

JOHN V. DUCK
~~DUCK & LACEY~~

Attorneys at Law

P. O. DRAWER A-J - FAIRHOPE, ALABAMA

M E S S A G E

R E P L Y

TO

Mrs. Alice J. Duck

Bay Minette, Alabama

DATE

DATE

March 4, 1967

Re: Cecil Rayborn vs. George Walter Smith.

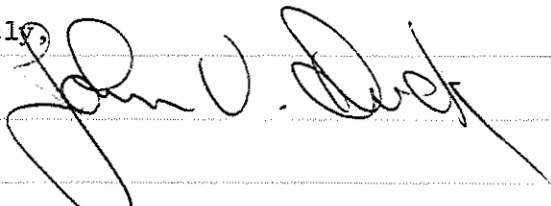
Civil Case No. 7075.

Dear Mrs. Duck:

Please withdraw my name as Attorney for Plaintiff

in above captioned case. Thank you.

Sincerely,



cc: Mr. Cecil Rayborn

SIGNED

SIGNED

CECIL RAYBORN,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

GEORGE WALTER SMITH,

X

AT LAW

NO. 7075

Defendant.

X

DEMURRER

Comes now the Defendant in the above styled cause, by his Attorneys, and demurs to the Complaint heretofore filed against him and as grounds therefor, assigns, separately and severally, the following:

1. The Complaint fails to state a cause of action.
2. The allegations of the Complaint are vague, indefinite and uncertain.
3. The Complaint fails to allege a duty owing from the Defendant to the Plaintiff and a breach of that duty proximately resulting in the injuries alleged in the Complaint.

Respectfully submitted,

CHASON, STONE & CHASON

By: 

Attorneys for the Defendant

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 August, 1966.



FILED

Aug 17 1966

ALICE L. BURN, CLERK

CECIL RAYBORN,)
Plaintiff,)
vs.)
GEORGE WALTER SMITH,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

7/16/70 75

COUNT ONE

Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS as damages, for that heretofore on, to-wit: the 24th day of July, 1965, the Plaintiff was riding in an automobile along and upon a public street in the City of Fairhope, Alabama on, to-wit: Section Street at its intersection with Volanta Avenue, which was then and there a public highway in Baldwin County, Alabama, and where the Plaintiff had a right to be, and while the said Plaintiff was riding in a motor vehicle along said Section Street at its intersection with Volanta Avenue in Fairhope, Alabama, an automobile which was being driven by the Defendant ran upon, over or against the automobile in which the Plaintiff was riding, and that the Defendant so negligently operated the automobile that the Plaintiff was injured in that he suffered severe sprains and strains of the muscles and ligaments of the lumbo-sacral area, suffered muscle spasms of the para vertebral muscles, there was caused to be a limitation of motion of the lumbar area of the spine, that he suffered a loss of the lower lordotic curving of the lumbar spine; that he was caused to lose time from his employment, that he was caused to expend large sums of money in and about the treatment of his injuries through the hiring of doctors and nurses, that he was caused to expend great sums of money for the payment of hospital bills, all to the damage of the Plaintiff as aforesaid. Plaintiff alleges that his injuries were proximately caused by the negligence of the Defendant in that the Defendant negligently caused, allowed or permitted his said automobile to run upon, over or against the automobile in which the Plaintiff was riding, and that the Plaintiff was injured as aforesaid, hence this suit.

FILED

JUL 20-66

MADE 1 DEX

CLEAR

Plaintiff respectfully demands a
Trial by Jury.

ATTORNEY FOR PLAINTIFF

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 SummonGEORGE WALTER SMITH.....

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.....

.....GEORGE WALTER SMITH....., Defendant.....

byCECIL RAYBORN.....

....., Plaintiff.....

Witness my hand this.....20.....day of.....July.....19.66

.....Alice J. Houch....., Clerk

No. 7075

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

CECIL RAYBORN

Plaintiffs

vs.

GEORGE WALTER SMITH

Defendants

SUMMONS AND COMPLAINT

Filed 7-20 1966

W. J. French Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
671 South Section Street
Fairhope, Alabama

RECEIVED

Received In Office

JUL 20 1966

19.....

JAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this Aug 5 1966

by leaving a copy with

George Smith
of his

Sheriff claims 70 miles at

Ten Cents per mile Total \$7.00

TAYLOR WILKINS, Sheriff

by *Ray Randall* DEPUTY SHERIFF

Jaylor Wilkins Sheriff

Ray Randall Deputy Sheriff