

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon S. B. Adams Lumber Company, a corporation, Mrs. S. B. Adams, individually, and d/b/a S. B. Adams Lumber Company, a corporation, Mrs. S. B. Adams and John Doe, whose true names are unknown to the Plaintiff, but will be disclosed by amendment when ascertained, a Partnership d/b/a S. B. Adams Lumber Company, a corporation, and Flinard R. Cole, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Gulie Cumbie.

WITNESS my hand this 17 day of June, 1965.

Alice J. Luck
Clerk

GULIE CUMBIE, X
Plaintiff, X
Vs. X
S. B. ADAMS LUMBER COMPANY, X
a corporation; X
MRS. S. B. ADAMS, individually, X
d/b/a S. B. ADAMS LUMBER COM- X
PANY, a corporation; X
MRS. S. B. ADAMS and JOHN DOE, X
whose true names are unknown X
to the Plaintiff but will be X
disclosed by amendment when X
ascertained, a Partnership X
d/b/a S. B. ADAMS LUMBER COM- X
PANY, a corporation; and X
FLINARD R. COLE, X
Defendant. X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

65-56

1.

Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$150.00) as damages for that heretofore on, to-wit, the 20th day of June, 1964, the Defendant acting by and through their agent, servant or employee, who was then and there acting within the line and scope of his employment, at a point in the Alabama River known as Lower Dead

River in Baldwin County Alabama, so negligently operated the Defendant's boat so as to negligently run into fishing nets owned by the Plaintiff, causing them to be torn and broken, all to the loss of the Plaintiff in the aforesaid amount.

2.

Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTY AND 00/100 DOLLARS (\$150.00) as damages for that heretofore on, to-wit, the 20th day of June, 1964, the Defendant acting by and through their agent, servant or employee, Flinard R. Cole, who was then and there acting within the line and scope of his employment, at a point in the Alabama River known as Lower Dead River in Baldwin County Alabama, so negligently operated the Defendant's boat so as to negligently run into fishing nets owned by the Plaintiff, causing them to be torn and broken, all to the loss of the Plaintiff in the aforesaid amount.

WILTERS & BRANTLEY

BY:

Robert M. Brantley
Attorney for the Plaintiff

Defendant S. B. Adams Lumber Company, a corporation, may be served at 3-Mile Creek, Mobile, Alabama.

Defendant Flindard R. Cole, may be served at Eliska, Urish, Alabama

FILED

JUN 17 1965

ANCE J. DUCK, CLERK
REGISTER

2/9/65

2892-93
CASE NO. 6556

50mclw

GULIE CUMBIE,

Plaintiff

vs:

S.B. ADAMS LUMBER CO., A CORP.

ET AL,

DEFENDANTS

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

JUN 23 1965

BY

CLERK
REGISTER

WILTERS & BRANLEY, ATTYS.

Executed this 17th day of July 1965
by signing a copy the within on Thudard
Dale
Charlie Argmore on

GULIE CUMBIE,	X	
Plaintiff,	X	
	X	
vs.	X	
S. B. ADAMS LUMBER COMPANY,	X	IN THE CIRCUIT COURT OF
a corporation;		
MRS. S. B. ADAMS, individually,	X	BALDWIN COUNTY, ALABAMA
d/b/a S. B. ADAMS LUMBER COM-		
PANY, a corporation;	X	AT LAW
MRS. S. B. ADAMS and JOHN DOE,		
whose true names are unknown	X	
to the Plaintiff but will be		
disclosed by amendment when	X	
ascertained, a Partnership		
d/b/a S. B. ADAMS LUMBER COM-	X	
PANY, a corporation; and		
FLINARD R. COLE,	X	
Defendant.	X	

Come the Defendants in the above styled cause and demur to the Complaint filed in said cause, and each count thereof, separately and severally, and assign the following separate and several grounds:

1. That said Complaint does not state a cause of action.
2. That the place where the accident occurred is not sufficiently set out in either count of the Complaint.
3. That count one of the Complaint fails to state which Defendant was negligent.
4. For aught that appears from each count of the Complaint the Plaintiff did not have the right to place his fishing nets in a navigable stream.
5. For aught that appears from either count of the Complaint the Plaintiff was a trespasser.
6. That said Complaint attempts to set out the quo modo of the Defendant's negligence without setting out sufficient facts to constitute negligence as a matter of law.

7. That said Complaint is vague and indefinite as to who owned the boat and as to who was negligent.

8. That said Complaint seeks to join more than one Defendant without showing any concurring negligence on the part of the different Defendants.

Chas. Stone & Chas.
Attorneys for Defendants

FILED
APR 1 1964
FBI - NEW YORK