

SAM BRUMFIELD,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

PATRICIA ANN CHILDRESS,

X

Defendant.

X

LAW SIDE

NO. 6497

DEMURRER:

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause, and to 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 Count 1. of the Complaint fails to allege for what length of time the Plaintiff lost the services and companionship of his minor son.

3. That Count 2. of the Complaint fails to properly allege that the Plaintiff was the owner of the vehicle which his son was driving and which was injured or damaged in the accident.

4. That Count 2. of the Complaint does not allege that the Plaintiff did rent a substitute automobile or that it was necessary for him to do so.

5. That Count 2. of the Complaint does not allege for what length of time the Plaintiff used a substitute automobile.

6. That Count 2. of the Complaint does not allege that the automobile belonging to him which was damaged was rendered unfit for use.

7. That Count 2. of the Complaint does not say in what manner the Plaintiff's automobile was damaged.

Filed
5-20-68

James F. Mason
Attorneys for Defendant

6497

SAM BRUMFIELD,

Plaintiff,

vs.

PATRICIA ANN CHILDRESS,

Defendant.

DEMURRER

FILED

30 1981

AUG 1 1981

1. COMPLAINT AND SUMMONS AND SHERIFF'S RETURN OF SERVICE THEREON

SAM BRUMFIELD	)	IN THE CIRCUIT COURT OF
)	
Plaintiff	)	MOBILE COUNTY, ALABAMA
)	
Vs.)	
)	
PATRICIA ANNE CHILDREE)	
)	
Defendant	)	CASE NO. <u>13671</u>

COUNT 1.

The Plaintiff claims of the defendant the sum of FIVE THOUSAND AND NO/100ths (\$5,000.00) DOLLARS as damages for that on, to-wit; August 30, 1963, plaintiff's minor son, Virgile J. Brumfield, was operating an automobile on a public street in the County of Baldwin, State of Alabama, known as County road #65, about three and seven tenths (3.7) miles north of Robertsedale, Alabama, where plaintiff's minor son had a right to be, and the defendant so negligently operated a motor vehicle then and there, as to cause the motor vehicle operated by defendant to collide with the automobile which plaintiff's said minor son was operating and as a proximate result and consequence of defendant's said negligence, plaintiff's said minor son was severely injured about his face, limbs and body, his mouth and chin were cut and bruised, his teeth were damaged, his chest was bruised, one of his ribs was fractured, his face was permanently scarred, he suffered great physical pain and he suffered and continues to suffer mental anguish, and he had to withdraw from school one semester.

Plaintiff avers that as a proximate result and consequence of said injuries sustained by his minor son, plaintiff was caused to spend large sums of money for doctors services, hospital services, and plaintiff will be required

to spend substantial sums for doctors services and hospital services in and about curing plaintiff's minor son, and plaintiff lost the services and companionship of his minor son, for all of which plaintiff claims damages as aforesaid.

COUNT 2.

The Plaintiff claims of the defendant the sum of TWO THOUSAND AND NO/100ths (\$2,000.00) DOLLARS as damages for that on, to-wit; August 30, 1963, plaintiff's minor son, Virgile J. Brumfield, was operating an automobile on a public street in the County of Baldwin, State of Alabama, known as County road #65, about three and seven tenths (3.7) miles north of Robertsdale, Alabama, where plaintiff's minor son had a right to be, and the defendant so negligently operated a motor vehicle then and there, as to cause the motor vehicle operated by defendant to collide with the automobile which plaintiff's said minor son was operating and as a proximate result and consequence of defendant's said negligence, plaintiff's said automobile was damaged, plaintiff was forced to rent a substitute automobile for all of which plaintiff claims damages as aforesaid.

Plaintiff respectfully demands a trial by jury.

KILBORN, DARBY and KILBORN

BY Willis C. Darby, Jr.
Willis C. Darby, Jr.

Defendant may be served at:

Route 1,
Loxley, Alabama

Filed August 25, 1964
John C. Grandville, Clerk
Page 2.

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

PATRICIA ANNE CHILDREE

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of

SAM BRUMFIELD

WITNESS: John E. Mandeville, Clerk of said Court, this 25th day of August, 1964

Attest:

John E. Mandeville
Clerk

SHERIFF'S RETURN

Receved _____ day of _____, 19____ and on _____ Day
of _____, 19____, I served a copy of
the within _____ on _____

by service on _____

RAY D. BRIDGES, SHERIFF

Received 21 day of Sept 1964
and on _____ day of _____ 19____

served a copy of the within 2 & C
Patricia Ann Childree

y service on _____

TAYLOR WILKINS, Sheriff
By _____ D. S.

turned 3 day of Sept 1964
it found in my county after diligent search and in-
try.

By Taylor Wilkins, Sheriff
Sheriff Deputy Sheriff

RECEIVED
AUG 26 1964
SHERIFF'S OFFICE

not found
No. 13671
JUDGE Taylor DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

SAN BRUMFIELD

VS. } Complaint and Summons

PATRICIA ANNE CHILDREE

Issued 25th day of August, 1964

Defendant's Address

Route 1,
Loxley, Alabama

call 9/10
KILBORN, DARBY & KILBORN
BY: Willis C. Darby
Plaintiff's Attorney

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

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PATRICIA ANNE CHILDREE

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at the place of holding the same, then and there to answer the complaint of

SAM BRUMFIELD

WITNESS: John E. Mandeville, Clerk of said Court, this 25th day of August, 1964

Attest:

John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ Day
of _____, 19____, I served a copy of
the within _____ on _____

by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

No. 13671

JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

SAM BRUMFIELD

VS. }

Complaint and Summons

PATRICIA ANNE CHILDREE

Issued 25th day of August, 1964

Defendant's Address

Route 1,
Loxley, Alabama

KILBORN, DARBY & KILBORN

BY: Willis C. Darby

Plaintiff's Attorney

Copy

2. AMENDED COMPLAINT AND SUMMONS AND SHERIFF'S RETURN OF SERVICE THEREON

SAM BRUMFIELD,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	MOBILE COUNTY, ALABAMA
)	
versus	)	AT LAW
)	
PATRICIA ANNE CHILDREE,)	
)	
Defendant	)	CASE NO. 13671-T

MOTION TO AMEND

Comes now the plaintiff and amends the caption of the above entitled cause. Plaintiff avers that the name Patricia Anne Childree was erroneously written instead of the name Patricia Ann Childress, which is the true name of the defendant first mentioned. Plaintiff amends the caption of the above entitled cause which was heretofore filed to read as follows:

SAM BRUMFIELD,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	MOBILE COUNTY, ALABAMA
)	
versus	)	AT LAW
)	
PATRICIA ANN CHILDRESS,)	
)	
Defendant	)	CASE NO. 13671-T

DATED at Mobile, Alabama, this 5th day of November, 1964.

KILBORN, DARBY and KILBORN

BY

Walter C. Darby, Jr.
Attorney for Plaintiff
P. O. Box 1273
Mobile, Alabama

Defendant may be served at:

Rosinton, Alabama

Filed November 5, 1964
John E. Mandeville, Clerk

SAM BRUMFIELD	)	IN THE CIRCUIT COURT OF
)	
Plaintiff	)	MOBILE COUNTY, ALABAMA
)	
Vs.)	
)	
PATRICIA ANNE CHILDREE)	
)	
Defendant	)	CASE NO. <u>13671</u>

COUNT 1.

The Plaintiff claims of the defendant the sum of FIVE THOUSAND AND NO/100ths (\$5,000.00) DOLLARS as damages for that on, to-wit; August 30, 1963, plaintiff's minor son, Virgile J. Brumfield, was operating an automobile on a public street in the County of Baldwin, State of Alabama, known as County road #65, about three and seven tenths (3.7) miles north of Robertsedale, Alabama, where plaintiff's minor son had a right to be, and the defendant so negligently operated a motor vehicle then and there, as to cause the motor vehicle operated by defendant to collide with the automobile which plaintiff's said minor son was operating and as a proximate result and consequence of defendant's said negligence, plaintiff's said minor son was severely injured about his face, limbs and body, his mouth and chin were cut and bruised, his teeth were damaged, his chest was bruised, one of his ribs was fractured, his face was permanently scarred, he suffered great physical pain and he suffered and continues to suffer mental anguish, and he had to withdraw from school one semester.

Plaintiff avers that as a proximate result and consequence of said injuries sustained by his minor son, plaintiff was caused to spend large sums of money for doctors services, hospital services, and plaintiff will be required

to spend substantial sums for doctors services and hospital services in and about curing plaintiff's minor son, and plaintiff lost the services and companionship of his minor son, for all of which plaintiff claims damages as aforesaid.

COUNT 2.

The Plaintiff claims of the defendant the sum of TWO THOUSAND AND NO/100ths (\$2,000.00) DOLLARS as damages for that on, to-wit; August 30, 1963, plaintiff's minor son, Virgile J. Brumfield, was operating an automobile on a public street in the County of Baldwin, State of Alabama, known as County road #65, about three and seven tenths (3.7) miles north of Robertsedale, Alabama, where plaintiff's minor son had a right to be, and the defendant so negligently operated a motor vehicle then and there, as to cause the motor vehicle operated by defendant to collide with the automobile which plaintiff's said minor son was operating and as a proximate result and consequence of defendant's said negligence, plaintiff's said automobile was damaged, plaintiff was forced to rent a substitute automobile for all of which plaintiff claims damages as aforesaid.

Plaintiff respectfully demands a trial by jury.

KILBORN, DARBY and KILBORN

BY Willis C. Darby, Jr.
Willis C. Darby, Jr.

Defendant may be served at:

Route 1,
Loxley, Alabama

Filed August 25, 1964
John C. Grandville, Clerk
Page 2.

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

PATRICIA ANN CHILDRESS

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of _____

SAM BRUMFIELD

WITNESS: John E. Mandeville, Clerk of said Court, this 5th day of November, 19 64

Attest:

John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ Day
of _____, 19____, I served a copy of
the within _____ on _____

by service on _____

RAY D. BRIDGES, SHERIFF

414

By _____ D.S.

mail
No. 13671
JUDGE Taylor DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

SAM BRUMFIELD

VS. } AMENDED
Complaint and Summons

PATRICIA ANN CHILDRESS

Issued 5th day of November, 1964

Defendant's Address

Rosinton, Alabama

WILLIS C. DARBY, JR.
Plaintiff's Attorney

*10 - Affair by
12 - Mr. D. G. Darby
Satisfied in Childress
Robert L. Darby
Rosinton*

Sherriff claim 36 miles at
Don County 5.60
JAMES WILKIN
BY CC

RECEIVED
NOV 6 1964
SHERIFF'S OFFICE

CIRCUIT COURT

NOV 11 1964
CLERK OF COURT

3. PLEA IN ABATEMENT

SAM BRUMFIELD,	)	IN THE CIRCUIT COURT
Plaintiff,	)	OF MOBILE COUNTY,
VS	)	ALABAMA
PATRICIA ANN CHILDRESS,	)	AT LAW
Defendant.	)	CASE NO. 13,671-T

Comes now the defendant in the above styled cause and appearing specially and only for the purpose of filing this plea in abatement and for no other purpose pleads in abatement to the complaint filed in this cause as follows:

That the cause should be abated for that the complaint shows on its face that the alleged injuries complained of in the plaintiff's complaint occurred on a public highway in Baldwin County, Alabama on, to-wit, August 30, 1963. That the complaint further shows on its face that the said action is for personal injuries sustained by the plaintiff's minor child and for property damage and is a personal action as defined in Title 7, Section 54 of the Code of Alabama 1940 Edition as amended.

The defendant was a resident citizen of Baldwin County, Alabama, at all times alleged in the plaintiff's complaint and ever since that time, and at the time and date this law-suit was commenced against her, and the defendant is still a resident citizen of Baldwin County, Alabama, having in said county a permanent residence and the defendant has not, at any time set out in the complaint, nor at the time this suit was commenced, nor since, been a resident citizen of Mobile County, Alabama. The defendant avers that the accident made the basis of this suit did occur in Baldwin County, Alabama.

Wherefore, defendant says that the Circuit Court of Mobile County, Alabama, is without jurisdiction of said suit and the said cause of action and that the venue thereof is improperly laid in Mobile County, Alabama, and any suit based on the matters herein complained of, if brought in Alabama at all, should be filed and prosecuted in Baldwin County, Alabama where the said Patricia Ann Childress has at all times and does now reside; and defendant prays that said action and said suit be abated by this court.

Patricia Ann Childress
Patricia Ann Childress, Defendant

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY Richard W. Vollmer, Jr.
Richard W. Vollmer, Jr.
Attorney for Defendant

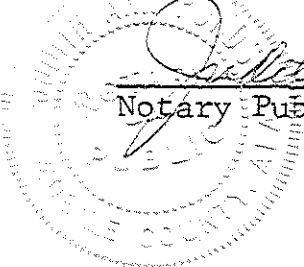
STATE OF ALABAMA
COUNTY OF MOBILE

Before me, Judith Ann Ponds, a Notary Public in and for said County in said State, personally appeared Patricia Ann Childress, who by me being first duly sworn on oath, deposes and says, that she is the defendant in the above styled case and that she has read the foregoing plea in abatement and that the matters and facts stated in said plea in abatement are true and correct.

Patricia Ann Childress
Patricia Ann Childress

Subscribed and sworn to before me this 24 day of November, 1964.

Judith Ann Ponds
Notary Public, Mobile County, Alabama



Filed November 24, 1964
John E. McIndenett, Clerk

FRIDAY, APRIL 30, 1965

SAM BRUMFIELD	)	PLEA IN ABATEMENT SUSTAINED,
	)	AND CASE ORDERED TRANSFERRED
CAFFEY -vs- 13671	)	TO CIRCUIT COURT OF BALDWIN
	)	COUNTY, ALABAMA, AS PROVIDED
	)	BY TITLE 7, SEC. 64-(1)
PATRICIA ANN CHILDRESS)	

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed November 24, 1964, in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed November 24, 1964, in this cause be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama, as provided by Title 7, Sec. 64-(1).

Minute Book 31

Page 783

4-30-65

C. C. LAW 34-5M-1-65

Baldwin County

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 13671 Sam Brumfield vs. Patricia Ann Childress Plaintiff Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957 Appvd. Sept. 20, 1957) (Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955) (Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less \$ 6.00			Serving Summons & Complaint mileage \$5.60 \$ 1.50	7.10	
Suits for over \$100 but less than \$1,000 10.00			Serving Writ of Garnishment 1.50		
Suits for \$1,000 and over 20.00	20.00		Serving Sci Fa.-Notices 1.50		
Suits in detinue, ejectment, etc. 10.00			Levying Attachment & Return 6.25		
Suits not otherwise provided 10.00			Executing Writ Possession 5.00		
Writs, Mandamus, Prohibition, etc. 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Court General Sessions 15.00			Serving subpoenas, each .75		
Appeals from Probate Court 20.00			Impanelling Jury .75		
Appeals from JP Courts 6.00			Taking & Approving Bond 2.00		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Collecting Costs Execution 1.50		
Workmen's Compensation Settle. 10.00			Serving Contempt Writ 1.50		
Garnishment on Judgment 6.00			Making Deed for Property sold 2.50		
Order of Sale, Motions to sell. 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Recording executions from State Agencies 3.00					
Cert. Copy of Record - per 100 words .15	80		Total \$	7.10	
Taking Appeal Bond .75					
Record for Supreme Court etc., per 100 words .15			RECAPITULATION		
Add'l Copies of Record for Supreme Court, per 100 words .05			Clerk 20.80		
Checking - including Reporters Transcript of Evidence 10.00			Sheriff Taylor Wilkins - \$7.10 Baldwin County 7.10		
Certifying Abstract in lieu of Transcript on Appeal 5.00			Inferior Civil Court		
Collecting Money on Judgments over 30 days old, 1/2 the percentage allowed Sheriffs \$			Justice Peace fees		
			Witness fees		
			Commissioner's fees		
			Certificate of Judgment		
			Judgment		
			10% Damages		
			Interest		
			Stenographer's fees (\$10.00 Day)		
			Library fee 1.50	1.50	
			Trial Tax (County) 1.50	1.50	
			Trial Tax (State) 1.50	1.50	
			Advertisement		
			Garnishee's fees		
Total \$	20.80				

I respectfully beg to advise that if this bill for costs is not paid before 19____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk

32.40

SAM BRUMFIELD,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
versus	)	LAW SIDE
)	
PATRICIA ANN CHILDRESS,)	
)	
Defendant.	)	CASE NO. 6497

MOTION TO REINSTATE

Comes the plaintiff in the above entitled cause and moves the Court: (1) to set aside the order entered in this cause on the 28th day of October, 1965, dismissing this cause for want of prosecution; and, (2) to reinstate this cause, and as grounds therefor shows:

1. That heretofore on, to-wit, October 28, 1965, the judgment by default was rendered in the above styled cause.

2. This cause was filed on August 25, 1964, in the Circuit Court of Mobile County, Alabama.

3. This cause was transferred from the Circuit Court of Mobile County, Alabama, to the Circuit Court of Baldwin County, Alabama, by order of the Circuit Court of Mobile County, Alabama, on April 30, 1965.

4. Subsequent to the transferring of this cause to the Circuit Court of Baldwin County, Alabama, the Honorable John Chason appeared on behalf of defendant herein and filed demurrers to the complaint.

5. Plaintiff is now informed that the demurrer to the complaint was set down for argument on October 28, 1965, pursuant to a rule of this Court.

6. Plaintiff's counsel, Willis C. Darby, Jr., a resident of Mobile County, Alabama, received no personal notice that the

demurrer had been set down for argument on October 28, 1965, and was not aware of any rule or custom of this Honorable Court setting demurrers on a particular day of the month without notice to counsel.

7. Counsel for plaintiff was therefore not present in Court when the Court held its motion docket on October 28, 1965.

8. The first time that plaintiff or plaintiff's counsel, Willis C. Darby, Jr., was advised or had any knowledge that this cause had been set on demurrer on October 28, 1965, and that judgment had been rendered herein against plaintiff was after said judgment had been rendered and after plaintiff's attorney received a cost bill from the Clerk of this Honorable Court.

9. Plaintiff desires to prosecute his cause and is of the opinion that the demurrer is not well taken but if the demurrer is well taken, the plaintiff desires to cure any defect raised by demurrer by amendment of his complaint.

10. Plaintiff was prevented from prosecuting this cause on October 28, 1965, by surprise, accident or mistake without fault on his part.

11. Plaintiff verily believes that he has a good and meritorious action against the defendant.

12. On November 22, 1965, plaintiff retained James R. Owen of the Baldwin County Bar as co-counsel in the above entitled matter.

WHEREFORE, the premises considered plaintiff respectfully prays that this Honorable Court will set aside the order of

dismissal of this cause and restore this cause to the docket to the end that the plaintiff may proceed with the prosecution of his cause.

DATED this 22nd day of November, 1965.

KILBORN, DARBY and KILBORN

BY Willis C. Darby, Jr.
P. O. Box 1273
Mobile, Alabama 36601

JAMES R. OWEN
110 Court House Square
Bay Minette, Alabama

ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA)
)
COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared Willis C. Darby, Jr., who being first duly sworn, deposes and says that he is duly licensed to practice law in the State of Alabama, that he is the attorney for Sam Brumfield, the plaintiff in the above entitled matter, that he has read the foregoing motion and swears that the matters contained therein are true and correct.

Willis C. Darby, Jr.
WILLIS C. DARBY, JR.

Subscribed and sworn to
before me this 22nd day of
November, 1965.

Theadora Fernandez
Notary Public, State of Alabama at Large

S E R V I C E

This is to certify that on the 23 day of November, 1965,

FILED
NOV 23 1965
ALICE J. DUCK, CLERK
REGISTER

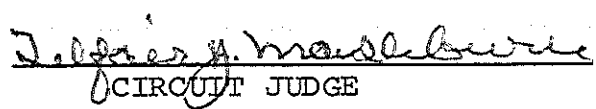
the foregoing motion was mailed, postage prepaid, to the office address of John Chason, Esquire, at P. O. Box 120, Bay Minette, Alabama.


JAMES R. OWEN

O R D E R

The foregoing motion having been presented to me, it is

ORDERED, ADJUDGED and DECREED by the Court that the foregoing motion is ordered filed and the foregoing motion be and the same hereby is set down for hearing before me on the 24 day of Nov, 1965, at 9 a.m., the Court reserving and retaining jurisdiction of this cause pending such hearing.


CIRCUIT JUDGE

FILED
NOV 23 1965
ALICE J. DUCK, CLERK
REGISTER

SAM BRUMFIELD,

Plaintiff,

VS.

PATRICIA ANN CHILDRESS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6497

ORDER REINSTATING CAUSE

This cause coming on to be heard is submitted on the motion to reinstate heretofore filed by the plaintiff on November 23, 1965, and the court having understood the same and being of the opinion that the said cause should be reinstated:

It is, therefore, ORDERED by the court that the said cause be and it hereby is reinstated and the said cause is ordered restored to the docket of Baldwin County, Alabama, at Law.

ORDERED on this 24th day of November, 1965.

Dezair J. Mascher
Judge

FILED
NOV 29 1965
CLERK
REGISTER

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 6497

COUNT 2

The plaintiff claims of the defendant the sum of TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS as damages for that heretofore on, to-wit, August 30, 1963, plaintiff's minor son, Virgile J. Brumfield, was operating an automobile, which was the property of plaintiff, on a public street in the County of Baldwin, State of Alabama, known as County Road No. 65, about three and seven tenths (3.7) miles north of Robertsedale, Alabama, where plaintiff's minor son had a right to be, and the defendant so negligently operated a motor vehicle then and there, as to cause the motor vehicle operated by defendant to collide with the automobile of the plaintiff which automobile was being operated by plaintiff's minor son at the said time and place, and as a proximate result and consequence of the defendant's negligence, plaintiff's said automobile was damaged as follows: The front grill and front bumper was bent and broken; both the right and front fender and front head lights were bent and broken, all of which rendered the said automobile useless to plaintiff for approximately two weeks until it could be repaired and he was forced thereby to rent a substitute automobile for all of which plaintiff claims damages as aforesaid.

KILBORN, DARBY and KILBORN and
JAMES R. OWEN,
Attorneys for Plaintiff,

By 

Plaintiff respectfully demands a trial by jury of said cause.

KILBORN, DARBY and KILBORN and
JAMES R. OWEN,
Attorneys for Plaintiff,

By 

FILED
FEB 22 1966
ALICE A. DICK, CLERK
REGISTER

SAM BRUMFIELD,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
PATRICIA ANN CHILDRESS,	X	AT LAW NO. 6497
Defendant.	X	

PLEAS

Comes the Defendant in the above styled cause and for plea to the amended complaint filed in said cause and each and every count thereof, separately and severally, says:

1. Not guilty.

2. That at the time and place complained of in the amended complaint the Plaintiff himself, acting by and through his agent, servant or employee, Virgile J. Brumfield, who was then and there acting within the line scope of his authority as such agent, servant or employee of the Plaintiff, negligently drove an automobile into or against the motor vehicle which was being driven by the Defendant and that such negligence was the proximate cause of the injuries and damages to the Plaintiff, hence the Plaintiff cannot recover in this action.

FILED

MAR 3 1966

ALICE L. DICK, CLERK
RECEIVED


Attorneys for Defendant

6497

SAM BRUMFIELD,

Plaintiff,

vs.

PATRICIA ANN CHILDRESS

Defendant.

PLEAS

FILED

MAR 2 1966

ALICE L. BARN, CLERK
REGISTER