

CASE NO. 13670

JURY

ANN CHILDRESS
PATRICIA ANNE-CHILDRÉE

(31-783)

1957
JAY
4

THE NEW YORK PUBLIC LIBRARY

John E. Newberry, Clerk.

VIRGILE J. BRUMFIELD, a minor,
by and through his next friend,
SAM BRUMFIELD,

Plaintiff

versus

PATRICIA ANNE CHILDPREE

Defendant

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)
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)
)

IN THE CIRCUIT COURT
OF MOBILE COUNTY,
ALABAMA

CASE NO. 13670

COUNT 1.

Plaintiff claims of the Defendant the sum of TEN

THOUSAND AND NO/100ths (\$10,000.00) DOLLARS as damages for

that on, to-wit: August 30, 1963, Plaintiff 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 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 the Defendant to collide

with the automobile which Plaintiff was operating and as a

proximate result and consequence of Defendant's said negli-

gence, Plaintiff 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, for

all of which Plaintiff claims damages as aforesaid.

Plaintiff respectfully demands a trial by jury.

KILBORN, DARBY and KILBORN

Defendant may be served:

Route 1,

Loxley, Alabama

Filed August 25, 1964

John E. Marshall, Clerk

825

WILLIS C. DARBY, JR.

BY

Wm. C. Darby
WILLIS C. DARBY, JR.

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

VIRGILE J. BRUMFIELD, a minor, by and through his next friend,
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

By _____ D.S.

Mail No. 13670
JUDGE Taylor DOCKET
CIVIL DIVISION
CIRCUIT COURT
MOBILE COUNTY

VIRGILE J. BRUMFIELD, a minor,
by and through his next friend,
SAM BRUMFIELD

VS. } Complaint and Summons

PATRICIA ANNE CHILDREE

Issued 25th day of August, 19 64

Defendant's Address

Route 1, Loxley, Alabama

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

21
28
Sept 1964
Patricia Anne Childree
y service on
TAYLOR WILKINS, Sheriff
By Darby D. 3
3
day of Sept 4
of found in my county after diligent search and in
try.
Taylor Wilkins, Sheriff
By Darby Deputy Sheriff

RECEIVED
AUG 26 1964
SHERIFF'S OFFICE

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

VIRGILE J. BRUMFIELD, a	)	IN THE CIRCUIT COURT OF
minor, by and through his)	
next friend, SAM BRUMFIELD,	)	MOBILE COUNTY, ALABAMA
)	
Plaintiff,	)	AT LAW
)	
versus)	
)	
PATRICIA ANNE CHILDREE,)	
)	
Defendant	)	CASE NO. 13670-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:

VIRGILE J. BRUMFIELD, a	)	IN THE CIRCUIT COURT OF
minor, by and through his)	
next friend, SAM BRUMFIELD,	)	MOBILE COUNTY, ALABAMA
)	
Plaintiff,	)	AT LAW
)	
versus)	
)	
PATRICIA ANN CHILDRESS,)	
)	
Defendant	)	CASE NO. 13670-T

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

KILBORN, DARBY and KILBORN
BY William C. Darby
Attorney for Plaintiff
P. O. Box 1273
Mobile, Alabama

Defendant may be served at:

Rosinton, Alabama

Filed November 5, 1964
John E. W. Wendell, Clerk

VIRGILE J. BRUMFIELD, a minor,
by and through his next friend,
SAM BRUMFIELD,

Plaintiff

versus

PATRICIA ANNE CHILDREE

Defendant

) IN THE CIRCUIT COURT
)
) OF MOBILE COUNTY,
)

) ALABAMA
)

) CASE NO. 1367A
)

COUNT 1.

Plaintiff claims of the Defendant the sum of TEN THOUSAND AND NO/100ths (\$10,000.00) DOLLARS as damages for that on, to-wit; August 30, 1963, Plaintiff 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 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 the Defendant to collide with the automobile which Plaintiff was operating and as a proximate result and consequence of Defendant's said negligence, Plaintiff 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, for all of which Plaintiff claims damages as aforesaid.

Plaintiff respectfully demands a trial by jury.

KILBORN, DARBY and KILBORN

Defendant may be served:

Route 1,
Loxley, Alabama

BY

Willis C. Darby, Jr.

Filed August 25, 1964
Willis C. Darby, Jr.

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 _____

VIRGILE J. BRUMFIELD, a minor by and through his next friend,
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

Receecived _____ 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.

mal

JUDGE _____
CIR _____

CIRCUIT COURT
MOBILE COUNTY

VS. } **AMENDED**
Complaint and Summons

Issued 5th day of November, 1964

Rosinton, Alabama

WILLIS C. DARBY
Plaintiff's Attorney

Ten Cents per mile Total \$
TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

NOV 01 1964

SHERIFF'S OFFICE

THE STATE OF ALABAMA

MOBILE COUNTY

CIRCUIT COURT

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

PATRICIA ANNE CHILDBEE

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

VIRGILE J. BRUMFIELD, a minor, by and through his next friend,
SAM BRUMFIELD

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

Attest:

Clerk

SHERIFF'S RETURN

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

RAY D. BRIDGES, SHERIFF

By _____ D.S.

No. 13670

JUDGE _____ DOCKET _____

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

VIRGILE J. BRUMFIELD, a minor,
by and through his next friend,
SAM BRUMFIELD

VS. }

Complaint and Summons

PATRICIA ANNE CHILDREE

Issued 25th day of August, 19 64

Defendant's Address

Route 1, Loxley, Alabama

KILBORN, DARBY & KILBORN

BY: Willis C. Darby, Jr.

Plaintiff's Attorney

Copy

3. PLEA IN ABATEMENT

VIRGILE J. BRUMFIELD, a
minor, by and through his
next friend, SAM BRUMFIELD,)
Plaintiff,)
ALABAMA)
AT LAW)
VS)
PATRICIA ANN CHILDRESS,)
Defendant.)
CASE NO. 13,670-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

by the plaintiff 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 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

lawsuit 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

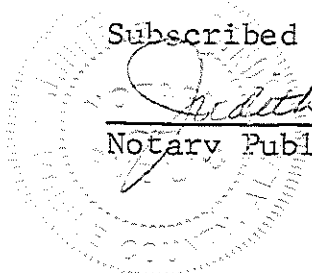
STATE OF ALABAMA
COUNTY OF MOBILE

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. T. McDaniel, Clerk

FRIDAY, APRIL 30, 1965

VIRGILE J. BRUMFIELD, a minor,	)	PLEA IN ABATEMENT SUSTAINED,
by and through his next friend,	)	AND CASE ORDERED TRANSFERRED
Sam Brumfield	)	TO CIRCUIT COURT OF BALDWIN
	)	COUNTY, ALABAMA, AS PROVIDED
	)	BY TITLE 7, SEC. 64-(1)
CAFFEY -vs- 13670)	
)	
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

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4-30-65

Baldwin County

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 13670 *Virgie J. Brumfield, a minor, etc.* Plaintiff vs. *Patricia Ann Childress* Defendant

BILL OF COST

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

SHERIFF'S FEES

Suits for \$100 or less \$ 6.00

Suits for over \$100 but less than \$1,000 10.00

Suits for \$1,000 and over 20.00

Suits in detinue, ejectment, etc. 10.00

Suits not otherwise provided 10.00

Writs, Mandamus, Prohibition, etc. 15.00

Appeals from Court General Sessions 15.00

Appeals from Probate Court 20.00

Appeals from State Dept of Pub. Safety, and other State Agencies 10.00

Workmen's Compensation Settle. 10.00

Garnishment on Judgment 6.00

Order of Sale, Motions to sell. 6.00

Recording executions from State Agencies 3.00

Cert. Copy of Record - per 100 words .15

Taking Appeal Bond .75

Record for Supreme Court etc., per 100 words .15

Add Copies of Record for Supreme Court, per 100 words .05

Checking - including Reporters Transcript of Evidence 10.00

Certifying Abstract in lieu of Transcript on Appeal 5.00

Collecting Money on Judgments over 30 days old, 1/2 the percentage allowed Sheriffs \$

Total \$ 20.80

Clerk \$

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

RECAPITULATION

Clerk 20.80

Sheriff *James J. Williams - #710 Baldwin County*

Inferior Civil Court

Justice Peace fees

Witness fees

Commissioner's fees

Certificate of Judgment

Judgment

10% Damages

Interest

Stenographer's fees (\$10.00 Day)

Library fee

Trial Tax (County) 1.50

Trial Tax (State) 1.50

Advertisement 1.50

Garnishee's fees

Pliff.

7.10

1.50

1.50

2.00

1.50

1.50

2.50

Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$

\$

Total 7.10

\$

\$

20.80

7.10

1.50

1.50

1.50

1.50

1.50

1.50

1.50

1.50

1.50

32.40

VIRGILE J. BRUMFIELD, a minor, X
by and through his next friend, X
SAM BRUMFIELD, X

Plaintiff, X

vs. X

PATRICIA ANN CHILDRESS, X

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

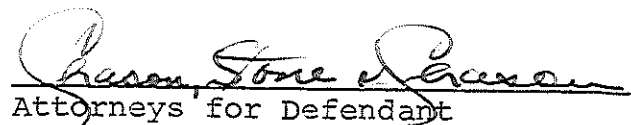
LAW SIDE

NO. 6498

PLEA

Comes the Defendant in the above styled cause and for plea to the Complaint filed in said cause, separately and severally, and says:

1. Not Guilty.
2. That at the time and place complained of in the Complaint, the Plaintiff himself was guilty of negligence which was the proximate cause of his injuries and damages, hence he cannot recover in this suit.


Attorneys for Defendant

Filed
5-18-65

4498

VIRGILE J. BRUMFIELD, a minor,
by and through his next friend,
SAM BRUMFIELD,

Plaintiff,

vs.

PATRICIA ANN CHILDRESS,
Defendant.

PLEA

MADE 1.0000
JAN 1 1968
JAN 1 1968