## Johnston, Johnston & Nettles

Tampers

810 Inn Antwerp Building Mobile, Alabama 36601 Telephone 432-1811

Mailing Address P. O. Box 550 Mobile, Alabama

October 15, 1968

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

> Re: George Johnson vs. Joe Warren Case No. 7202

Dear Mrs. Duck:

I understand that the docket sheet in the above case reflects this judgment was settled between the parties. This is not the case. Joe Warren was to pay the judgment off in regular payments, but no agreement was made as to any cancellation or satisfaction of the judgment.

Therefore, we would appreciate your forwarding the enclosed abstract of judgment to the Department of Public Safety.

Thank you for your help.

Yours very truly,

JOHNSTON, JOHNSTON & NETTLES

BY L

RGK/jb cc: Mr. Lenoir Thompson

Samuel M. Johnston William E. Johnston Samuel M. Johnston, Jr. Bert S. Nettles

Robert G. Kendall, III

| GEORGE R. JOHNSON | χ                   |         |
|-------------------|---------------------|---------|
| Plaintiff         | X IN THE CIRCUIT C  | OURT OF |
| VS                | X BALDWIN COUNTY, J | ALABAMA |
| JOE WARREN        | ) AT LAW NO.        | 7202    |
| Defendant         | X                   |         |

Comes the defendant in the above styled cause and amends his answer heretofore filed in saidcause to read as follows:

1. Not guilty.

2. Now comes the defendant and for answer to the complaint, and to each count thereof separately and severally, says there has been an accord and satisfaction of the demand upon which this suit is brought in this:

That heretofore on to-wit, the 22nd day of October, 1965, and before the filing of this suit there was a bona fide dispute between the plaintiff and the defendant as to the amount of the plaintiff's claim; that the defendant prior to the filing of the suit paid to the benefit of the plaintiff on to-wit, the 24th day of October, 1965, in cash, the sum of Thirty-eight (\$38.00) Dollars; that the plaintiff accepted said payment of said sum in full satisfaction and discharge of said claim; wherefore, the plaintiff ought not to maintain this action.

3. For further answer to said complaint the defendant says that the plaintiff ought not to recover in this case for that on the occasion complained of to-wit, the 22nd da of October, 1965, Annie Mae Johnson operating plaintiff's motor vehicle so negligently at the intersection of Hurricane Road and Track Street, a public street or highway in Bay Minette, Alabama, that said Annie Mae Johnson while operating plaintiff's vehicle was herself guilty of negligence which contributed proximately to the damage complained of in said complaint in that said Annie Mae Johnson while operating plaintiff's motor vehicle had driven said motor vehicle past a Baldwin County school bus with the

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stop sign extended while the said school bus had stopped at said intersection in order that the said defendant could drive out of Track Street into Hurricane Road in order that the said school bus could enter Track Street which said action of Annie Mae Johnson operating plaintiff's motor vehicle in passing the school bus was the proximate cause of said accident and as a consequence of the said contributory negligence of the said Annie Mae Johnson operating plaintiff's motor vehicle, said automobile collided with the said defendant's automobile, all of which was the proximate consequence of the said Annie Mae Johnson's negligence operating plaintiff's motor vehicle.

Attorney for defendant.

I hereby certify that I have delivered a copy of the foregoing amended answer to Honorable Robert G. Kendall, attorney for plaintiff by handing same to him this  $\frac{3}{3}$  day of  $\frac{3}{3}$  day of  $\frac{3}{3}$ .

File

which and

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Deorge R. Johnson Joe Warren

In the Circuit Court of Baldwintourty alabama at four

Cope II \_\_\_\_

Dem URRER

Comes now the plaintiff in the above-styled cause and demus to Plea 3 flad herein and assigns the following several and separate grounds: 1. Soid plus does not state a defense. 2. For that it is not arened that the driver of the plaintiff's automobile was an ozent, rewant or employee of the plaintiff. 3. For no facto are alleged by which any negligence file daiver of the plaintiffs outemobile would be imported to the plaintiff. 4. For that the que mode of the alleged repigence of the driver of the plaintiffs automobile is set out, and soid facts as alleged do not constitute negligence. 5. For that it affirmatively appears that the driver of the plaintif's automobile beached no duty own to the plaintff orto the defendant. Robert Bllevelally attorney for plaintiff Atom several acopy of this planting on Filed in open con this 13 day September, 1962. 475

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 Gamble, I. Jack; Salesman; Bay Minette
 Gantt, Charles E.; Farmer; Little River 36. Gipson, Leon Fisher; Mechanic; Bay Minette 37. Graham, James R., Laborer; Bay Minette 38. Grantham, Donald R.; Farmer; Mag. Spgs. 39. Gwaltney, William H.; Clerk; Robertsdale 40. Haden, James T.; Salesman; Robertsdale 41. Hall, Charlie; Retired; Fairhope 42. Heil, William; Farmer; Elberte 43. Hodgeson, William M., Jr.; Manufacturer, Bay Minette 44. Hoiles, Thomas E.; Gulf Gas Agent; Robertsdale
45. Jackson, Thomas K.; Farmer; Daphne
46. Jerkins, Marvin E.; Civil Service; Stapleton 47. Jones, George; Business Operator; Daphne 48. Kane, James; Farmer; Loxley 49. Kennedy, Douglas; Creamery; Montrose 50. Koch, William; Ideal Cement Cost Controler Art Center; Spanish Fort 51. Kriss, Frank; Farmer; Silverhill 52. Lamar, Reuben; Laborer; Foley 53. Langer, Stanley; Machinst; Robertsdale 54. Lazzari, Joe, Jr.; Farmer; Belforest 55. Lazzari, John,; Farmer; Belforest 56. Lee, Charles; Bell Tele. Co; Spanish Fort-Daphne 57. Marino, Percy; Mobile Housing Board; Daphne 58. Mason, Jimmy; Salesman; Fairhope 59. McDill, Sam C.; Farmer; Bay Minette 60. McGowan, Edmund C.; Farmer; Lathan 61. McKibbon, Emmett C.; Woodhaven Dairy; Fairhope 62. McLeod, George; State Emp.; Gulf Shores 63. Mosley, Rufus; Farmer; Stapleton 64. Novoty, Milton J.; Farmer; Robertsdale 65. Owen, L.D., Jr.; Merchant; Bay Minette 66. Paul, Lonnie L.; Farmer; Rabon 67. Quiney, Robert; Labor Work; Fairhope 68. Racine, Floyd A.; Truck Driver; Robertsdale 69. Raney, J.M.: Parts Manager; Foley 70. Rhodes, Charles R.; Farmer; Foley 71. Rhodes, Elbert M.; Farmer; Summerdale 72. Rieben, Everett; Brookley Field; Bay Minette 73. Rieben, Ray; Paper Mill; Bay Minette 74. Roberson; Mutt; Laborer; Robertsdale 75. Robinson, Odell; Contractor; Bay Minette 9-13-67 Denverrer Dustained. Jefoing. Masseling

STATE OF ALABAMA X COUNTY OF BALDWIN Y

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Joe Warren 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 George R. Johnson.

| WITNESS my hand this        | ay of <u><i>Oth</i></u> , 1966. |
|-----------------------------|---------------------------------|
|                             | Deice Couch                     |
|                             | CLERK                           |
| * * * * * * * * * * * * * * | * * * * * * * * * * * * * * * * |
| GEORGE R. JOHNSON,          | : IN THE CIRCUIT COURT OF       |
| Plaintiff,                  | : BALDWIN COUNTY, ALABAMA       |
| vs.                         | = AT LAW                        |
| JOE WARREN,                 | : no. 7202                      |

Defendant.

CASE NO:

Plaintiff claims of the Defendant the sum of Two Hundred Fifty and no/100 (\$250.00) Dollars as damages, for that heretofore on, to-wit, the 22nd day of October, 1965, the plaintiff so negligently operated a motor vehicle on Track Street, at or near its intersection with Hurricane Road, at which point the said Track Street and Hurricane Road are public streets or highways in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the plaintiff's motor vehicle which was then and there being operated by the plaintiff's wife, and as a proximate consequence of the negligence of the defendant as aforesaid, the plaintiff's motor vehicle was bent, broken

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and otherwise damaged, hence this suit.

JOHNSTON, JOHNSTON & NETTLES Attorneys for Plaintiff

<u>Robert G. Kendall</u> ΒY

Defendant may be served:

1208 Grove Street

Bay Minette, Alabama

82-10-18-66

OCT 6 1966 ALICE J. DAVIK, CLERK

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Received 10 day of Oct 710. 7202 168 We the Envery friend 65 is sold a copy of the within Atc. for the Deautiful George R. Johnson By service on. TAYLOR WILKINS, Shariff By U a Local Joe Warren Duill 143.89 Ten Cents per mile Total \$ 1 10 TAYLOR WILKINS, Sherift BY \_\_\_\_\_\_ O\_\_\_\_ Let B Olygers CPasselling Taktow nct (\* **1960**)) ANT & SHE CLERK sononf 550, mobile allige

| GEORGE R. JOHNSON | Х                         |
|-------------------|---------------------------|
| Plaintiff         | X IN THE CIRCUIT COURT OF |
| vs                | X BALDWIN COUNTY, ALABAMA |
| JOE WARREN        | X AT LAW NO. 2202         |
| Defendant         | X                         |

Comes the defendant in the above styled cause and for answer to the complaint filed in said cause shows unto this Honorable Court as follows:

1. Not guilty.

2. Now comes the defendant and for answer to the complaint, and to each count thereof separately and severally, says there has been an accord and satisfaction of the demand upon which this suit is brought in this:

That heretofore, on to-wit, the 22nd day of October, 1965, and before the filing of this suit there was a bona fide dispute between the plaintiff and the defendant as to the amount of the plaintiff's claim; that the defendant prior to the filing of the suit paid to the benefit of the plaintiff on to-wit, the 24th day of October, 1965, in cash, the sum of Therefore, the plaintiff scharge of said payment of said sum in full satisfaction and discharge of said claim; wherefore, the plaintiff ought not to maintain this action.

for Defendant

Plaintiff respectfully demands a trial by jury. Attorney for Defendant FILED

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Iohnston, Iohnston & Nettles

Lawyers

810 Yan Antwerp Building

Mobile. Alabama 35501

Jelephone 492-1811

Sannel A. Iohnston William F. Iohnston Sannel A. Iohnston, Ir. Bert S. Nettles

Robert G. Kendall. III

October 5, 1966

Mrs. Alice Duck Clerk of the Circuit Court Bay Minette, Alabama

Re: George R. Johnson v. Joe Warren

Dear Mrs. Duck:

Please find enclosed a complaint and summons

in the above case, which I would thank you to file

on behalf of the plaintiff.

Yours very truly,

JOHNSTON, JOHNSTON & NETTLES

Kendall ΒY Robert G. Kendall

Mailing Address

P. O. Box 550

Mobile, Alabama

RGK:mrp Enclosure

720,7202 miner ve tare Varier, JURY LIST - SEPTEMBER 11, 1967 Hudson, Homer, Standard Furniture Co., Bay Minette 2. Garlisle, D. C., Newport, Bay Minette Helms,-Kenneth-B.,-Civil Service; Elberta 4-Hirz, Donald, Civil Service, Elberta Irwin, Alvin A., Farmer, Gateswood Hobbs, Tom, Farmer, Rosinton 7 Calloway, John, Fisherman, Gulf Shores Stand Bloch, John, Farmer, Elberta 9 Brantley, C. C., Contractor; Bay Minette Brooks, Frank, Mechanic, Foley Association Alberto B., Farmer, Stepleton 12: Johnston, Jessie, Retired, Foley 13, Beasley, Wilson C., Store Owner, Bay Minette King, H. W., Farmer, Stapleton 15. Bishop, George O., Merchant, Fairhope 16. Blackman, W. K., Farmer, Foley 7. Akers, Mrs. R. M, Collector, Bay Minette 18 Allegri, Angelo, Carpenter, Fairhope 20. Nelson, Durwood F., Farmer, Fairhope 20. Norsworthy, John C., Clerk, Bay Minette 2 Banker, Willard, Farmer, Bom-Secour 22: Peavy, Thelma, Housewife, Bon Secour 23) Presley, Guy T., Farmer, Lottie Zam Baggett, H. M., Civil Service, Stapleton **Z5.** Faulk, Billy, Barber, Robertsdale 26. Fell, Neal J., Farmer, Lillian 27. Dyess, Roy, Earner, Rosinton 28 Dyess, Wm. W., Farmer, Robertsdale 29. Turk, Thera W., Stateswood -30- Miller, Albert Ernest, Clerk, Bay Minette 31 Miller, David A., Contractor, Summerdale Cont 1 32: Trawick, Walter, Laborer, Bay Minette 33% Rider, Charles, Woodsman, Bay Minette 34, Yarbrough, Ralph R., Filling Station, Bay Minette ar de Sale V S5-Whitten, Lewis S., Electrician, Fairhope 36. Windham, Carl T., Baper Co., Bobertsdale 97. Wharton, Mary J., Housewife, Foley 39. White, Earnest, Farmer, Robertsdale 39. Weeks, Harry J., Nurseryman, Foley 40 Grimes, Roy A., Newport, Bay Minette 41 Bauer, Hilbert, Farmer, Summerdale <del>42. Ruple, LeRoy, Engineer, Bay Minette</del> 43. Keenan, Ruben A., Oil-Dealer, Robertsdale Atty-Fettbright, Lex.J., Army-Retired, Gutf Shores 45, Fuqua, Damon L., Gov't Emp., Gulf Shores 46. Sause, Eleanor, Stockton Beasley, John, Banker, Fairhope Sport 200 48 Hammond, Cecil C., Truck Operator, Bay Minette 49. Jones, Chester, Western Auto., Robertsdale 50. Frank, Lawrence J., Fermer, Elberta Emmons, Floride Tosts Clex K. For Hunette 1\_2 3 9 1 2 XXXXX XXX XXX XXX E XXXXX XXXXX XXXXX