

RICHARD T. HOLDEN,	)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
LEROY RODGERS, JR.,	)	
	)	LAW SIDE.
Defendant.	)	

The Plaintiff claims of the Defendant, the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) for that heretofore, on to-wit, February 11, 1966, the Plaintiff was driving his automobile vehicle on U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point 1.5 miles West of the city limits of Loxley, Alabama, said point also being .5 mile East of Sars Road, at a point where he had a right to be, and at said time and place the Defendant so negligently operated an automobile vehicle so as to cause or allow the same to run into, upon, or against the automobile of the Plaintiff, and as a proximate result of the negligence of the said Defendant, the Plaintiff's automobile was damaged as follows: the front axle, the left front door, left front fender, the left rear panel, the hood, and other parts of Plaintiff's automobile was bent, broken, smashed or otherwise damaged and injured. Plaintiff avers that all of his damages were the proximate result of the negligence of the Defendant, hence this suit.

J. CONNOR OWENS, JR.,

By: Walter S. Ball
Attorney for Plaintiff.

Plaintiff demands a trial of this
cause by Jury.

Walter S. Ball
Attorney for Plaintiff.

FILED
MAY 6 1966
ALICE A. DICK
CLERK
REGISTER

We the jury find
for the plaintiff and
assess damages of
\$300.⁰⁰ (three hundred.)

Edw M. Rhodes
Foreman

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon LEROY RODGERS, JR.

..... FOLEY, ALABAMA

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed

in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

..... LEROY RODGERS, JR.

by RICHARD T. HOLDEN

..... Plaintiff.....

Witness my hand this..... day of MAY 19 66

..... Clerk

Entered
May 10, 1966

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

RICHARD T. HOLDEN

Plaintiffs

v9.

LEROY RODGERS, JR.

Defendants

SUMMONS AND COMPLAINT

Filed MAY 6 1966

..... Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
works Hale Mfg. Co.

Foley Alabama
 RECEIVED
 Received In Office

MAY 6 1966 19

TAYLOR WILKINS
..... SHERIFF, Sheriff

I have executed this summons

this 10th of May 1966
by leaving a copy with

by leaving a copy with

Leroy Rodgers, Jr.

Sherriff claims..... 72
 Due Cash for Traffic Total \$ 720
 : RAYLON VINCE
 Sheriff
 DEPUTY SHERIFF

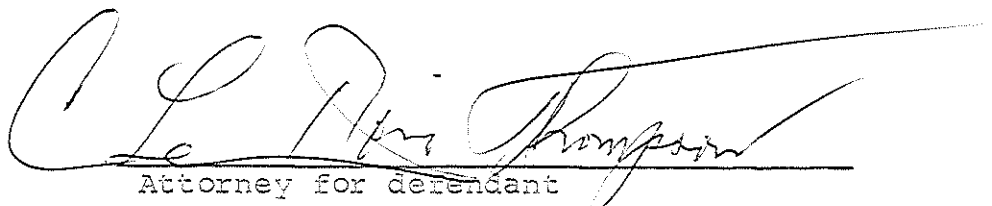
Taylor Wilkins Sheriff
J. M. Eastman Deputy Sheriff
Foley, C. A. -

RICHARD T. HOLDEN
Plaintiff
vs
LEROY RODGERS, JR.
Defendant

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

Comes the defendant in the above styled cause and for demurrer to the complaint filed in said cause and to each count thereof separately and severally, shows unto this Honorable Court as follows:

1. That said complaint does not state a cause of action.
2. That said complaint fails to allege whether said accident occurred in the nighttime or in the daytime.
3. That said complaint fails to allege whether plaintiff was entering or leaving the said highway right-of-way.
4. That said complaint fails to allege the direction in which each of the parties involved in the accident were traveling.


Attorney for defendant

FILED

JUN 1 1966

ALICE J. DICK, CLERK
RECORDED

RICHARD T. HOLDEN
Plaintiff
vs
LEROY RODGERS, JR.
Defendant

X
X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA
X AT LAW NO. 6960
X

Comes the defendant in the above styled cause and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

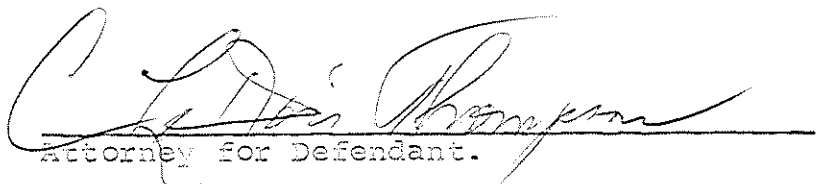
1. The defendant for answer to said complaint saith that he is not guilty of the matters alleged therein.
2. And for further answer to said complaint the defendant says that there has been an accord and satisfaction of the demand upon which this suit is brought in this:

That heretofore, on to-wit, the 6th day of May, 1966, and before the filing of this suit, there was a bona fide dispute between the plaintiff and the defendant as to the amount of the plaintiff's claim; that the defendant prior to the filing of the suit paid to the plaintiff on, to-wit, the 6th day of May, 1966, in cash, the sum of One Hundred Dollars (\$100.00); that the plaintiff accepted said payment of said sum in full satisfaction and discharge of said claim; wherefore the plaintiff ought not to maintain this action.

FILED

MAY 8 1966

MADE L. DIXON, CLERK
REGISTER


Attorney for Defendant.

NO. 6962

Richard Halden

Leroy Rogers

JULY LIST - DECEMBER 12, 1966

1. Allen, Norman W., Farmer, Gateswood
2. Andrews, Herbert E., Farmer, Foley
3. Boros, Anthony J., Farmer, Elberta
4. Cane, H. Gray, Oil Driv. Station, Bay Minette
5. Childress, Guy, Farmer, Robertsdale
6. Chisney, Percy, Farmer, Stockton
7. Clay, Harold, Mechanic, Fairhope
8. Colgin, Ned, Farmer, Summerdale
9. Coker, George, Farmer, Griceboro
10. Coker, Robert P., Merchant, Rosinton
11. Coker, Samuel, Gov. Emp., Gulf Shores
12. Coker, H. L., Salesman, Bay Minette
13. Cipeon, Leon, Fisher, Mechanic, Bay Minette
14. Coker, James R., Laborer, Bay Minette
15. Cranham, Donald R., Farmer, Mag. Spgs.
16. Cushman, William R., Clerk, Robertsdale
17. Dukes, H. L., Gulf Gas Agent, Robertsdale
18. Jenkins, Marvin E., Civil Service, Stapleton
19. Jones, George, Business Operator, Daphne
20. Kane, James, Farmer, Foley
21. Kress, Frank, Farmer, Silverhill
22. Langer, Stanley, Machinist, Robertsdale
23. Langer, Joe, Jr., Farmer, Belforest
24. Langer, John, Farmer, Belforest
25. Moseley, Rufus, Farmer, Stapleton
26. Moseley, Milton J., Farmer, Robertsdale
27. Moseley, J. R., Merchant, Bay Minette
28. Rhodes, Charles R., Farmer, Foley
29. Rhodes, Elbert R., Farmer, Summerdale
30. Rieban, Everett, Brookley, Bay Minette
31. Rieban, Ray, Bay Minette
32. Roberson, Mutt, Laborer, Robertsdale
33. Robinson, Odell, Contractor, Bay Minette
34. Sedlock, Fred J., Farmer, Robertsdale
35. Shappard, Lloyd, Farmer, Foley
36. Simon, Arthur, Farmer, Belforest
37. Smith, Columbus, Mill Worker, Stockton
38. Smith, Arthur, Attendant, Summerdale
39. Wilson, George, Airport Oper., Foley
40. Wilcox, James, Clerk, Foley
41. Widdings, Bailey, Sr., Carpenter & Bricklayer, Daphne
42. Mason, Jimmy, Salesman, Fairhope
43. Davidson, W. H., Turpentine Farmer, Bay Minette
44. Davidson, Leroy, Mobile Housing Board, Daphne
45. Neil, William, Farmer, Elberta
46. Bryars, Charles Henry, Jr., Farmer, Stockton
47. Childress, Wynett, Farmer, Foley
48. Cook, John D., Merchant, Montrose
49. Cooper, Charles, Farmer, Rosinton
50. Esleva, Clarence, Farmer, Mag. Spgs.
51. Mallett, George, State Emp., Gulf Shores
52. Hodgeson, William M., Jr., Manufacturer, Bay Minette
53. Langer, Reuben, Laborer, Foley

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F XXXX XXXX XXXX XX
D XXXX XXXX XXXX X

RICHARD T. HOLDEN

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

LEROY RODGERS, JR.

X

AT LAW

NO. 6960

Defendant

X

Comes the defendant in the above styled cause and amends his answer heretofore filed in said cause by re-filing Counts one and two thereof and adding Count three to read as follows:

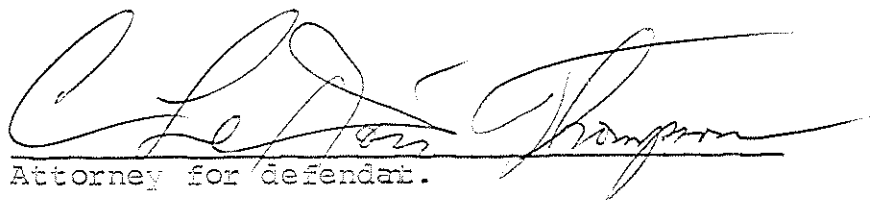
1. The defendant for answer to said complaint saith that he is not guilty of the matters alleged therein.

2. And for further answer to said complaint the defendant says that there has been an accord and satisfaction of the demand upon which this suit is brought in this:

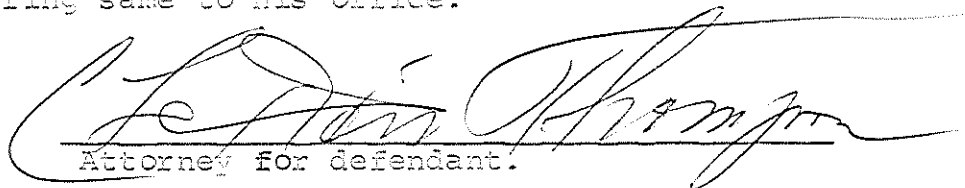
That heretofore, on to-wit, the 6th day of May, 1966, and before the filing of this suit, there was a bona fide dispute between the plaintiff and the defendant as to the amount of the plaintiff's claim; that the defendant prior to the filing of the suit paid to the plaintiff on, to-wit, the 6th day of May, 1966, in cash, the sum of One Hundred Dollars (\$100.00) ; that the plaintiff accepted said payment of said sum in full satisfaction and discharge of said claim; wherefore the plaintiff ought not to maintain this action.

3. For the plaintiff is not entitled to recover in this cause for that on the occasion complained of, the plaintiff was himself guilty of negligence which proximately contributed to the said alleged damages complained about in that he negligently placed or caused himself to be placed in a position of danger upon a portion of the traveled way of Alabama Highway No. 59 a public highway at said place and on said occasion complained about by immediately prior thereto and at said time by operating an automobile without lights along said public highway in a rain and about dark, at a high and negligent rate of speed much

greater than was reasonable and proper having due regard to traffic and surface of said public highway on said occasion, and after discovering the position of said defendant, well knowing his danger or in the exercise of ordinary care on said occasion should have known his danger, said plaintiff negligently failed to slow down his said automobile thereby colliding with the automobile of said defendant which was the proximate cause of said plaintiff's damages complained of.


Attorney for defendant.

I hereby certify that I have this 13th day of December, 1966, served a copy of the foregoing amendment on Honorable J. Connor Owen by delivering same to his office.


Attorney for defendant.

Filed

12-14-66

*Ringelback
Clerk*