

GOOGL

December 20, 1965

Walter H. Bland  
Circuit Clerk  
Salado County Court House  
Murfreesboro, Tennessee

Mrs. Aline J. Dink, Circuit Clerk  
Salado County Court House  
Murfreesboro, Tennessee

Re: Gary Wilson Smith, a minor, vs. Mrs. J. C. Smith  
wherein his father is next friend, William C. Smith

Charles Herbert Kippenhock

Dear Mrs. Dink:

As provided by Act No. 76, Acts of Alabama, 1961, I am enclosing the following papers in the above styled case:

- |             |   |
|-------------|---|
| No. 1 & 1 A | Complaint and Summons                   |
| No. 2       | Child's Return on Complaint and Summons |
| No. 3       | Plan in Abatement                       |
| No. 4       | Certified copy of Docket Sheet          |
| No. 5       | Cost Bill                               |
| No. 6       | Notice of Transfer                      |

Will you please acknowledge receipt of the above papers on the bottom of this letter and return to me in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation.

Yours very truly,

W. H. Bland, Clerk

All papers in this cause received in the Circuit Court of Salado County, Alabama, on December 20, 1965.

W. H. Bland, Clerk  
Circuit Court of Salado County, Alabama

## COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS  
COURTROOM "B" FIRST FLOORThe State of Alabama, }  
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon Charles Herbert Kilpatrick

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 15 day of November, 19 65 at the hour of 9:30 A.M., then and there to answer a complaint of Gary Milton Havel, a minor, who sues by and through his father and next friend,  
Milton V. Havel  
of a debt or other demand not exceeding Five Hundred Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this 14 day of October, 19 65G. V. Adams  
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

# COMPLAINT AND SUMMONS

Atty. for Plaintiff: Cunningham & Bounds

Atty. for Defendant:

## THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

No. 11097

Ret.

November 15, 1965

Gary Milton Havel, a minor, who sues by  
and through his father and next friend,

VS. Milton V. Havel

Charles Herbert Kilpatrick

21 N. Navy Blvd.

Pensacola, Florida

Continued To

(SERVE THROUGH SECRETARY OF STATE)

Sheriff's return  
Executed by Service on

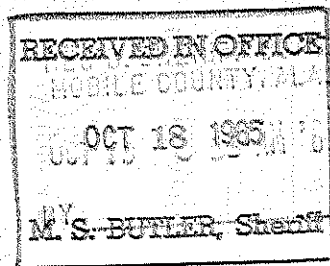
Defendant

This \_\_\_\_\_ day \_\_\_\_\_, 19\_\_\_\_

Sheriff of Mobile County

Deputy Sheriff

By \_\_\_\_\_



Executed by serving 3 copies of  
the within on Agnor Buggatt

Secretary of State of The State of  
Alabama.

This the 18 day of Oct 1965

Sheriff of Montgomery County

M. S. Butler,

By J. L. Romo

The Sheriff claims 2  
miles at 10c per mile for a total  
of \$ .20

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

RECD SHERIFF DEPT.  
MOBILE COUNTY, ALA.  
OCT 18 1965

# COST BILL

THE STATE OF ALABAMA }  
MOBILE COUNTY }

The Court of General Sessions  
of Mobile County

*Darryl Milton Hamel, a minor, who sues  
by & through his father & next friend*

Plaintiff

CASE NO. 44097

Defendant

*Charles Herbert Kilpatrick*

## COURT FEES

Summons and proceedings thereon to judgment .....	\$1.00	1.00
Docketing each cause .....	.10	.10
Attachment Bond and Affidavit .....	1.50	
Issuing each Attachment .....	.50	
Summoning Garnishee and taking examination .....	.75	
Subpoena for each witness .....	.15	
Execution and taxing costs thereon .....	.50	
Each appeal or certiorari, including bond and certificate of proceedings .....	1.00	
Every necessary Certificate or Notice not otherwise provided for .....	.25	.25
For issuing each Writ of Detinue .....	.50	
For each Scire Facias, or notice in the nature thereof .....	.50	
Every other Bond .....	.50	
Administering an oath and certifying the same .....	.25	
Issuing Notice of Appeal .....	.25	
Law Library Fee .....	1.00	1.00
Judgment Ni Si against Garnishee .....	.50	
Writ of Discovery .....	.50	
Writ of Contempt .....	.50	
Writ of Arrest .....	.50	
Alias Summons .....	1.00	
Witness Fee fifty cents for each day's attendance .....		
.....		
.....		
.....		
.....		
.....		
.....		
TOTAL .....	\$	2.35

## SHERIFF'S FEES

Levying Attachment .....	6.00	
Entering and returning same .....	.25	
Summoning Garnishee and making return .....	1.50	
Serving Summons and other mesne process, and returning the same .....	1.50	1.50
Summoning each Witness and returning Subpoena .....	.75	
Collecting execution for costs only .....	1.50	
Serving Scire Facias or other like notice .....	1.50	
Serving any summons not herein provided for, and making return .....	1.50	
Seizing personal property under Writ of Detinue .....	6.00	
Taking care of such property, such just compensation as Court may fix .....		
Taking and approving bonds of every kind .....	2.00	
When property is sold under execution or attachment .....		
Commission: .....	5%	
When sale is stayed by restraining order .....	2 1/2%	
Total .....	\$	1.50
GRAND TOTAL .....	\$	3.85

I respectfully call your attention to the above Court Cost Bill which if not paid by \_\_\_\_\_  
19\_\_\_\_\_, it will be my unpleasant duty to issue execution on your property for the recovery of the same.

G. V. ADAMS, Clerk.

GARY MILTON HAVEL, a minor,  
who sues by and through his  
father and next friend,  
MILTON V. HAVEL,

Plaintiff,

vs.

CHARLES HERBERT KILPATRICK,

Defendant.

X

X

X

IN THE CIRCUIT COURT OF

X

BALDWIN COUNTY, ALABAMA

X

LAW SIDE

X

X

X

DEMURRER

Comes the Defendant in the above styled cause and demurs  
to Count One of the complaint filed in said cause and assigns the  
following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not state in what manner  
the automobile was bent, broken and damaged.
3. That said complaint is vague and indefinite as to  
the damage of Plaintiff's automobile.
4. That said complaint does not state the length of  
time that the Plaintiff lost the use of his motor vehicle.
5. That said complaint does not allege that the Plain-  
tiff was using such automobile for any business purposes.

*Harry Stone & Chason*  
Attorneys for Defendant

Defendant demands trial of  
this cause by jury.

*Harry Stone & Chason*

FILED

DEC 29 1965

MADE 1 JACK CLERK

I, John Chason, as one of the attorneys for the Defen-

dant in the above styled cause, do hereby certify that I have this day mailed a copy of the foregoing demurrer to Messrs. Cunningham, Bounds and Byrd by United States mail, postage prepaid, to their post office address, at 1350 Dauphin Street, Mobile, Alabama, on this the 29<sup>th</sup> day of December, 1965.

John S. Grier

FILED

DEC 29 1965

ALICE J. DUCK, CLERK,  
REGISTER

6799

GARY MILTON HAVEL, a minor, who  
sues by and through his father  
and next friend, MILTON V. HAVEL,

Plaintiff,

vs.

CHARLES HERBERT KILPATRICK,

Defendant.

\* \* \* \* \*

DEMURRER

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED

DEC 17 1965

WILLIAM J. DILL  
CLERK  
FREDERICK



GARY MILTON HAVEL, a Minor,	)	IN THE COURT OF
who sues by and through	)	GENERAL SESSIONS OF
his father and next friend,	)	MOBILE COUNTY, ALABAMA
MILTON V. HAVEL,	)	
Plaintiff	)	
VS	)	
CHARLES HERBERT KILPATRICK,	)	
Defendant	)	CASE NO. 44,097

PLEA IN ABATEMENT

Comes now Charles Herbert Kilpatrick, appearing specially and solely for the purpose of presenting the following matter in abatement and for no other reason and not submitting to the jurisdiction of this court alleges:

On, to-wit, the 14th day of October, 1965, the plaintiff in the above styled cause did cause a summons to be issued addressed to the defendant, Charles Herbert Kilpatrick, service of the summons and complaint to be perfected upon the defendant through the Secretary of State, State of Alabama, the afore-said summons being issued by the Clerk of the Court of General Sessions of Mobile County, Alabama. The defendant respectfully avers that at the time referred to in the plaintiff's complaint, i.e. to-wit, March 19, 1965 the defendant was a resident of Pensacola, Florida, his address in said City in said State being 21 North Navy Boulevard. The defendant further respectfully avers that, as shown in the plaintiff's complaint the automobile collision referred to in said complaint allegedly occurred in Baldwin County, Alabama.

The defendant respectfully avers that since the time of the alleged automobile collision as referred to in the plaintiff's complaint he has continued to reside in Pensacola, Florida. The defendant respectfully avers that service of

6/8

process was not properly effected upon him in accordance with Title 7, Section 201 of the Code of Alabama, Recompiled, 1958 and that the plaintiff failed to file with the Clerk of the Court of General Sessions of Mobile County, Alabama an affidavit as is required by the above quoted statute.

Wherefore, Charles Herbert Kilpatrick, prays this court will order the summons and attempted service above described abated and held for naught.


PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

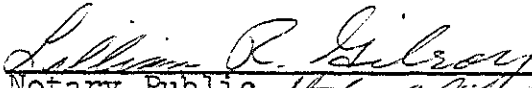
STATE OF ALABAMA  
COUNTY OF MOBILE

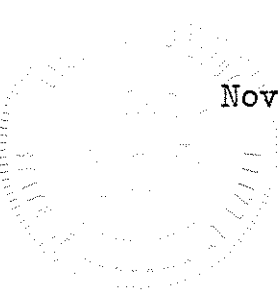
BY: 

Attorney for Defendant

The said Fred W. Killion, Jr., attorney for the aforesaid Charles Herbert Kilpatrick, being first duly sworn, says that he is the attorney for the defendant in the above styled action, that he has read the foregoing Plea and the facts alleged therein are true.

  
Subscribed and sworn to before me on this 5<sup>th</sup> day of  
November, 1965.

  
Notary Public *State of Alabama at Large*

  
I, Fred W. Killion, Jr., hereby certify that I have on this 5<sup>th</sup> day of November, 1965 mailed a copy of the foregoing Plea in Abatement to Mr. Richard Bounds, Attorney of Record for the Plaintiff, P. O. Box 4486, Mobile, Alabama.



THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

CASE NO. 44097

GARY MILTON HAVEL, a minor, who sues by  
and through his father and next friend,  
Milton V. Havel

PLAINTIFF

VS

CHARLES HERBERT KILPATRICK

DEFENDANT

AMOUNT OF CLAIM \$500.00

) Filed:

October 11, 1965

) Summons Issued:

October 14, 1965

) Returnable:

November 15, 1965

) Service Had:

Secretary of State 10/18/65

) Cause of Action: Complaint and Summons

) Attorney for Plaintiff: Cunningham & Bounds

) Attorney for Defendant: Fred Killion

Plea In Abatement Filed 11/8/65.

12/13/65 Plea Granted .

12/13/65 Transfer to Baldwin County, Circuit Court. Warren L. Finch.

I hereby certify that the foregoing is a true and correct copy of the above styled cause, as it appears on record and in the files of The Court of General Sessions of Mobile County, Alabama.

Witness my hand this the 20th day of December, 1965.

L. T. Adams (for)  
Clerk of the Court of General Sessions of Mobile County, Alabama.

6 -  
**NOTICE of APPEAL**

TRANSFER

STATE OF ALABAMA, }  
MOBILE COUNTY }

Gary Milton Havel, a minor, who sues by  
& through his father & next friend, Milton  
V. Havel. Plaintiff

VS.

Charles Herbert Kilpatrick

Defendant

To Charles Herbert Kilpatrick

in said Cause:

You are hereby notified that Gary Milton Havel, a minor, who sues by and  
through his father and next friend, Milton V. Havel

the defendant plaintiff in the above entitled cause has prayed and ob-  
tained an appeal from the judgment therein rendered by WARREN L. FINCH,  
Judge of the COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having com-  
plied with the requirements of the law in such cases made and provided, the same has been  
granted to the next term of the CIRCUIT COURT of MOBILE COUNTY, to be held for said  
County, you are hereby notified accordingly. BALDWIN COUNTY

Given under my hand this the 20 day of December 19 65.

B. M. Adams  
Clerk, Court of General Sessions of Mobile County, Civil Division

Case No. 44097

Gary Milton Havel, etal

Plaintiff,

VS

Charles Herbert Kilpatrick

Defendant.

NOTICE OF ~~REPEAL~~ Transfer

Returnable To The Circuit Court

of Baldwin County

Issued: December 20, 1965

Serve On: Fred Killion, Attorney  
Van Antwerp Bldg.  
Mobile, Ala.

FILED  
DEC 21 1965  
CLERK  
REGISTER

GARY MILTON HAVEL, a minor, who )  
sues by and through his father  
and next friend, MILTON V. HAVEL,)

Plaintiff. )

-vs-

CHARLES HERBERT KILPATRICK, )

Defendant. )

IN THE COURT OF GENERAL  
SESSIONS OF MOBILE COUNTY,

ALABAMA.

CASE NO. \_\_\_\_\_

COUNT ONE

Plaintiff claims of the Defendant the sum of FIVE HUNDRED (\$500.00) DOLLARS, damages, for that heretofore and on, to-wit, March 19, 1965, the Defendant so negligently operated a motor vehicle on U. S. Highway 90 at a point, to-wit, 1.8 miles West of Spanish Fort, Alabama, said U. S. Highway 90 being a public road in Baldwin County, Alabama, as to cause said motor vehicle to collide with a motor vehicle then and there operated by Plaintiff on said U. S. Highway 90, and as a direct and proximate consequence of the negligence of the Defendant as aforesaid, the Plaintiff's automobile was bent, broken and damaged and he lost the use thereof over a period of time, hence this suit.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY: Richard D. Bounds  
RICHARD BOUNDS

Address of Defendant:

21 North Navy Boulevard  
Pensacola, Florida

(SERVE THROUGH SECRETARY OF STATE)

10/11/65

## COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS  
COURTROOM "B" FIRST FLOORThe State of Alabama, }  
MOBILE COUNTY

TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

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Herein fail not and have you then and there this precept with your doings.

Witness my hand, this 14 day of October, 1965

*M. V. Adams*  
Clerk of the Court of General Sessions of Mobile County.

Cause of Action

# COMPLAINT AND SUMMONS

Atty. for Plaintiff: Cunningham & Bounds

Atty. for Defendant:

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## THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY

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No. 44097

Ret.

November 15, 1965

Gary Milton Havel, a minor, who sues by  
and through his father and next friend,

VS. Milton V. Havel

Charles Herbert Kilpatrick

21 N. Navy Blvd.

Pensacola, Florida

Continued To

(SERVE THROUGH SECRETARY OF STATE)

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Executed by Service on

Defendant

This \_\_\_\_\_ day \_\_\_\_\_, 19\_\_\_\_

Sheriff of Mobile County

By \_\_\_\_\_

Deputy Sheriff

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