

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5511
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON
LYMAN F. HOLLAND, JR.
J. THOMAS MINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD O. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. McDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH

March 9, 1967

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: Nathan Brunson v. Arthur D. Waters
and Carlton Grubbs
Case No. 7039

Dear Mrs. Duck:

Please dismiss the above-referenced case which is set for trial on March 15, 1967, at my request. This case has been settled with the agreement to tax the court costs against the defendant. Please send the cost bill to Attorney Thomas M. Galloway, P. O. Box 4492, Mobile, Alabama.

Thank you for your services.

Yours very truly,

Laurel L. Sims

For the Firm

LUS.pc

FILED

MAR 10 1967

ALICE J. DUCK, CLERK
REGISTER

NATHAN BRUNSON, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: BALDWIN COUNTY, ALABAMA
ARTHUR D. WATERS and CARLTON : AT LAW
GRUBBS, jointly and separately,
Defendants. : CASE NO. 7039

Comes the Defendants, jointly and separately in the above styled matter and for answer to the complaint heretofore filed say as follows:

1. Not guilty.
2. The Plaintiff cannot have and recover of the Defendants in this matter for at the time and place alleged in the complaint the Plaintiff's motor vehicle, being then and there operated by an agent, servant or employee of the Plaintiff while acting within the line and scope of his employment, was so negligently operated so that the damages complained of in the complaint were proximately contributed to, hence the Plaintiff cannot recover.

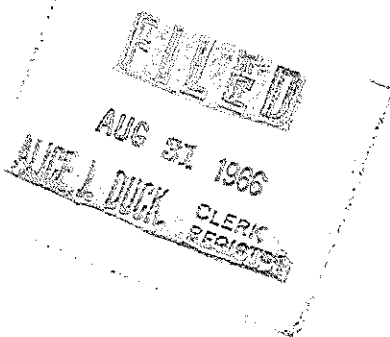
COLLINS, GALLOWAY & MURPHY

By: Thomas M. Galloway
THOMAS M. GALLOWAY
Attorneys for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30 day of August, 1966, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

Thomas M. Galloway



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT LAW

CASE NO. 19213 - McCALL

HAND, ARENDALL, BEDSOLE, GREAVES
& JOHNSTON
By: LARRY U. SIMS

NATHAN BRUNSON

JURY

VS. Suit for \$3,000.00 damages to automobile.
(Tort)

COLLINS, GALLOWAY & MURPHY
By: THOMAS M. GALLOWAY

ARTHUR D. WATERS and CARLTON GRUBBS,
Jointly and Separately

* * * * *		* * * * *	
PLEADINGS, PROCESS, ETC.	* FILING DATE *		
* * * * *		* * * * *	
1. Complaint & Summons	* 4-28-66 *	* C & S Served on Defendants on May 6, 1966. *	
2. Plea in Abatement and Motion	* 5-16-66 *	* Defendants' Motion, filed May 16, 1966 for Court to abate this cause and transfer same to the Circuit Court of Baldwin County, Alabama. July 1, 1966- On hearing of Defendants' Plea in Abatement, same is hereby sustained; Case ordered transferred to Circuit Court of Baldwin County, Alabama. *	
	* *	* Dan T. McCall, Judge *	
	* *		
	* *		
	* *		
	* *		
	* *		
	* *		
	* *		
	* *		

10
12
2
33-847

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.
In witness whereof I have hereunto set my hand and attached my official seal as such Clerk of said Court at Mobile, Mobile County, Alabama, on this the 1st day of July, 19 66.

John E. Mandeville, Clerk.

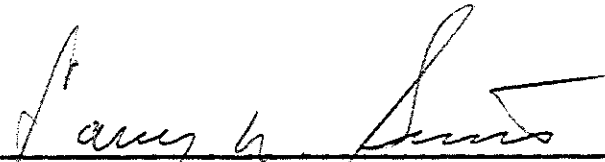
FILED
JUL 15 1966
MOBILE COUNTY, ALABAMA

NATHAN BRUNSON,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	MOBILE COUNTY, ALABAMA
)	
vs.	)	AT LAW
)	
ARTHUR D. WATERS and)	
CARLTON GRUBBS, jointly)	
and separately,)	
)	
Defendants.	)	CASE NO. <u>19213</u>

COUNT ONE

Plaintiff claims of the Defendants, jointly and separately, THREE THOUSAND DOLLARS (\$3,000.00) as damages for that heretofore and on to-wit, February 1, 1966, the plaintiff's motor vehicle was being operated by one Wilbur Lee McMillan upon and along U. S. Highway 31 approximately, to-wit, 840 feet north of Alabama State Highway 225, both of said highways being public roads in Baldwin County, Alabama, and at said time and place aforesaid, the Defendant Arthur D. Waters, an agent, servant or employee of the Defendant Carlton Grubbs, while acting within the line and scope of his employment as such agent, servant or employee, negligently caused or negligently allowed a motor vehicle belonging to Defendant, Carlton Grubbs, and being driven at said time and place by Defendant Arthur D. Waters, an agent, servant or employee of said Defendant Carlton Grubbs, while acting within the line and scope of his employment as such, to be operated along said public road in a condition not reasonably safe to be so operated although both of said Defendants had knowledge of the fact that said motor vehicle was in a defective condition and not reasonably safe for operation on the public streets and as a proximate result of the negligence of the Defendants as aforesaid, a tire or wheel

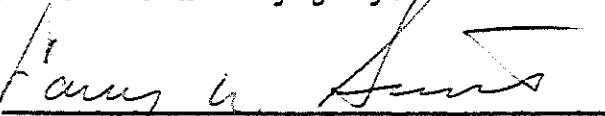
became detached from said motor vehicle while it was in motion and rolled into the path of and into, upon and against the motor vehicle being operated by said Wilbur Lee McMillan and owned by the Plaintiff at said time and place, greatly damaging, bending and tearing Plaintiff's motor vehicle and causing Plaintiff to lose the use of said motor vehicle for a long period of time, all to the damage of Plaintiff, hence this suit.


Larry U. Sims

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Plaintiff respectfully demands a trial by jury.


Larry U. Sims

Defendant Carlton Grubbs may be served at:

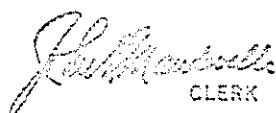
Rt. 1
Robertsdale, Alabama

Defendant Arthur D. Waters may be served at:

Rt. 1, Box 146-C
Robertsdale, Alabama

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

APR 28 4 45 PM '66


CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

ARTHUR D. WATERS and CARLTON GRUBBS,

jointly and separately

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of

NATHAN BRUNSON

WITNESS: John E. Mandeville, Clerk of said Court, this 28th day of April, 19 66

Attest

John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ Day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

MOBILE COUNTY, ALA.

APR 2 10 10 AM '66

BY

Mail
JUDGE

No. 19213-7200

DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

NATHAN BRUNSON

VS. } Complaint and Summons

ARTHUR D. WATERS and
CARLTON GRUBBS, jointly
and separately

Issued 28th day of April, 1966

Defendant's Address

Grubbs - Rt. 1
Robertsdale, Alabama

Waters - Rt. 1, Box 146-C
Robertsdale, Alabama

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

BY: Larry U. Sims

Plaintiff's Attorney

3 day of May 1966

5 day of May 1966

a copy of the within

Arthur D. Waters,
Carlton Grubbs

or on

TAYLOR WILKINS, Sheriff

By: *Harold Deane*

R. R. Clark

Sheriff claims 100 miles at

Ten Cents per mile Total \$ 10.00

TAYLOR WILKINS, Sheriff

BY: *Carlisle Childers*
DEPUTY SHERIFF

NATHAN BRUNSON, : IN THE CIRCUIT COURT OF
Plaintiff, :
VS: : MOBILE COUNTY, ALABAMA
ARTHUR D. WATERS and CARLTON : AT LAW
GRUBBS, jointly and separately,
Defendants. : CASE NO. 19213 *mc*

PLEA IN ABATEMENT

Come the Defendants, separately and severally, by and through their Attorney of record and move this Honorable Court to abate this action and transfer the same to the Circuit Court of Baldwin County, Alabama, upon the following separate and several grounds:

1. The complaint sets out that the accident made the basis of this suit occurred in Baldwin County, Alabama, and the address of the Defendants as set out for service show that the Defendants reside in Baldwin County, Alabama.

WHEREFORE, it is respectfully requested that this motion be granted.

COLLINS, GALLOWAY & MURPHY

By: *Thomas M. Galloway*
THOMAS M. GALLOWAY
Attorneys for Defendants

STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me the undersigned authority in and for said State and County personally appeared Thomas M. Galloway, one of the Attorneys of record in this matter, who is known to me and who by me being first duly sworn upon oath deposes and says that the facts as set forth in the foregoing plea in abatement are to his best knowledge and belief true and correct.

Thomas M. Galloway
Thomas M. Galloway

Sworn and subscribed to before me this 16th day of May, 1966.

CERTIFICATE OF SERVICE

W. E. Stearns
Notary Public, Mobile County, Alabama

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED

MAY 16 4 48 PM '66

Richard M. ...
-CLERK

259

Thomas M. Galloway

I do hereby certify that I have on this 16th day of May, 1966, served a copy of the foregoing plea in on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
432-5511
AREA CODE 205

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G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. McDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH

June 28, 1966

Honorable John E. Mandeville
Clerk of the Circuit Court
Mobile County Court House
Mobile, Alabama

Re: Nathan Brunson vs. Arthur D. Waters
and Carlton Grubbs, Circuit Court
of Mobile County, Alabama, At Law
Case No. 19213 *W. G. Cole*

Dear Sir:

Attorney Thomas M. Galloway has filed a plea in abatement to the complaint filed on behalf of the plaintiff. Please have this plea set down for hearing as soon as possible since, if it is upheld, the case will have to be removed to the Baldwin County court. If there is anything else that I should do in this regard, please advise at your convenience.

Thank you for your services in this matter.

Yours very truly,

Sam H. Galloway
For the Firm

LUS.pc

cc: Thomas M. Galloway, Esquire

Set on Motion docket 7-1-66

FRIDAY, JULY 1, 1966

NATHAN BRUNSON	)	DEFENDANTS' MOTION, FILED MAY 16,
	)	1966 FOR COURT TO ABATE THIS CAUSE
McCALL -vs- 19213	)	AND TRANSFER SAME TO THE CIRCUIT
	)	COURT OF BALDWIN COUNTY, ALABAMA -
ARTHUR D. WATERS and CARLTON	)	ON HEARING OF DEFENDANTS' PLEA IN
GRUBBS, Jtly. and Sep.	)	ABATEMENT, SAME IS HEREBY SUSTAINED,
	)	CASE ORDERED TRANSFERRED TO CIRCUIT
	)	COURT OF BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and defendants' motion filed May 16, 1966 for Court to abate this cause and transfer same to the Circuit Court of Baldwin County, Alabama, in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that the defendants' said motion, filed May 16, 1966 for Court to abate this cause and transfer same to the Circuit Court of Baldwin County, Alabama, in this cause, be, and the hearing on Defendants' Plea in Abatement is hereby sustained, case ordered transferred to Circuit Court of Baldwin County, Alabama.

Minute Book 33

Page 847

STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT


as rendered by the said Circuit Court on the 1st day of July, 1966, in the cause
entitled No. 19213 - NATHAN BRUNSON

_____, Plaintiff,
— versus — ARTHUR D. WATERS and CARLTON GRUBBS, Jointly and Separately

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in
Minute Book No. 33, Page No. 847.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 1st day of July, 1966.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 19213 NATHAN BRUNSON Plaintiff
VS.
ARTHUR D. WATERS & CARLTON GRUBBS, Jointly and Separately Defendant

BILL OF COST

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 2 Title 11, Code Ala. 1940)

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less \$ 6.00			Mileage - \$10.00		
Suits for over \$100 but less than \$1,000 10.00			Serving Summons & Complaint \$ 1.50	13 00	
Suits for \$1,000 and over 20.00	20 00		Serving Writ of Garnishment 1.50		
Suits in detinue, ejectment, etc. 10.00			Serving Sci Fa.-Notices 1.50		
Suits not otherwise provided 10.00			Levying Attachment & Return 6.25		
Writs, Mandamus, Prohibition, etc. 15.00			Executing Writ Possession 5.00		
Appeals from Court General Sessions 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Probate Court 20.00			Serving subpoenas, each .75		
Appeals from JP Courts 6.00			Impanelling Jury .75		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Taking & Approving Bond 2.00		
Workmen's Compensation Settle. 10.00			Collecting Costs Execution 1.50		
Garnishment on Judgment 6.00			Serving Contempt Writ 1.50		
Order of Sale, Motions to sell. 6.00			Making Deed for Property sold 2.50		
Recording executions from State Agencies 3.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Cert. Copy of Record - per 100 words .15	80				
Taking Appeal Bond .75			Total \$	13 00	
Record for Supreme Court etc., per 100 words .15					
Add'l Copies of Record for Supreme Court, per 100 words .05			RECAPITULATION		
Checking - including Reporters Transcript of Evidence 10.00			Clerk 20 80		
Certifying Abstract in lieu of Transcript on Appeal 5.00			Sheriff Taylor Wilkins-Baldwin County 13 00		
Collecting Money on Judgments over 30 days old, ½ the percentage allowed Sheriffs \$			Inferior Civil Court		
			Justice Peace fees		
Total \$ 20 80			Witness fees		
			Commissioner's fees		
			Certificate of Judgment		
			Judgment		
			10% Damages		
			Interest		
			Stenographer's fees (\$10.00 Day)		
			Library fee 1.50	1 50	
			Trial Tax (County) 1.50	1 50	
			Trial Tax (State) 1.50	1 50	
			Advertisement		
			Garnishee's fees		

\$38.30

I respectfully beg to advise that if this bill for costs is not paid before 19____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk