

June 8, 1966

EMMA HENDERSON, as Administrator De Bonis Non,
of the Estate of Sara Anderson, deceased,
Plaintiff

VS

LEWIS RENDER BORDERS, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA AT LAW

CASE NO. 6996

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Mrs. Agnes Baggett, Secretary of State, hereby certify that on June 1, 1966
I sent by certified mail in an envelope addressed as follows:

" Lewis Render Borders
Valdosta,
Ga."

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of
the State of Alabama in words and figures as follows:

" Lewis Render Borders
Valdosta,
Ga."

You will take notice that on June 1, 1966 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: EMMA HENDERSON, as Administrator De Bonis Non, of the Estate
of Sara Anderson, deceased, Plaintiff VS LEWIS RENDER BORDERS, et al,
Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 6996 a true copy of which summons and complaint is attached hereto
and the said service upon me as Secretary of State of the State of Alabama has the force and
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 1
day of June 1966

Enclosure (1)

(Signed) Mrs. Agnes Baggett
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed
as above set forth had attached to it a true copy of the summons and complaint in the above-styled
cause.

I further certify that on Jun 8 1966 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Valdosta, Ga.
on 6-6-66

WITNESS MY HAND and the Great Seal of the State of Alabama this the 8 day
of June 1966

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

cc: Hon. Hugh M. Caffey, Jr.
Brewton, Ala.


STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA-GREETINGS:

You are hereby commanded to summon Ruby G. Loper, Bay Minette, Alabama, and Lewis Render Borders, Valdosta, Georgia, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same and plead, answer or demur, within thirty days from the service hereof to the complaint of Emma Henderson, as Administrator de bonis non, of the Estate of Sara Anderson, deceased.

Witness my hand this 31 day of May, 1966.


ALICE DUCK, CLERK OF CIRCUIT COURT

COMPLAINT

EMMA HENDERSON, AS ADMINISTRATOR	I	
DE BONIS NON, OF THE ESTATE OF		
SARA ANDERSON, DECEASED,	I	IN THE CIRCUIT COURT OF
PLAINTIFF	I	BALDWIN COUNTY, ALABAMA
VS.	I	AT LAW
RUBY G. LOPER AND LEWIS RENDER	I	CASE NO. _____
BORDERS,		
DEFENDANTS	I	

COUNT ONE

The Plaintiff, Emma Henderson, as Administrator de bonis non of the Estate of Sara Anderson, deceased, claims of the defendants Ruby G. Loper and Lewis Render Borders the sum of \$25,000.00 as damages for that heretofore and on, to-wit, August 25, 1964, plaintiff's intestate was a fare paying passenger for hire or reward in an automobile which was being driven by the defendant Ruby G. Loper along Alabama Highway No. 59 at or near its intersection with U. S. Highway No. 90 in Robertsedale, Baldwin County, Alabama, both public highways,

where plaintiff's intestate had a right to be and to ride, and at said time and place the defendant, Lewis Render Borders, so negligently operated a tractor and trailer truck along U. S. Highway No. 90 as to cause or allow the said tractor and trailer truck to collide with the automobile which was at said time and place being negligently operated by the defendant Ruby G. Loper. Plaintiff avers that as a direct and proximate consequence of the combined negligence of Ruby G. Loper and Lewis Render Borders plaintiff's intestate, Sara Anderson, received severe personal injuries from which, and as the proximate result of which, she died on, to-wit, September 30, 1964, all to plaintiff's damage as aforesaid, hence this suit.

COUNT TWO

The Plaintiff, Emma Henderson, as Administrator de bonis non of the Estate of Sara Anderson, deceased, claims of the defendants Ruby G. Loper and Lewis Render Borders the sum of \$25,000.00 as damages for that heretofore and on, to-wit, August 25, 1964, plaintiff's intestate was a passenger in an automobile driven by the defendant Ruby G. Loper along Alabama Highway No. 59 at or near its intersection with U. S. Highway No. 90 in Robertsedale, Baldwin County, Alabama, both public highways, where plaintiff's intestate had a right to be and to ride. Plaintiff avers that at said time and place the defendant Lewis Render Borders so wantonly operated a tractor and trailer truck as to wantonly collide with the automobile then and there wantonly operated by the defendant Ruby G. Loper, and as a proximate result ^{of} the concurrence of the wanton conduct of the defendants, plaintiff's intestate was wantonly injured and from such injuries so inflicted, and as a direct result thereof, plaintiff's intestate died on, to-wit, September 30, 1964.

HUGH ROZELLE, ATMORE, ALABAMA

HUGH M. CAFFEY, JR., BREWTON,
ALABAMA

AND

CHASON, STONE AND CHASON
BAY MINETTE, ALABAMA

BY: Hugh M. Caffey, Jr.
ATTORNEYS FOR PLAINTIFF

Plaintiff requests a jury trial.

Hugh M. Caffey, Jr.
ATTORNEYS FOR PLAINTIFF

FILED
MAY 31 1966
CLERK
REGISTER

EMMA HENDERSON, AS ADMINISTRATOR
DE BONIS NON OF THE ESTATE OF
SARA ANDERSON, DECEASED

PLAINTIFF

VS.

RUBY G. LOPER AND LEWIS RENDER BORDERS

DEFENDANTS

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA, AT LAW.

CASE NO. _____

TO: SECRETARY OF STATE
STATE OF ALABAMA
MONTGOMERY, ALABAMA

The undersigned is one of the attorneys of record for the Plaintiff in the above styled cause and hereby certifies to you as follows:

The defendant Lewis Render Borders is a non resident of the State of Alabama, whose address is Valdosta, Georgia; that the defendant Lewis Render Borders was on the date of the collision referred to in this suit, to-wit: August 25, 1964, a non resident of the State of Alabama; that the Plaintiff prays that service of process upon the defendant, Lewis Render Borders, may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199, as amended.

HUGH ROZELLE, HUGH M. CAFFEY, JR.

AND CHASON, STONE & CHASON

BY: Hugh M. Caffey, Jr.
Attorney for Plaintiff

P.O. Box 867
Brewton, ALA.

STATE OF ALABAMA)

ESCAMBIA COUNTY)

Before me the undersigned authority this day personally appeared Hugh M. Caffey, Jr., who being duly sworn, deposes and says that he is one of the attorneys for the Plaintiff in the above styled cause and the facts set forth in the foregoing certificate are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before me by the above named Hugh M. Caffey, Jr., on this the 27th day of May, 1966.

Marion C. Allen
NOTARY PUBLIC

EMMA HENDERSON, as Adminis-)	IN THE CIRCUIT COURT OF
trator de bonis non, of the Estate	(
of SARA ANDERSON, Deceased,	*	BALDWIN COUNTY, ALABAMA
	*	
Plaintiff,)	
	(
vs.	*	
	*	AT LAW
RUBY G. LOPER and LEWIS)	
RENDER BORDERS,	(
	*	
Defendants.	*	CASE NO. 6996

D E M U R R E R

Comes now the Defendant, LEWIS RENDER BORDERS, and demurs to Plaintiff's Complaint as a whole, and to each and every count thereof, separately and severally, upon the following separate and several grounds:

1. Said count wholly fails to state a cause of action.
2. The allegations contained in said count are vague, uncertain and indefinite.
3. The allegations in said count are vague, misleading and confusing and do not apprise this Defendant of what he is called upon to defend.
4. For aught that appears from the allegations of said count, there was no legal duty owing from this Defendant to the Plaintiff's intestate.
5. For aught that appears from the allegations of said count, there was no breach of any legal duty owing from this Defendant to the Plaintiff's intestate.

6. Said count does not aver sufficient facts to state a cause of action.

7. Said count seeks to set out the quo modo constituting the negligence of this Defendant without alleging sufficient facts in support thereof.

8. Said count wholly fails to set forth sufficient facts as to how this Defendant was negligent.

9. There is no characterization of any alleged act of this Defendant as a negligent act.

10. For that negligence, as averred, is a mere conclusion of the pleader.

11. For aught that appears, Plaintiff's intestate was not at a place where this Defendant owed her a duty not to negligently injure her.

12. For aught that appears, Plaintiff's intestate was not on a public highway as alleged.

13. For aught that appears from the allegations of said count, the Plaintiff's intestate was not at a place where she had a right to be at the time and place of said accident.

14. For aught that appears from the allegations of said count, there was no proximate cause between the alleged negligence of this Defendant and the death of Plaintiff's intestate.

15. For aught that appears, there was no causal connection between the alleged negligence of this Defendant and the death of Plaintiff's intestate.

16. For aught that appears, there was an intervening cause between the alleged negligence of this Defendant and the death of Plaintiff's intestate.

17. For that there is an insufficient allegation of wanton injury and death.

18. For aught that appears, Plaintiff does not have capacity to bring this action.

19. For that there is a misjoinder of parties defendant.

20. For that said count is duplicitous.

21. For that there is a misjoinder of causes of action.

22. For that wantonness, as averred, is a mere conclusion of the pleader.

ARMBRECHT, JACKSON & DeMOUY

By: Broox G. Holmes
BROOX G. HOLMES

Defendant, LEWIS RENDER BORDERS, respectfully demands a trial by jury.

Broox G. Holmes
BROOX G. HOLMES

CERTIFICATE OF SERVICE

I, BROOX G. HOLMES, do hereby certify that I have served a copy of the foregoing demurrer on Hugh M. Caffey, Jr., Esquire, one of the attorneys of record for Plaintiff, by mailing the same by United States mail, first class postage prepaid and properly addressed to his office in Brewton, Alabama, on this 27 day of June, 1966.

Broox G. Holmes
BROOX G. HOLMES

FILED

JUN 28 1966

AGE 1 DOK, CLERK
REGISTER

289

EMMA HENDERSON, as Administrator)	IN THE CIRCUIT COURT OF
de bonis non, of the Estate of Sara	
Anderson, deceased,) BALDWIN COUNTY, ALABAMA
Plaintiff,) AT LAW
vs.)
RUBY G. LOPER and LEWIS RENDER)	
BORDERS,)
Defendants.) CASE NO. 6996
)

DEMURRER OF RUBY G. LOPER

Comes now Ruby G. Loper, one of the defendants in the above captioned cause, and to the complaint of the plaintiff as last amended, and to each count thereof, separately and severally, demurs and for grounds of said demurrer sets down and assigns the following, separately and severally, that is to say:

1. That it does not state facts sufficient to constitute a cause of action.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
4. For that it does not appear with sufficient certainty what duty, if any, defendant may have owed to the plaintiff.
5. For that it does not appear with sufficient certainty wherein defendant violated any duty he may have owed to the plaintiff.
6. For that it does not sufficiently appear that the defendant owed any duty to the plaintiff which defendant negligently failed to perform.
7. For that there does not appear sufficient causal connection between defendant's said breach of duty and plaintiff's injuries and damages.
8. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant.

9. It is not alleged with sufficient certainty where said accident occurred.

10. It is not alleged that the negligence complained of proximately caused the accident, the injuries and damages complained of.

11. The averments thereof are conflicting and repugnant.

12. For that no causal connection appears between the defendant's alleged negligence and the injuries and damages complained of by the plaintiff.

13. For that it is not alleged that the willful or wanton conduct complained of proximately caused the accident, the injuries and damages complained of.

14. For that the facts averred in said complaint do not constitute willful or wanton negligence.

15. For aught that appears from said complaint, plaintiff's injuries and damages were not the direct and proximate result of any willful or wanton negligence on the part of defendant in this cause.

16. For that it is not alleged that the defendant willfully or wantonly injured the plaintiff.

17. For that the willful or wanton conduct complained of is but a conclusion of the plaintiff with no facts alleged in support thereof.

18. For that the allegation therein contained that, "... the automobile which was at said time and place being negligently operated by the defendant Ruby G. Loper...." is but the conclusion of the pleader with insufficient averment of fact in support thereof.

INGE, TWITTY, DUFFY & PRINCE

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 2 day of Dec., 1966.

Attorney for

By:

James J. Duffy, Jr.

FILED

DEC 5 1966

CLERK
REGISTER

TWENTY-EIGHTH JUDICIAL CIRCUIT
BALDWIN COUNTY
BAY MINETTE, ALA.

TELFAIR J. MASHBURN
JUDGE

TELEPHONE 937-3281
LOUISE DUSENBURY
COURT REPORTER

December 15, 1966

Hon. Hugh M. Caffey, Jr.,
Brewton, Alabama.

IN ACCOUNT WITH:

Louise Dusenbury, Court Reporter,
Bay Minette, Alabama.

To original and two copies of deposition of
Mrs. Ruby G. Loper and Lewis Render Borders

Two copies of deposition of Ellis Armstead,
Emma Henderson and Carrie Poole

in the case of Emma Henderson as Acmr. vs.
Ruby G. Loper and Lewis Render Borders,
taken on July 26, 1966-----\$65.00

STATE OF ALABAMA)

BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA-GREETINGS:

You are hereby commanded to summon Ruby G. Loper, Bay Minette, Alabama, and Lewis Render Borders, Valdosta, Georgia, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same and plead, answer or demur, within thirty days from the service hereof to the complaint of Emma Henderson, as Administrator de bonis non, of the Estate of Sara Anderson, deceased.

Witness my hand this 31 day of May, 1966.


ALICE DUCK, CLERK OF CIRCUIT COURT

COMPLAINT

EMMA HENDERSON, AS ADMINISTRATOR	Ø	
DE BONIS NON, OF THE ESTATE OF		
SARA ANDERSON, DECEASED,	Ø	IN THE CIRCUIT COURT OF
PLAINTIFF	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	AT LAW
RUBY G. LOPER AND LEWIS RENDER	Ø	CASE NO. <u>6996</u>
BORDERS,		
DEFENDANTS	Ø	

COUNT ONE

The Plaintiff, Emma Henderson, as Administrator de bonis non of the Estate of Sara Anderson, deceased, claims of the defendants Ruby G. Loper and Lewis Render Borders the sum of \$25,000.00 as damages for that heretofore and on, to-wit, August 25, 1964, plaintiff's intestate was a fare paying passenger for hire or reward in an automobile which was being driven by the defendant Ruby G. Loper ^{OR} along Alabama Highway No. 59 at or near its intersection with U. S. Highway No. 90 in Robertsedale, Baldwin County, Alabama, both public highways,

where plaintiff's intestate had a right to be and to ride, and at said time and place the defendant, Lewis Render Borders, so negligently operated a tractor and trailer truck along U. S. Highway No. 90 as to cause or allow the said tractor and trailer truck to collide with the automobile which was at said time and place being negligently operated by the defendant Ruby G. Loper. Plaintiff avers that as a direct and proximate consequence of the combined negligence of Ruby G. Loper and Lewis Render Borders plaintiff's intestate, Sara Anderson, received severe personal injuries from which, and as the proximate result of which, she died on, to-wit, September 30, 1964, all to plaintiff's damage as aforesaid, hence this suit.

COUNT TWO

The Plaintiff, Emma Henderson, as Administrator de bonis non of the Estate of Sara Anderson, deceased, claims of the defendants Ruby G. Loper and Lewis Render Borders the sum of \$25,000.00 as damages for that heretofore and on, to-wit, August 25, 1964, plaintiff's intestate was a passenger in an automobile driven by the defendant Ruby G. Loper along Alabama Highway No. 59 at or near its intersection with U. S. Highway No. 90 in Robertsedale, Baldwin County, Alabama, both public highways, where plaintiff's intestate had a right to be and to ride. Plaintiff avers that at said time and place the defendant Lewis Render Borders so wantonly operated a tractor and trailer truck as to wantonly collide with the automobile then and there wantonly operated by the defendant Ruby G. Loper, and as a proximate result/^{of} the concurrence of the wanton conduct of the defendants, plaintiff's intestate was wantonly injured and from such injuries so inflicted, and as a direct result thereof, plaintiff's intestate died on, to-wit, September 30, 1964.

HUGH ROZELLE, ATMORE, ALABAMA

HUGH M. CAFFEY, JR., BREWTON,
ALABAMA

AND

CHASON, STONE AND CHASON
BAY MINETTE, ALABAMA

BY: Thos. M. Caffey, Jr.
ATTORNEYS FOR PLAINTIFF

Plaintiff requests a jury trial.

Thos. M. Caffey, Jr.
ATTORNEYS FOR PLAINTIFF

FILED
MAY 22 1962
ALICE I. BROWN, CLERK
REGISTER

EMMA HENDERSON, AS ADMINISTRATOR
DE BONIS NON OF THE ESTATE OF
SARA ANDERSON, DECEASED

PLAINTIFF

VS.

RUBY G. LOPER AND LEWIS RENDER BORDERS

DEFENDANTS

¶

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¶

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA, AT LAW.

CASE NO. _____

TO: SECRETARY OF STATE
STATE OF ALABAMA
MONTGOMERY, ALABAMA

The undersigned is one of the attorneys of record for the Plaintiff in the above styled cause and hereby certifies to you as follows:

The defendant Lewis Render Borders is a non resident of the State of Alabama, whose address is Valdosta, Georgia; that the defendant Lewis Render Borders was on the date of the collision referred to in this suit, to-wit: August 25, 1964, a non resident of the State of Alabama; that the Plaintiff prays that service of process upon the defendant, Lewis Render Borders, may be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199, as amended.

HUGH ROZELLE, HUGH M. CAFFEY, JR.

AND CHASON, STONE & CHASON

BY: Hugh M. Caffey, Jr.
Attorney for Plaintiff

P.O. Box 867
Brewton, ALA.

STATE OF ALABAMA)

ESCAMBIA COUNTY)

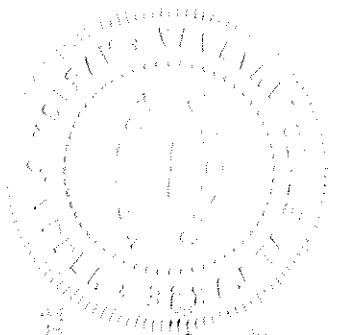
Before me the undersigned authority this day personally appeared Hugh M. Caffey, Jr., who being duly sworn, deposes and says that he is one of the attorneys for the Plaintiff in the above styled cause and the facts set forth in the foregoing certificate are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before me by the above named Hugh M. Caffey, Jr., on this the 27th day of May, 1966.

Executed 5-31-66
M. S. Potter - shir
L. L. Rorncis - M.E.

284

Marion C. Allen
NOTARY PUBLIC



RECEIVED IN OFFICE

JUN 1 1966

1 M 25 BUTLER, Sheriff.

ed 31 day of May 1966

31 day of May 1966

ed a copy of the within 840

Ruby D. Lopez

vice on

TAYLOR, WILKINS, Sheriff

By W. A. Tolbert D. 91

Executed by serving.....3.....copies of

the within on *Agnes Baggett*

Secretary of State of The State of

Alabama.

This the 7 day of June 1966

Sheriff of Montgomery County

M. S. Butler,

By J. F. [illegible] D. S.

The Sheriff claims:

miles at 10c per mile for a total

of 3. 20

Al. S. Butler, Sheriff

Montgomery County, Ala.

722. 6996

Emma Anderson
ac. adm.

aa. aaaa.

US

Ruby G. Loper &
Liber Binder Binding

Liberty Benders Borders

1966

Adrian T. Vogel CC
St. Ignace Mission, Alaska

to Guy Channon, Esq.

EMMA HENDERSON, as Administrator)	IN THE CIRCUIT COURT OF
de bonis non, of the Estate of Sara	
Anderson, deceased,)	BALDWIN COUNTY, ALABAMA
Plaintiff,)	AT LAW
vs.)	
RUBY G. LOPER and LEWIS RENDER)	
BORDERS,)	
Defendants.)	CASE NO. 6996

ANSWER OF RUBY G. LOPER

Comes now Ruby G. Loper, one of the defendants in the above captioned cause, and for answer to the complaint of the plaintiff in said cause, and to each count thereof, separately and severally, files the following pleas, separately and severally, that is to say:

1. This defendant is not guilty of the matters and things contained therein.
2. This defendant denies each and every one of the material allegations therein contained.
3. The allegations therein contained are untrue.
4. The plaintiff ought not recover of this defendant for that at the time and place complained of in the complaint of the plaintiff the plaintiff's intestate was a guest in the automobile operated by this defendant being transported without payment therefor in or upon said motor vehicle, within the meaning of the Guest Law of Alabama, Section 95, Title 36, Alabama Code of 1940, as amended and recompiled.

INGE, TWITTY, DUFFY & PRINCE

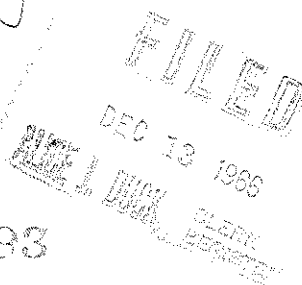
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 14 day of Dec, 1966.

Attorney for

By:

James J. Duffy, Jr., Attorney
for Ruby G. Loper



EMMA HENDERSON, as Administrator)	IN THE CIRCUIT COURT OF
de bonis non, of the Estate of Sara	
Anderson, deceased,) BALDWIN COUNTY, ALABAMA
Plaintiff,) AT LAW
vs.)
RUBY G. LOPER and LEWIS RENDER)	
BORDERS,	
Defendants.	CASE NO. 6996

MOTION TO STRIKE

Comes now Ruby G. Loper, one of the defendants in the above captioned cause, and moves this Court to enter an order striking the allegation contained in Count One of the complaint of the plaintiff, herein, viz.: "...plaintiff's intestate was a fare paying passenger for hire or reward...", and for grounds of said motion this defendant avers that said allegation is fraudulently made by the plaintiff in an attempt to remove this case from the provisions of Section 95, Title 36, Code of Alabama of 1940, as amended and recompiled, commonly referred to as the "Guest Law", when, in fact, the deceased, Sara Anderson, was not a fare paying passenger for hire or reward in said automobile at said time and place but was a servant or employee of this defendant or Ray E. Loper Lumber Company, Inc., or either of them, at said time and place, and was nothing more or less than a guest in said automobile at said time and place being transported in said automobile without payment therefor, and this defendant is informed and believes, and upon such information and belief avers that the plaintiff herein and her counsel know this to be a fact and knew this to be a fact at the time said Count One was drawn and at the time this suit was filed; this defendant avers that this is confirmed by the allegations of Count Two of the complaint of the plaintiff herein wherein it is alleged that plaintiff's intestate was a "...passenger in an automobile driven by the defendant Ruby G. Loper..." ;

WHEREFORE, the premises considered, this defendant prays that an order be entered by this Court striking the abovementioned allegation that "...plaintiff's intestate was a fare paying passenger for hire or reward..." from Count One of the complaint herein on the grounds aforesaid, and this defendant moves this Honorable Court for such other, further and different relief as may be meet and proper.

INGE, TWITTY, DUFFY & PRINCE

By

James J. Duffy, Jr.
Designated Trial Attorney

STATE OF ALABAMA)

COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority in and for said County in said State, James J. Duffy, Jr., who is known to me to be one of the attorneys for defendant, Ruby G. Loper, in the above captioned cause, and who, after having been first duly sworn, on oath, stated that the allegations contained in the foregoing motion are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before me, this 17th day of June, 1966.

Isabelle M. Rindson
Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 17th day of June, 1966.

James J. Duffy, Jr.
Attorney for

FILED
JUN 20 1966
MADE L. LUCK, CLERK
REGISTER

EMMA HENDERSON, AS ADMINISTRATOR
DE BONIS NON, OF THE ESTATE OF
SARA ANDERSON, DECEASED,

PLAINTIFF

VS.

RUBY G. LOPER AND LEWIS RENDER
BORDERS,

DEFENDANTS

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

Comes now the Plaintiff and amends the complaint heretofore
filed in this cause by the addition of the following:

COUNT THREE

The Plaintiff, Emma Henderson, as Administrator de bonis non of the Estate of Sara Anderson, deceased, claims of the defendants Ruby G. Loper and Lewis Render Borders the sum of \$25,000.00 as damages for that heretofore and on-to-wit, August 25, 1964, plaintiff's intestate was a passenger in an automobile which was being driven by the defendant Ruby G. Loper along and upon Alabama Highway No. 59 at or near its intersection with U. S. Highway No. 90 in Robertsdale, Baldwin County, Alabama, both public highways, where plaintiff's intestate had a right to be and to ride, and at said time and place the defendant, Lewis Render Borders, so negligently operated a tractor and trailer truck along U. S. Highway No. 90 as to cause or allow the said tractor and trailer truck to collide with the automobile which was at said time and place being negligently operated by the defendant Ruby G. Loper. Plaintiff avers that as a direct and proximate consequence of the combined negligence of Ruby G. Loper and Lewis Render Borders, plaintiff's intestate, Sara Anderson, received severe personal injuries from which, and as a proximate result of which, she died on, to-wit, September 30, 1964, all to plaintiff's damage as aforesaid, hence this suit.

HUGH ROZELLE, ATMORE, ALABAMA

HUGH M. CAFFEY, JR., BREWTON, ALABAMA
CHASON, STORE AND CHASON, BAY MINETTE,
ALABAMA

BY: H. M. Caffey, Jr.

ATTORNEYS FOR PLAINTIFF

FILED

DEC 2 1964

ALB & BALDWIN CLERK
REGISTER