

BERTHA FAYE FUNK, as mother)
and next friend of K. Marshall)
Phillips, a minor,)

Plaintiff,)
VS.)

THE TRAVELERS INSURANCE COMPANY,)
a corporation,)

Defendant.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

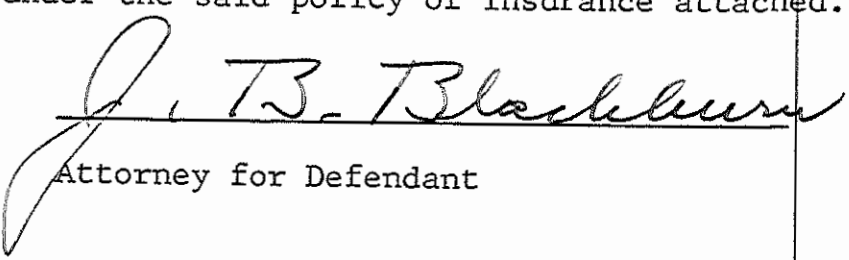
AT LAW

NO. 7079

DEMURRER TO COMPLAINT

Now comes the defendant, by its attorney, and demurs to the complaint heretofore filed in this cause and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. No facts are alleged to show any right on the part of the plaintiff to prosecute this action.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are vague, indefinite and uncertain in that it does not allege when the defendant insured the life of Louis R. Phillips.
5. The allegations of the complaint are vague, indefinite and uncertain in that it does not allege against what risk the defendant insured the life of Louis R. Phillips.
6. No facts are alleged to show the conditions on which the defendant's liability under the said policy of insurance attached.


Attorney for Defendant

I hereby certify that I mailed a copy of the foregoing demurrer to Wilters and Brantley, Bay Minette, Alabama, attorneys

for the defendant, by first class mail, postage prepaid and properly addressed, on this the 18th day of August, 1966.

J. B. Blackburn
Attorney for Defendant

FILED

AUG 18 1966

ALICE L. DUCK, CLERK
REGISTER

BERTHA FAYE FUNK, as
Mother and next friend
of K. Marshall Phillips,
a minor,

Plaintiff,

Vs.

THE TRAVELERS INSURANCE
COMPANY, a corporation,

Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

7-17-69

INTERROGATORIES PROPOUNDED TO DEFENDANT

Now comes the Plaintiff in the above styled cause and propounds the following interrogatories to the defendant in this cause:

1. Did you issue Policy No. B(1)35463 to Louis R. Phillips?
2. If your answer to Interrogatory No. 1 is yes, do you have the original policy in your possession?
3. If your answer to Interrogatory No. 2 is yes, please attach a copy of the said insurance policy to your answers to these interrogatories.
4. Have you received due proof that the said Louis R. Phillips referred to in Interrogatory No. 1 to whom your said insurance policy was issued, died accidentally on the 19th day of November, 1965?
5. Have you had notice that the said Louis R. Phillips who was insured under your Policy No. B(1)35463, which was issued by you, died accidentally on the 19th day of November, 1965?
6. Have you paid the proceeds of the said policy referred to in Interrogatory No. 1 to the beneficiary of said policy, K. Marshall Phillips?
7. Have you caused an investigation to be made as to the cause of death of the said Louis R. Phillips, referred to in Interrogatory No. 1?
8. If your answer to the preceding interrogatory is yes, then

state the name of the person or firm conducting said investigation.

9. If you state that you did have an investigation made as to the cause of death of the said Louis R. Phillips, please attach a copy of any statement or statements which you have in your file delivered to you by any person or firm making said investigation.

10. Do you know the name or names of any witnesses to the accident which caused the death of the said Louis R. Phillips and if you state that you do, please give the names of such witnesses and state whether or not you have any statement from said witness or witnesses?

11. Please state whether or not you have any photographs of the said Louis R. Phillips which were taken after his death and if you state that you do, please attach a copy of each photograph which you have to your answers to these interrogatories.

WILTERS & BRANTLEY

BY:

Tolbert M. Brantley
Attorney for Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Tolbert M. Brantley, who first being duly and legally sworn, deposes and says: That he is the attorney for the Plaintiff in the above styled cause; that the answers to the foregoing interrogatories will be material testimony for the Plaintiff in the trial of the said cause.

Tolbert M. Brantley
Tolbert M. Brantley

Sworn to and subscribed before me on this the 18 day of July, 1966.

Alvin J. Duck
Notary Public

FILED

JUL 21 1966

NOTARY PUBLIC
CLERK
REGISTER

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon The Travelers Insurance Company, a corporation, to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Bertha Faye Funk, as Mother and next friend of Kay Marshall Phillips, a minor.

WITNESS my hand this 21 day of July, 1966.

Bice J. Smith
Clerk

BERTHA FAYE FUNK, as
Mother and next friend
of Kay Marshall Phillips,
a minor,

Plaintiff,

Vs.

The Travelers Insurance
Company, a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

MC. 7079

1.

The Plaintiff claims of the Defendant FIVE THOUSAND (\$5,000.00) DOLLARS due on a policy whereby the Defendant insured the life of Louis R. Phillips, who died on the 19th day of November, 1965, of which the Defendant has had notice; said policy is the property of the Plaintiff.

WILTERS & BRANTLEY

BY:

Robert M Brantley
Attorney for the Plaintiff

Plaintiff demands a trial
by jury.

WILTERS & BRANTLEY

BY:

Robert M Brantley
Attorney for the Plaintiff

Executed 7-29-66
Taylor, Wilkins-Sher
By W.A. - Robert

710.7079

Received 27 day of July 1964
on 27 day of July 1964
of the within St. Louis
Milton Wilson
Service on

TAMMOR WILKINS, Sheriff

By W. A. Talbot

on

Birtha. Fudge. Funch
05

The Travelers Inc. Co

1. Sum & Compt.
2. Interrogatories.

To be served on:
Milton Wilson
Bryantville, Ala