

IN THE CIRCUIT COURT OF THE STATE OF ALABAMA, IN AND FOR BALDWIN COUNTY

Annie Dozier Allen,	(
PETITIONER)	
vs.	(ORDER
Hardaway Construction Company, a Corporation,)	
RESPONDENT	• (
THE ONDER I		

This cause coming on to be heard upon the petition of Annie Dozier
Allen on behalf of herself and her two minor children, Dozier Allen and Marion
Elizabeth Allen, and the reply to said petition filed on behalf of Hardaway
Construction Company, a corporation, and it appearing to the Court, and the Court
finding that due notice of this hearing has been given to all parties entitled to
the same, and both parties being present before the Court, represented by their
respective counsel, and the Court having heard the argument of counsel and being
advised of its opinion in the premises:

IT IS THEREFORE ADJUDGED AND DECREED, That the Court has jurisdiction of the subject matter of the petition and of the parties herete; that it is advantageous and advisable that the prayer of the petition be granted; and the Hardaway Construction Company, a corporation, by its insurance carrier, Fidelity & Casualty Company of New York, be, and it is hereby authorized and directed to make a lump sum payment to the said Annie Dozier Allen on behalf of herself and her two minor children to-wit: Dozier Allen and Marion Elizabeth Allen, in the amount of \$5,400.00 calculated on a six percent basis of the present value of all installments due the said petitioner under the applicable provisions of law, which sum when received and accepted by the said Annie Dozier Allen, shall constitute payment in full of all liability and obligations owed to her by the respondent herein.

DONE AND ORDERED, on this the 28 day of August, A. D., 1942.

GIRCUIT JUDGE.

IN THE CIRCUIT COURT OF THE STATE OF ALABAMA, IN AND FOR BALDWIN COUNTY

Annie Dozier Allen,

PETITIONER

VS.

Hardaway Construction Company, a corporation,

RESPONDENT

Now comes Hardaway Construction Company a corporation, and the Fidelity & Casualty Company of New York, its insurance carrier, and for answer to the petition file herein say:

- 1 -

They admit the allegations of paragraph one of said petition.

- 2 -

Answering paragraph two, the respondents admit the allegations thereoff.

- 3 -

For answer to paragraph three of the petition herein, these respondents admit that they recognize their obligation as proved by law to pay to your petitioner in behalf of herself and the minor children of the said Thomas West Allen, the sums of money set forth in the petition, in equal consecutive weekly installments of \$18.00 per week; and these respondents further answering said paragraph say that they are willing to make the payment in one lump sum in accordance with the statutes provided in such cases, should this Court determine for a hearing to be hereafter heard that such lump sum payment should be approved.

- 4 --

Answering paragraph four these respondents say that they are without sufficient information to either admit or deny the allegations thereof, but believe the same to be true.

- 5 -

Answering paragraph five the respondents say that they are without sufficient information to either admit or many the allegations thereof, but believe the same to be true.

Attorneys for the Respondents, Hardaway Construction Company and the Fidelity & Casualty Co. of New York, Its insurance carrier.

IN THE CIRCUIT COURT OF THE STATE OF ALABAMA, IN AND FOR BALDWIN COUNTY

	•		•
Annie Dozier All	en,		
•	PETITIONER)	
vs.		(PETITION
Hardaway Construction Company, a Corporation, RESPONDENT)		
	RESPONDENT	(•
)	

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT, IN AND FOR BALDWIN COUNTY, ALABAMA:

Comes now your petitioner, Annie Dezier Allen, by her undersigned attorneys, and respectfully shows unto the Court as follows:

_ 1 _

That she is a citizen and resident of Santa Rosa County, Florida and is over the age of twenty-one years; that the defendant is a corporation operating in Baldwin County, Alabama.

_ 2 _

That your petitioner is the widow of Thomas West Allen, deceased, who at the time of his death on June 18, 1942, was employed by the respondent on its construction job at Foley, Baldwin County, Alabama; that on the date aforesaid the said Thomas West Allen was accidentally killed while engaged in the usual course of his employment; as a result of which the respondent became indebted to and obligated to pay to your petitioner on behalf of herself and the two minor children born of the marriage between your petitioner and the said Thomas West Allen, deceased, to-wit: Dozier Allen, age fifteen years, and Marion Elizabeth Allen, age 14 years, the sum of \$18.00 per week for a period of three hundred (500) consecutive weeks, making a total of \$5,400.00, pursuant to the requirements of the Workmans' Compensation Act of the State of Alabama.

- 3 -

That the respondent, Hardaway Construction Company, through its insurance carrier, Fidelity & Casualty Company of New York, has recognized the obligation imposed upon it by law as a result of the accidental death of the said Thomas West Allen, deceased, and has agreed to pay to your petitioner on behalf of herself and

lump sum payment by the respondent to your petitioner of all amounts due her under the applicable provisions of law, in the total amount of \$5,400.00, calculated on a six percent basis of the present value of all installments.

CALDWELL & WIGGINTON

By Attorneys for Fetitioner

STATE OF FLORIDA, COUNTY OF SANTA ROSA.

Before the undersigned authority personally appeared ANNIE DOZIER ALLEN, who being first duly sworn upon oath, deposes and says that she is the Petitioner in the above entitled cause; that she has read the above and foregoing Petition and that the matters and things therein set forth are true.

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SWORN TO AND SUBSCRIBED, before me, this the 28 day of August, A. D.,

en E le Go Telen M.P. Leng Con Carp 8-26-45 The State of Alabama, BALDWIN COUNTY

CIRCUIT COURT. (Equity)

aug

_Term, 194

No. vs.

BILL OF COSTS

	BII	LL O	FCOSTS		
REGISTER'S FEES	AM	OUNT	SHERIFF'S FEES:	AM	OUNT
Fees in Circuit Court—		1.0	Summoning on Bill, Each Defendant		1.
Docketing Cause, One fee only of1.00	11		Executing Writ of Injunction, or Ne Exeat, each. 1.50		
Issuing Summons on Bill, each		1	Executing Subpoenas for Witnesses, each	·	ļ
Issuing Copies Thereof, each40			Executing Writs of Possession, each		
Entering Return of Same, each			Executing Scire Pacias or Notice, each		
Orders of Publication to Non-Residents, each1.00*			Taking and Approving Bonds, each		
Filing Bill or Other Paper, each		140	Impaneling Jury75		
Copies of Same, Per 100 Words			Collecting Execution for Costs Only, each1.50		
Entering Appearances, each			Sheriff's Commissions		
Issuing Writs of Injunction, Ne Exeat, each1.50	-	l			
Issuing Copies Thereof, each		1		·	1.1
Entering Return of Same, each]] [Total Sheriff's Fees		
Decrees Pro Confesso, each	İ	.	Total Michies 2008		1
Order Appointing Guardian Ad Litem, each1.00*					
Issuing Commissions to Take Testimony, each 50					
Taking Testimony, Per Day		[.]	SUMMARY OF FEES, COSTS, AND JUDGMENT		-
Taking Testimeny, Per 100 words		i i	Fees in Circuit Court—	. /	1/1
Receiving and Filing Depositions, each pkg.,10			Register's Fees	4	40
Indorsing Depositions Published, each pkg., 10			Ex-Register's Fees	. d	
All Entries on Commission Docket, Each Cause 50		ļ (Sheriff's Fees		
Entering Order Submitting Cases for Decree, each50			Ex-Sheriff's Fees		
Other Orders of Court, each		21	Witness Fees		-
Noting Testimony on Hearing of Cause, each 50			Commissioner's Fees		
Entering Decrees, of 500 Words of Less, each		73 -	Guardian Ad Litem		
Per 100 words over 50015		ľ	Publisher's Fees		
Taking Accounts, etc., on Ref., per Day3.00*			Solicitor's Fees		
Taking Testimony on Reference Relating to			Court Reporter's Fees, Per Day or fraction thereof .5.00		, ,
Trustee, etc., per 100 words			Trial Tax3,00	3	00
Reference and Reports, each2.00*			*/		
Reports of 500 Words or Less					-
Per 100 Words over 500		.		*. 	
Issuing Subpoenas for Witnesses, each		.	Fees and Costs in Inferior Court:		
Issuing Witness Certificates, each	-	i	Clerk of Inferior Court Fees		
All Entries on Subpoena Docket, each Cause50			Sheriff's Fees		
Taking and Approving Bonds, each	*		Witness Fees		
Making Complete Record, per 100 Words	3	9 9	,,.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		maa 1 ingir Maa 1 ingir
Hearing, etc., Regarding Appointment of Receiver or Trustee					
Settlements with Receiver or Trustee, each3.00		.	Total Fees and Costs in Inferior Court	1	
Examining Vouchers in Settlements, each					40
Examining Answers on Exceptions, each Answer 3.00		[]			
Removal Disabilities on Non-Age	·	.			
Commissions on Sales			Total Fees and Costs	-2	
Making Deeds to Property Sold, each2.00			Judgment		s* .
Receiving and Paying Out Money Other Than	.				2 .
That Arising from Sales					
Certificates or Affidavits, with Seal, each50			Total Fees, Costs, and Judgment		
Certificates or Affidavits without Seal, each25					
Issuing Scire Facias or other Notice, each					
Other Orders of Register, except Cont., each50		Ħ			
Entering Certificates of Supreme Court, each50					
Transcript for Supreme Court, per 100 words, each15					
Additional Copies, per 100 words		.			
Appeal Bond, each		H	·		
Certificate of Appeal, each				•	100
Notice of Appeal, each					
Report to State Board of Health, each case			· ·	j	. •
Certificate of Judgment, each					7
Issuing Executions, each					
Entering Returns Thereof, each	1	1, 11.			- '
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Total Register's Fees	60	40			2.36.62

IN THE CIRCUIT COURT FOR THE STATE OF ALABAMA IN AND FOR BALDWIN COUNTY,

NNIE DOZIER ALLEN

Petitioner,

ΥS

HARDAWAY CONTRACTING COMPANY, a corporation, Respondent.

ANSWER OF HARDAWAY CONTRACTING COMPANY AND THE FIDELITY & CASUALTY COMPANY OF NEW YORK.

The State of the