

OPAL POWELL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
JOSEPH VERNON MATHES,	X	
		LAW SIDE
Defendant.	X	

Comes the Defendant in the above styled cause and without waiving the demurrer which he has heretofore filed in said cause, files this his pleas, separately and severally, to the Complaint filed by the Plaintiff in said cause and says:

1. Not guilty.

2. That at the time and place complained of in the Complaint, the Plaintiff, acting by and through her agent, servant or employee who was then and there acting within the line and scope of her authority as such, was guilty of negligence which was the proximate cause of her injuries and damages, hence she can not recover in this suit.

3. The Defendant, by way of recoupment, claims of the Plaintiff the sum of Three Hundred Dollars (\$300.00) as damages for that on, to-wit: January 22, 1966 at a point on U. S. Highway 90 1.1 miles West of its intersection with U. S. Highway 31 at Spanish Fort, Alabama, which was then and there a public highway in Baldwin County, Alabama, the Plaintiff, acting by and through her agent, servant or employee who was then and there acting within the line and scope of her authority as such, negligently parked her automobile on such highway at said time and place and as a proximate result of the negligence of such Plaintiff the Defendant was damaged in this: the front bumper, hood and fenders of Defendant's automobile were bent and broken, all to the damage of the Defendant in

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon each of the parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 7 day of Jan 1967.

FILED

JAN 6 1967

ALICE L. DICK, CLERK
REGISTER

Rason, Stone & Rason
Attorney for Defendant

7233

OPAL POWELL,

Plaintiff,

-VS-

JOSEPH VERNON MATHES

Defendant.

PLEA

FILED

JAN 6 1967

AUGIE M. DICK, CLERK
REGISTER

OPAL POWELL,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
JOSEPH VERNON MATHES,)	<i>70.7233</i>
Defendant.)	

Plaintiff claims of the Defendant the sum of SEVEN HUNDRED FIFTY (\$750.00) DOLLARS as damages for that, heretofore on, to-wit: the 22nd day of January, 1966, the Plaintiff's automobile was being operated along and upon Highway No. U. S. 90 at a point thereon one and one-tenths mile West of its intersection with Highway 31 at Spanish Fort, Alabama, which was then and there a public highway in Baldwin County, Alabama, where Plaintiff's automobile had a right to be, and while said automobile was being operated and driven along said highway No. U. S. 90, an automobile which was being driven by the Defendant ran upon, over or against the automobile of the Plaintiff, causing great damages and injuries to the Plaintiff's automobile: the brake system was damaged and injured, the rear wheel bearings were damaged and destroyed, the seal train was damaged and otherwise bent, the two rear tires were destroyed, two universal joints were bent and otherwise damaged, the center bearing was damaged and had to be replaced, the rear stabilizer was bent and otherwise damaged, and Plaintiff's automobile was otherwise bent, damaged, smashed and torn, all to the damage of the Plaintiff as aforesaid, that the Plaintiff was caused to lose the use of her said automobile for a great period of time, and continues to lose the use of her automobile.

The Plaintiff alleges that her said damages to her said automobile were proximately caused by the negligence of the Defendant in that he negligently caused, allowed or permitted said automobile to run upon, over or against the automobile of the Plaintiff and as a proximate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid, hence this suit.

Plaintiff respectfully demands a Trial by Jury.

[Signature]
ATTORNEY FOR PLAINTIFF

SUMMONS AND COMPLAINT

MOORE PRINTING CO., 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 Summon JOSEPH VERNON MATHES

.....
.....
.....

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.....

..... JOSEPH VERNON MATHES....., Defendant.....

by OPAL POWELL.....

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

Witness my hand this..... 24..... day of..... Oct..... 19 66

EX-11-3-66

..... Clerk

No. 7233

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

OPAL POWELL

Plaintiffs

vs.

JOSEPH VERNON MATHES

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

FILED

OCT 20 1966

Clerk

ALICE J. DUCK, CLERK-RECEIVED

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
382 Pecan Street
Fairhope, Alabama

Received In Office

10/28 1966

Sheriff

I have executed this summons

this Nov. 3- 1966

by leaving a copy with

Joseph Vernon Mathes
(Fairhope)

Sheriff claims 16 miles

Per Cents per mile Total 7.00

TAYLOR WALKER, Sheriff

BY Roy Randall
Deputy Sheriff

Taylor Walker, Sheriff

Roy Randall, Deputy Sheriff

OPAL POWELL,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
JOSEPH VERNON MATHES,	X	LAW SIDE NO. 7233
Defendant.	X	

DEMURRER

Comes the Defendant and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That the Complaint does not state a cause of action.
2. That the Complaint does not allege who was driving the automobile owned by the Plaintiff at the time of the accident.
3. That the Complaint does not allege how long the Plaintiff lost the use of her vehicle.
4. That said Complaint does not allege that the Plaintiff was using her vehicle in any way in connection with her business.
5. That said Complaint claims speculative damages.

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 7th day

of Nov 7, 1966

[Signature]

[Signature]
Attorneys for Defendant

FILED

NOV 7 1966

ALICE L. BUCK, CLERK
REGISTER

72 '33

OPAL POWELL,
Plaintiff,

vs.

JOSEPH VERNON MATHES,
Defendant.

DEMURRER

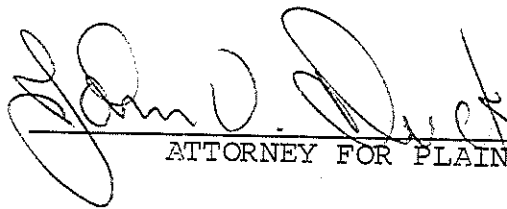
FILED
NOV 7 1933
ALICE J. DUCK, CLERK
REGISTER

OPAL POWELL,)
Plaintiff,)
vs.)
JOSEPH VERNON MATHES,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes now the Plaintiff in the above styled cause, and
for answer to the Plea of Recoupment filed herein says:

1. Not guilty.


ATTORNEY FOR PLAINTIFF

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 20th day of Jan 1967


Attorney for Plaintiff

