

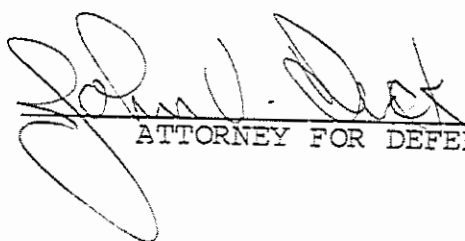
E. D. MULLENAX, )  
Plaintiff, )  
vs. )  
HARTLEY E. NELSON, )  
Defendant. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW. CASE NO. 7014

DEMURRERS

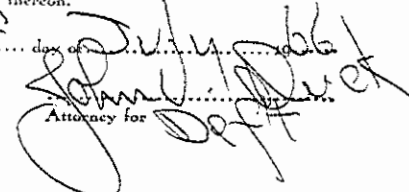
Comes now the Defendant in the above styled cause, and demurs to the Bill of Complaint filed herein, and for grounds thereof assigns the following separately and severally:

1. That the Bill of Complaint fails to allege with certainty the location of the purported accident.
2. That said Bill of Complaint fails to apprise the Defendant on what he is called on to defend.
3. That Count One of the Bill of Complaint is vague, indefinite and uncertain.
4. That Count Two fails to allege the exact location of the purported accident.
5. That Count Two of the Bill of Complaint is vague, indefinite and uncertain.

  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 7<sup>th</sup> day of July, 1966  
  
Attorney for Def't

*Filed 7-11-66*  
*John V. Duck*  
*clerk*

E. D. MULLENAX,	)	
Plaintiff.	)	
-vs-	)	IN THE CIRCUIT COURT
HARTLEY E. NELSON and A, B and	)	OF BALDWIN COUNTY,
C, the owner or operator of the	)	ALABAMA.
motor vehicle involved in the	)	
accident made the basis of this	)	AT LAW.
suit, those true names are other-	)	
wise unknown to the Plaintiff at	)	CASE NO. <u>2014</u>
this time but will be added by	)	
amendment, when ascertained,	)	
jointly and individually,	)	
Defendants.	)	

COUNT ONE

Plaintiff claims of the Defendants the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS, damages, for that heretofore and on, to-wit, April 2, 1966, the Defendant so negligently operated an automobile on U. S. Highway 98 in Daphne, Alabama, said highway being a public highway in Baldwin County, Alabama, as to cause the same to collide with an automobile owned by Plaintiff and operated by Plaintiff's minor son, LOWELL L. MULLENAX, on U. S. Highway 98, and as a direct and proximate result of the negligence of the Defendant as aforesaid, the Plaintiff's automobile was destroyed and his said minor son suffered the following personal injuries: he was made sick, sore and lame; he suffered severe lacerations about his head, face and body; and he was permanently injured, scarred and disfigured.

Plaintiff avers that as a further direct and proximate result of the negligence of the Defendant as aforesaid and the injuries to his said minor son, he was caused to incur doctors' bills, hospital bills and other medical expenses for the care and treatment of his son's injuries, and he was caused to lose the services of his son over a period of time.

COUNT TWO

Plaintiff claims of the Defendants the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS, damages, for that heretofore and on, to-wit, April 2, 1966, the Defendant wantonly injured the Plaintiff's minor son, LOWELL L. MULLENAX, by wantonly operating an automobile on U. S. Highway 98 in Daphne, Alabama, said highway being a public highway in Baldwin County, Alabama, so as to cause the same to collide with an automobile owned by Plaintiff and operated by Plaintiff's minor son, LOWELL L. MULLENAX, on U. S. Highway 98, and as a direct and proximate result of the wanton conduct of the Defendant as aforesaid, the Plaintiff's automobile was destroyed and his said minor son suffered the following personal injuries: he was made sick, sore and lame; he suffered severe lacerations about his head, face and body; and he was permanently injured, scarred and disfigured.

Plaintiff avers that as a further direct and proximate result of the wanton conduct of the Defendant as aforesaid and the injuries to his said minor son, he was caused to incur doctors' bills, hospital bills and other medical expenses for the care and treatment of his son's injuries, and he was caused to lose the services of his son over a period of time.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY: Richard Bounds  
RICHARD BOUNDS

Plaintiff demands a trial by jury.

Richard Bounds  
RICHARD BOUNDS

TRIAL ATTORNEYS: Richard Bounds  
Robert T. Cunningham

Address of Defendant:

Hartley E. Nelson  
701 Magnolia Avenue  
Daphne, Alabama

FILED  
JUN 8 1966  
ALICE A. DUCK, CLERK  
REGISTER

014

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7014

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon HARTLEY E. NELSON

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

HARTLEY E. NELSON, etc.

Defendant

by E.D. MULLENAX

Plaintiff

Witness my hand this 8th day of June 1966

Executed  
6-16-66

Alice J. Hark Clerk

No. 7014

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

E. D. MULLENAX

Plaintiffs

vs.

HARTLEY E. NELSON, etc.

Defendants

SUMMONS AND COMPLAINT

Filed June 8, 1966

Alice J. Duck

Clerk

JUN 8 1966

ALICE J. DUCK, CLERK,  
REGISTER

Cunningham, Bounds & Byrd

Plaintiff's Attorney

Defendant's Attorney

701 Magonlie

Defendant lives at

RECEIVED  
Received In Office

JUN 8 1966 19.....

TAYLOR WILKINS, Sheriff

I have executed this summons

this June 11, 1966  
by leaving a copy with

Hartley E. Nelson  
Daphne

Sheriff claims 54 miles at

Ten Cents per mile Total \$5.40

TAYLOR WILKINS, Sheriff

BY Roy Randall  
DEPUTY SHERIFF

Sheriff

Roy Randall Deputy Sheriff

E. D. MULLENAX,	)	IN THE CIRCUIT COURT OF
PLAINTIFF,	)	BALDWIN COUNTY, ALABAMA
-VS-	)	AT LAW
HARTLEY E. NELSON et al,	)	CASE NO. 7014
DEFENDANTS.	)	

Comes the Plaintiff in the above case and shows unto the Court as follows:

1. That the above case was dismissed by the Court on April 18, 1968 and the costs taxed against the Plaintiff.
2. That the Plaintiff has a meritorious cause of action and desires to prosecute the same.

WHEREFORE the Plaintiff prays that the Court will reinstate said cause of action and set it for trial at the next term of Court.

CUNNINGHAM, BOUNDS & BYRD  
ATTORNEYS FOR PLAINTIFF

BY   
RICHARD BOUNDS

CUNNINGHAM, BOUNDS AND BYRD

ATTORNEYS AT LAW  
1350 DAUPHIN STREET  
P. O. BOX 4486

MOBILE, ALABAMA 36604

ROBERT T. CUNNINGHAM  
RICHARD BOUNDS  
ROBERT L. BYRD, JR.  
WARREN L. HAMMOND, JR.

AREA CODE 205  
TELEPHONE 438-6188

September 12, 1968

Alice J. Duck, Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama

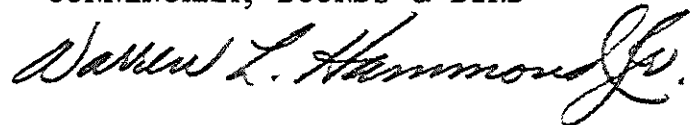
Re: E. D. Mullenax vs.  
Hartley E. Nelson, etc.  
Case No. 7014

Dear Mrs. Duck:

At the request of the Plaintiff in the above styled cause, please  
non-suit this case.

Yours very truly,

CUNNINGHAM, BOUNDS & BYRD



WARREN L. HAMMOND, JR.

WLHjr/mm

cc: John V. Duck