

JACK HOLMAN,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
vs.	)	AT LAW CASE NO. 6746
	)	
THE CITY OF FAIRHOPE, a	)	
Municipal Corporation,	)	
	)	
Defendant.	)	

DEMURRERS

Comes now the Defendant in the above styled cause, and demurs to the Bill of Complaint filed herein and says:

I.

That said Bill of Complaint fails to state a cause of action.

II.

That said Bill of Complaint fails to allege that the Plaintiff has complied with Title 37, Section 504 of the 1940 Code of Alabama as recompiled in 1958.

III.

That the Bill of Complaint affirmatively shows that the City was engaged in a governmental function at the time of the alleged injury.

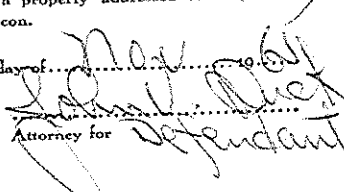
IV.

That the Bill of Complaint fails to allege the negligence of any agent of the Defendant.

  
ATTORNEY FOR DEFENDANT

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 12 day of Nov 1965  
  
Attorney for Defendant

**FILED**

NOV 15 1965

ALICE J. DUCK, CLERK  
REGISTER

TO ANY SHERIFF OF THE STATE OF ALABAMA:

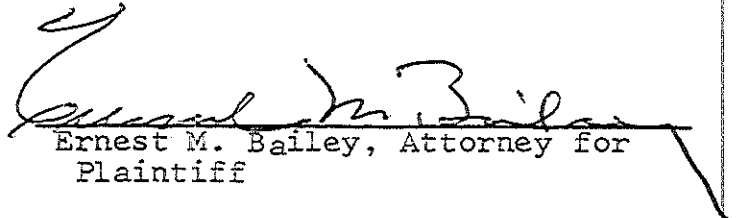
WITNESS my hand this the 28 day of Oct, 1965.

CLERK OF CIRCUIT COURT

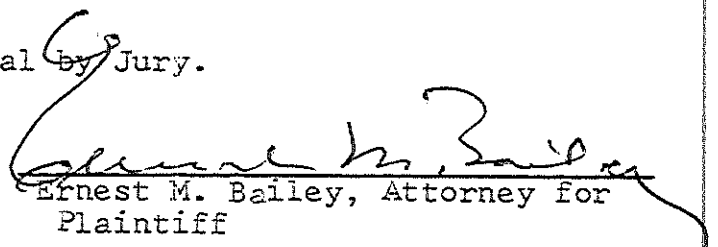
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO: 6746

The Plaintiff claims of the Defendant the sum of TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS for that heretofore and on, to-wit, June 8, 1965 the Defendant did negligently operate a boat launching ramp in the City of Fairhope, Baldwin County, Alabama at a point approximately one hundred (100) yards North of the Municipal Pier in said City as to allow a jagged iron pipe to be standing under the surface of the water and at the time and place aforesaid and as a direct and proximate result of the Defendant's negligence, the Plaintiff stepped on said jagged iron pipe and sustained a severe cut on and about his foot and was made sick and sore and suffered physical pain and mental anguish. The Plaintiff avers that he was gainfully employed at the time of the accident and lost time from his employment, and; Plaintiff was caused to spend large sums of

money for doctors bills, medical attention, and medical supplies in and about the treatment of his injuries, all for which the Plaintiff sues.

  
Ernest M. Bailey, Attorney for  
Plaintiff

Plaintiff demands a trial by Jury.

  
Ernest M. Bailey, Attorney for  
Plaintiff

FILED

OCT 28 1965

ALICE L. DUCK, CLERK  
REGISTRY

E 7-10-29-65

6746

BILL OF COMPLAINT

JACK HOLMAN,

Plaintiff

VS

CITY OF FAIRHOPE, a  
Municipal Corporation,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

CASE NO: \_\_\_\_\_

Received 29 day of Oct. 1965

and on 29 day of Oct 1965

served a copy of the within S & C

City of Fairhope

City Clerk

by service on Maurice Moore

Taylor Wilkins

TAYLOR WILKINS, Sheriff

By Roy Randal D. S.

Fairhope

Sheriff claims 70 miles at

Two Cents per mile Total 2.00

TAYLOR WILKINS, Sheriff

By Roy Randal  
DEPUTY SHERIFF

FILED

OCT 29 1965

ALICE I. BARKER, CLERK  
REGISTER

6746

BILL OF COMPLAINT

JACK HOLMAN,

Plaintiff

VS

CITY OF FAIRHOPE, a  
Municipal Corporation,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: \_\_\_\_\_

Received 29 day of Oct. 1965  
and on 29 day of Oct 1965

served a copy of the within S & C

City of Fairhope  
City Clerk

y service on Maurice Moore

Taylor Wilkins

TAYLOR WILKINS, Sheriff

By Roy Randall D. S.

Fairhope

Sheriff claims 70 miles at

Ten Cents per mile Travel 7.00

TAYLOR WILKINS, Sheriff

BY Roy Randall  
DEPUTY SHERIFF

FILED

OCT 30 1965

ALICE L. DICK, CLERK  
REGISTER