor vehicle as to cause or allow a wheel to come off said motor vehicle and strike the automobile of the Plaintiff, and as a direct and proximate result of the negligence of the Defendant as aforesaid the Plaintiff's automobile was greatly damaged and rendered less valuable, hence this suit.

COLLINS, GALLOWAY & MURPHY

BY:

James H. Lackey
James H. Lackey
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

3023 Asher Avenue

Little Rock, Arkansas

(Serve through Secretary of State)

FILED

SEP 9 1965

ALICE J. DUCK, CLERK
REGISTER

XERO
COPY

XERO
COPY

XERO
COPY

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS
THOMAS M. GALLOWAY
M. THOMAS MURPHY (1924-1956)

JAMES H. LACKEY

P. O. BOX 4492
TELEPHONE
432-0568
AREA CODE 205

April 6, 1966

Mrs. Alice V. Duck
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Edward H. Kane, Jr.
vs: E. L. Barclay
Case No. 6683

Dear Mrs. Duck:

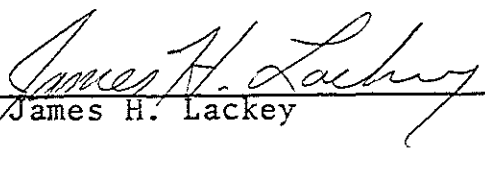
We enclose herewith draft of Alabama Farm Bureau Insurance Company in the amount of \$16.70 in payment of costs in the referenced case. Please enter an order of dismissal in said case.

Thank you very much.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY:


James H. Lackey

JHL/brm

Encl.

cc: Hon. Gordon B. Kahn

EDWARD H. KANE, JR., : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : BALDWIN COUNTY, ALABAMA
E. L. BARCLAY, : AT LAW
Defendant. : CASE NO. 6682

COUNT ONE

The Plaintiff claims of the Defendant SEVEN HUNDRED FIFTY DOLLARS (\$750.00) as damages for that heretofore and on to-wit, March 24, 1965 the Plaintiff was operating his automobile upon and along U. S. Highway 90, at a point approximately four-tenths of a mile east of County Road No. 27, at which point said U. S. Highway 90 is a public highway in Baldwin County, Alabama, and at the time and place aforesaid the Defendant so negligently operated or maintained a motor vehicle as to cause or allow a wheel to come off said motor vehicle and strike the automobile of the Plaintiff, and as a direct and proximate result of the negligence of the Defendant as aforesaid the Plaintiff's automobile was greatly damaged and rendered less valuable, hence this suit.

COLLINS, GALLOWAY & MURPHY

BY:

James H. Lackey
James H. Lackey
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

3023 Asher Avenue

Little Rock, Arkansas

(Serve through Secretary of State)

FILED

SEP 9 1965

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6683

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon E.L. BARCLAY

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.....
E.L. BARCLAY
by....., Defendant.....
EDWARD H. KANE

Witness my hand this..... 9th day of September 1965
E.L. - 9-10-65
Alice J. Luck Clerk

No. 6683 Page

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EDWARD H. KANE

Plaintiffs

vs.

E.L. BARCLAY

Defendants

SUMMONS AND COMPLAINT

Filed September 9, 1965

Alice J. Duck Clerk

Collins, Galloway & Murphy
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

3023 Asher Avenue, Little Rock,
Arkansas (serve through Secretary of
State)

RECEIVED IN OFFICE
Received In Office

SEP 10 1965

SEP 9 1965

19

M. S. BUTLER, Sheriff

I have executed this summons

this 19

by leaving a copy with

Executed by serving 3 copies of

the within on *Capron Baggett*

Secretary of State of The State of
Alabama.

This the 10 day of Sept 1965

Sheriff of Montgomery County

M. S. Butler,

By *J. B. ...* D. S.

The Sheriff claims 2

minutes at 10c per mile for a total

20

M. S. Butler, Sheriff
Montgomery County, Ala.

Sheriff

Deputy Sheriff

EDWARD H. KANE, JR., : IN THE CIRCUIT COURT OF
 Plaintiff, BALDWIN COUNTY, ALABAMA
 :
-vs- AT LAW
E. L. BARCLAY, : CASE NO. 6683
 Defendant. :

COMES NOW the defendant in the above-entitled cause and demurs to the plaintiff's complaint, and to each count thereof, separately and severally, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. Said count fails to allege the violation of any duty owed by this defendant to the plaintiff.
2. Said count fails to allege facts showing the violation of any duty owed by this defendant to the plaintiff.
3. For aught that appears from said count, the accident did not occur on a public street.
4. For aught that appears from said count the plaintiff was not at a place where he had a legal right to be at the time and place complained of.
5. For aught that appears from said count, the damages suffered by the plaintiff were not the proximate result of any act or failure to act on the part of this defendant.

FILED

SEP 28 1925

ALICE J. DUCK, CLERK

LYONS, PIPES AND COOK
Attorneys for the Defendant

By: _____

Walter M. Cook

POST OFFICE DEPARTMENT

Official BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE

SEP 15
PM
1965
ARK.

INSTRUCTIONS: Fill in items below and follow instructions on other side, if applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER

CERTIFIED NO.

INSURED NO.

SECRETARY OF
STATE
MONTGOMERY, ALA

CITY, STATE, AND ZIP CODE

RECEIVED

SEP 17 1965 RETURN TO

SECRETARY OF
STATE

MONTGOMERY, ALA

GSS-16-71548-6-F

POD Form 3811 Sep. 1963