

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

PHONE 433-5561 P. O. BOX 1988

MOBILE, ALABAMA 36601

C. A. L. JOHNSTONE, JR.

R. F. ADAMS, SR.

JAMES L. MAY, JR.

ALEX T. HOWARD, JR.

J. JEPHTA HILL

CHARLES B. BAILEY, JR.

BROCK B. GORDON

BEN H. HARRIS, JR.

WILLIAM H. HARDIE, JR.

DOUGLAS INGE JOHNSTONE

March 27, 1968

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER, OF COUNSEL

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

Re: Foshee vs. Williams & Lamar Life Insurance Company  
Civil No. 7271

Dear Mrs. Duck:

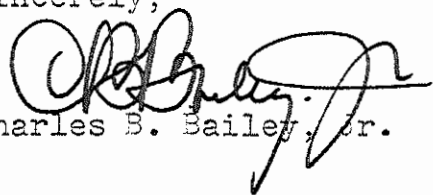
I enclose the Lamar Life Insurance Company's check in the amount of \$3,009.90 in payment of the judgment rendered against Lamar Life Insurance Company and the Lamar Life Insurance Company's proportionate part of the Cost Bill.

The judgment against the Lamar Life Insurance Company was for \$3,000. The Cost Bill, exclusive of the Commissioner's Fees to Walter Wise and Mrs. Louise Dusenbury, amounted to \$33 and 3/10 of that according to our calculations comes to \$9.90. We have previously paid Mrs. Dusenbury and Mr. Wise direct.

We would very much appreciate your certifying to us when the judgment against the Lamar Life Insurance Company has been satisfied by the plaintiff's attorney.

Thank you very much for your cooperation.

Sincerely,

  
Charles B. Bailey, Jr.

CBBjr/mjo

Enclosure

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY  
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

GESSNER T. MCCORVEY (1882-1965)

BEN D. TURNER

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J. JEPHTHA HILL

CHARLES B. BAILEY, JR.

C. M. A. ROGERS, III

BROCK B. GORDON

BEN H. HARRIS, JR.

WILLIAM H. HARDIE, JR.

PHONE 433-5561 P. O. BOX 1070

MOBILE, ALABAMA 36601

January 12, 1967

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

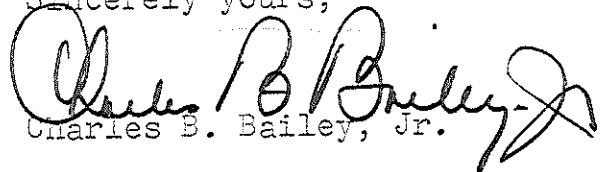
Re: W. C. Foshee, Jr. and E. C. Foshee  
vs. James S. Williams and The Lamar  
Life Insurance Company - Case No. 7271

Dear Mrs. Duck:

I enclose a copy of notice of the taking of the deposition of the plaintiffs in the above action. I do not know whether or not service has been had on the defendant James S. Williams, but I am enclosing an extra copy of the notice of taking of the deposition which I would appreciate your causing to be served on him.

Thank you for your usual splendid cooperation.

Sincerely yours,

  
Charles B. Bailey, Jr.

CBBjr/nmt

*James S. Williams  
Not Found*

HAYES & WILKINS

LAWYERS

BAY MINETTE, ALABAMA

36507

P. O. Box 300

Telephone 937-5506

March 22, 1967

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

Dear Mrs. Duck:

Please file the enclosed answer. I have forwarded  
a copy to the other Lawyers.

Best regards, I am

Yours very truly,



Wilson Hayes

WH/rkh  
Encl: 1

no. 7291  
W. G. Forke vs.  
Jas Williams

JURY LIST - SPRING SESSION - MARCH 4, 1968

- ~~1. Douglas, Oliver, Brookley Field, Daphne~~
- ~~2. Lucassen, Joe L., Sr., Business Manager, Foley~~
- ~~3. Ledrew, Roy C., Auditor, Foley~~
- ~~4. Guthrie, Hershey H., Farmer, Foley~~
- ~~5. Hastings, Donald E., Farmer, Rosinton~~
- ~~6. Frank, Jake, Jr., Farmer, Elberta~~
- ~~7. Reedy, M. J., Postal Clerk, Bay Minette~~
- ~~8. Rider, Billy, Civil Service, Lillian~~
- ~~9. Nix, Ellis, Feed Mill, Silverhill~~
- ~~10. Peterson, L.P., Farmer, Robertsdale~~
- ~~11. Newton, Forrest B., Clerk, Bay Minette~~
- ~~12. Nitteberg, Harry, Carpenter, Robertsdale~~
- ~~13. Stewart, Margaret, Housewife, Magnolia Springs~~
- ~~14. Stimpson, Carl, Clay Products, Fairhope~~
- ~~15. Byrd, Claude, Newport, Bay Minette~~
- ~~16. Clemmons, Scott, Brookley Field, Fairhope~~
- ~~17. Cleverdon, Paul L., Farmer, Summerdale~~
- ~~18. Coleman, John E., Brookley Field, Bay Minette~~
- ~~19. Cox, Ruth G., Stockton~~
- ~~20. Burkel, Fred, Civil Service, Foley~~
- ~~21. Byrd, Carl, Civil Service, Stapleton~~
- ~~22. Anacker, Walter R., Farmer, Fairhope~~
- ~~23. Bateman, Martin K., Bell Telephone, Bay Minette~~
- ~~24. Beck, John, Mechanic, Foley~~
- ~~25. Berglin, Guider S., Widow, Fairhope~~
- ~~26. Brinx, Willis, Farmer, Foley~~
- ~~27. Bryhn, Carl L., Farmer, Elberta~~
- ~~28. Trawick, Cecil, Farmer, Stapleton~~
- ~~29. Trione, Leonard, Real Estate, Daphne~~
- ~~30. Underwood, Vaughn, Farmer, Foley~~
- ~~31. McCowan, Ted, State Employee, Bay Minette~~
- ~~32. Rhodes, Larkin T., Jr., Farmer, Bay Minette~~
- ~~33. Weston, Harold, Clerk, Fairhope~~
- ~~34. Willis, Bruce, Mechanic, Elberta~~
- ~~35. Joyner, J. H., Jr., Grand Hotel, Fairhope~~
- ~~36. Gause, Thomas H., Bacon McMillan Mills, Bay Minette~~
- ~~37. Yohn, Walter M., City of Fairhope, Fairhope~~
- ~~38. Young, Elijah, Jr., Standard Furniture, Bay Minette~~
- ~~39. Brewer, Ben, Farmer, Robertsdale~~
- ~~40. Piersnn, Donald, Farmer, Robertsdale~~

T XXXXX XXX  
D XXXXX XXX

40  
12  
28  
12  
16

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY  
ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING  
PHONE 433-5561 P. O. BOX 2104  
MOBILE, ALABAMA 36601

C. A. L. JOHNSTONE, JR.  
R. F. ADAMS, SR.  
JAMES L. MAY, JR.  
ALEX T. HOWARD, JR.  
J. JEPHTHA HILL  
CHARLES B. BAILEY, JR.  
C. M. A. ROGERS, III

BROCK B. GORDON  
BEN H. HARRIS, JR.  
WILLIAM H. HARDIE, JR.  
DOUGLAS INGE JOHNSTONE

March 2, 1967

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER, OF COUNSEL

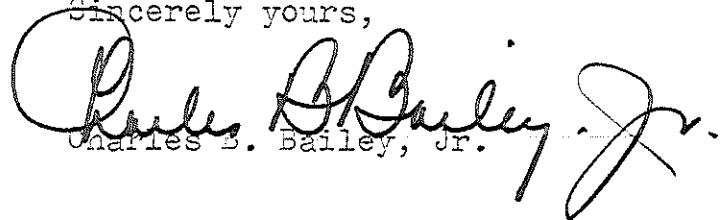
Mrs. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: W. C. Foshee, Jr. and E. C. Foshee  
vs. James S. Williams and The Lamar Life  
Insurance Company - Case No. 7271

Dear Mrs. Duck:

Enclosed is notice of the taking of the deposition of Mr. J. B. Nix, Attorney, at his law office in Evergreen, Alabama, at 3 o'clock P.M., Friday, March 24, 1967, which we would appreciate your causing to be placed in the court file.

Sincerely yours,

  
Charles B. Bailey, Jr.

CBBjr/nmt

STATE OF ALABAMA

IN THE CIRCUIT COURT

BALDWIN COUNTY

AT LAW

NOV 12 1966

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You are hereby commanded to summon James S. Williams and Lamar  
The  
Life Insurance Company, a corporation, to appear in the Circuit Court of Baldwin  
County, Alabama, at the place of holding the same, and plead, answer or demur,  
within thirty days from service hereof, to the complaint of W. G. Foshee, Jr. and  
E. C. Foshee.

Witness my hand this the 12 day of November, 1966.

Bliss Luck, Clerk

COMPLAINT

W. G. FOSHEE, JR. and  
E. C. FOSHEE

VS.

The  
JAMES S. WILLIAMS and LAMAR  
LIFE INSURANCE COMPANY, a  
Corporation

PLAINTIFFS

NOV 12 1966

DEFENDANTS

COUNT ONE:

The Plaintiffs claim of the Defendants \$19,250.00 due from them for money  
on to-wit: the <sup>25</sup> day of <sup>JUNE</sup> ~~May~~, 1966, received by the Defendants to the use of the  
Plaintiffs which sum of money with the interest thereon is still unpaid.

James M. Prestwood  
Attorney for Plaintiffs

James M. Prestwood  
Attorney At Law  
P. O. Drawer 28  
Andalusia, Alabama

*Executed*  
11-23-66 by *James M. Prestwood*  
M. B. Butler, Clerk

*Executed* 3-15-67 by *James S. Williams*  
Lamar Williams, Clerk

FILED  
NOV 22 1966  
ALICE L. BROWN, CLERK

814

no. 7791

RECEIVED IN OFFICE

NOV 23 1966 NOV 22 1966

M. S. BUTLER, Sheriff TAYLOR WILKINS, Sheriff

(2)

Executed by serving 2 copies of  
 the within on Walter S. [unclear]  
General Superintendent  
 of Insurance, State of Alabama  
 This The 23 day of Nov 1966

Sheriff of Montgomery County  
 M. S. Butler  
 By J. B. [unclear] D. S.

The Sheriff claims \$1.00 travel ex-  
 penses on each of 1  
 process(es) or a total of \$ 1.00  
 M. S. Butler, Sheriff  
 Montgomery County,  
 Alabama.

Returned 26 day of Nov 1966  
 Not found in my county after diligent search and in-  
 quiry as to James S. Williams  
Taylor Wilkins  
Taylor Wilkins  
 Deputy Sheriff

W. G. Foshee, Jr.  
 vs  
 C. L. Foshee

James S. Williams  
 vs  
 Lanaw Life Insurance  
 Corp

Received 14 day of March 1967  
 and on 15 day of March 1967  
 I served a copy of the within A & C  
 on \_\_\_\_\_

By service on James S. Williams  
 TAYLOR WILKINS, Sheriff  
 By W. D. Garner D. S.  
O. M.

Proctor Proctor  
 attys

W. G. FOSHEE, JR. and  
E. C. FOSHEE,

Plaintiffs,

=vs=

JAMES S. WILLIAMS and THE  
LAMAR LIFE INSURANCE COMPANY, )  
a corporation,

Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) AT LAW  
) CASE NO. 7271

A N S W E R

Comes now the defendant, The Lamar Life Insurance  
Company, and for answer to the complaint heretofore filed  
in the above styled cause states as follows:

PLEA ONE

Not indebted.

PLEA TWO

Not guilty.

PLEA THREE

The allegations of the complaint are untrue.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By

Charles B. Bailey, Jr.  
Attorney for Defendant,  
The Lamar Life Insurance Company

I, Charles B. Bailey, Jr., one of the attorneys for the  
defendant, The Lamar Life Insurance Company, in the above  
entitled cause hereby certify that I have mailed a copy of the  
above and foregoing pleading to James M. Prestwood, Esquire,  
at his office in Andalusia, Alabama, first class postage pre-  
paid, on this the 16th day of December, 1966.

Charles B. Bailey, Jr.  
Charles B. Bailey, Jr.

FILED

DEC 17 1966

W. I. DICK, CLERK  
REGISTER



7271

We the Jury find  
for the Plaintiff

3000<sup>00</sup>

Paul Henderson  
Gorman

and against Loman  
Life Ins Co

**ALICE J. DUCK** CLERK  
REGISTER

W. G. FOSHEE, JR., and	) )	
E. C. FOSHEE,	) )	IN THE CIRCUIT COURT OF
	) )	
Plaintiffs,	) )	BALDWIN COUNTY, ALABAMA
vs.	) )	
	) )	AT LAW. No. 7271
JAMES S. WILLIAMS and THE	) )	
LAMAR LIFE INSURANCE COMPANY,	) )	
a corporation,	) )	
Defendants.	) )	

MOTION TO PRODUCE UNDER TITLE 7, SECTION 426

Now comes the Defendant, The Lamar Life Insurance Company, in the above styled cause, by and through its attorneys of record, and moves the Court to compel by order, the Plaintiffs to produce at the trial of the above styled cause on March 5, 1968, the following papers or documents in their possession or power, which are necessary and material to the trial of said cause, containing evidence pertinent to the issues of said cause, to-wit:

1. Original check dated 6/25/66, drawn on the Conecuh County Bank, in the amount of \$4,250.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Le Roy Roell Development Company, marked "for partial payment - Loan discount".

2. Original check numbered 2584, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$3500.00, on the account of Foshee Milling Company, and payable to Jim Williams, marked "for finder's fee".

3. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00, on the account of W. G. Foshee, and payable to Jim Williams, marked "for finder's fee".

4. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00, on the account of E. C. Foshee, and payable to Jim Williams, marked "for finder's fee".

5. Original check numbered 2674, dated 6/20/66, drawn on the Conecuh County Bank, Evergreen, Alabama, in the amount of \$2,000.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Jim Williams.

6. Original check numbered 2585, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$1500.00, on the account of Foshee Milling Company by E. C. Foshee, and payable to Lamar Life Insurance Company.

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

-and-

OWENS AND PATTON

By:

*James S. Williams, Jr.*  
Attorneys for Defendant,  
The Lamar Life Insurance Company.

I, the undersigned, one of the attorneys of record for the Defendant, The Lamar Life Insurance Company, do hereby certify that I have served a copy of the foregoing motion on Prestwood & Prestwood, Attorneys at Law, Prestwood Building, Andalusia, Alabama, Attorneys for the Plaintiffs, and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, Attorney for the Defendant, James S. Williams, by placing a copy of the same in the United States Mail, properly addressed, with postage prepaid, this 29th day of February, 1968.

*James S. Williams, Jr.*

**FILED**

FEB 29 1968

**ALICE J. DUCK** CLERK  
REGISTER

W. G. FOSHEE, JR., and	)	
E. C. FOSHEE,	)	
	)	IN THE CIRCUIT COURT OF
Plaintiffs,	)	
	)	BALDWIN COUNTY, ALABAMA
vs.	)	
JAMES S. WILLIAMS and THE	)	
LAMAR LIFE INSURANCE COMPANY,	)	AT LAW. NO. 7271.
a corporation,	)	
	)	
Defendants.	)	

ORDER TO PRODUCE:

This cause coming on to be heard on the motion to produce filed by the Defendant, Lamar Life Insurance Company, wherein the said Defendant, Lamar Life Insurance Company seeks the production at the trial of said cause, certain documents, checks and other instruments more fully described in the verified petition of said Defendant; and it appearing to the Court that said motion was duly served upon Prestwood and Prestwood, Attorneys at Law, Andalusia, Alabama and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, the other attorneys of record involved in this cause, by placing a copy of the same in the United States Mail, properly addressed with postage prepaid on the 27th day of November, 1967; and it further appearing to the Court that no exceptions or objections have been taken to the said motion, it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said motion to produce be, and the same is hereby granted and the Plaintiffs herein are hereby ordered to produce at the trial of said cause on December 5, 1967, the following instruments:

1. Original check dated 6/25/66, drawn on The Conecuh County Bank, in the amount of \$4,250.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Le Roy Roell Development Company, amrked "for partial payment - Loan discount".
2. Original check numbered 2584, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$3500.00 on the account of Foshee Milling Company, and payable to Him Williams, marked "for finder's fee".

3. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00 on the account of W. G. Foshee, and payable to Jim Williams, marked "for finder's fee".

4. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00, on the account of E. C. Foshee, and payable to Jim Williams, marked "for finder's fee".

5. Original check numbered 2674, dated 6/20/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$2,000.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Jim Williams.

6. Original check numbered 2585, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$1500.00 on the account of Foshee Milling Company by E. C. Foshee, and payable to Lamar Life Insurance Company.

DONE this 29<sup>th</sup> day of November, 1967.

Leif J. MacArthur  
Circuit Judge.

**FILED**

NOV 29 1967

**ALICE J. DUCK** CLERK  
REGISTER

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 23rd day of November, 1966, I sent by registered mail in an envelope as follows:

Lamar Life Insurance Company  
317 E. Capitol Street  
Jackson, Mississippi 39201

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

W. G. Foshee, Jr. and E. C. Foshee, Plaintiffs

in the Circuit Court of Baldwin County

VERSUS

James S. Williams and The Lamar Life Insurance Company, a corporation, Defendant

(Name of Court)

And that on the 28th day of November, 1966, I received the return card showing receipt by the designated addressee of said envelope on the 25th day of November, 1966.

Witness my hand and official seal this the 28th day of November, 1966.

Walter S. Housel  
SUPERINTENDENT OF INSURANCE

W. G. FOSHEE, JR., and	) )	
E. C. FOSHEE,	) )	IN THE CIRCUIT COURT OF
	) )	
Plaintiffs,	) )	BALDWIN COUNTY, ALABAMA
vs.	) )	
	) )	AT LAW. NO. 7271.
JAMES S. WILLIAMS and THE	) )	
LAMAR LIFE INSURANCE COMPANY,	) )	
a corporation,	) )	
	) )	
Defendants.		

MOTION TO PRODUCE UNDER TITLE 7, SECTION 426

Now comes the Defendant, The Lamar Life Insurance Company, in the above styled cause, by and through its attorneys of record, and moves the Court to compel by order, the Plaintiffs to produce at the trial of the above styled cause on December 5, 1967, the following papers or documents in their possession or power, which are necessary and material to the trial of said cause, containing evidence pertinent to the issues of said cause, to-wit:

1. Original check dated 6/25/66, drawn on The Conecuh County Bank, in the amount of \$4,250.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Le Roy Roell Development Company, marked "for partial payment - Loan discount".
2. Original check numbered 2584, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$3500.00, on the account of Foshee Milling Company, and payable to Jim Williams, marked "for finder's fee".
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4. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00, on the account of E. C. Foshee, and payable to Jim Williams, marked "for finder's fee".
5. Original check numbered 2674, dated 6/20/66, drawn on the Conecuh County Bank, Evergreen, Alabama, in the amount of \$2,000.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Jim Williams.



6. Original check numbered 2585, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$1500.00, on the account of Foshee Milling Company by E. C. Foshee, and payable to Lamar Life Insurance Company.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

-and-

OWENS AND PATTON

By:

*James Owens, Jr.*  
Attorneys for Defendant,  
The Lamar Life Insurance Company.

I, the undersigned, one of the attorneys of record for the Defendant, The Lamar Life Insurance Company, do hereby certify that I have served a copy of the foregoing motion on Prestwood & Prestwood, Attorneys at Law, Prestwood Building, Andalusia, Alabama, Attorneys for the Plaintiffs, and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, Attorney for the Defendant, James S. Williams, by placing a copy of the same in the United States Mail, properly addressed, with postage prepaid, this 27th day of November, 1967.

*James Owens, Jr.*

**FILED**

NOV 27 1967

**ALICE J. DUCK** CLERK  
REGISTER

W. G. FOSHEE, JR. AND  
E. C. FOSHEE,  
  
PLAINTIFFS,  
  
VS  
  
JAMES S. WILLIAMS AND  
THE LAMAR LIFE INSURANCE  
COMPANY, a Corporation  
  
DEFENDANTS

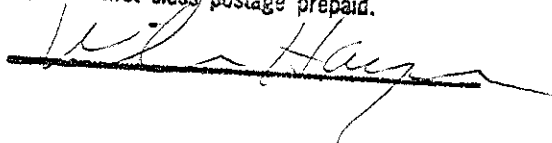
) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) AT LAW  
)  
) NUMBER: 7271  
)  
)  
)

-----  
Comes now Defendant, James S. Williams and moves the Court to allow him to examine testimony taken of W. G. Foshee, Jr. and E. C. Foshee by Defendant, The Lamar Life Insurance Company, a Corporation on or about January 27, 1967, a copy of such testimony being now on file and under seal in the Baldwin County Circuit Clerk's Office in Bay Minette, Alabama.

  
Wilson Hayes, Attorney for James  
S. Williams

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 21<sup>st</sup> day of November 1967 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, with first class postage prepaid.



**FILED**

NOV 22 1967

CLERK OF COURT  
BALDWIN COUNTY, ALABAMA

W. G. FOSHEE, JR., and	)	
E. C. FOSHEE,	)	
	)	IN THE CIRCUIT COURT OF
Plaintiffs,	)	
	)	
vs.	)	
	)	BALDWIN COUNTY, ALABAMA
JAMES S. WILLIAMS and THE	)	
LAMAR LIFE INSURANCE COMPANY,	)	
a corporation,	)	
	)	LAW SIDE. NO. 7271.
Defendants.	)	

ORDER:

This cause coming on to be heard on the motion to produce filed by the Defendant, The Lamar Life Insurance Company, pursuant to Title 7, Section 426, wherein the Defendant, The Lamar Life Insurance Company seeks the production by the Plaintiff of certain cancelled checks and other written instruments of documents evidencing the payment of sums of money claimed by the Plaintiffs to be due and owing in the complaint heretofore filed in this cause and the Defendant, The Lamar Life Insurance Company having attached thereto an affidavit in such form as is required by law in which it is alleged upon oath, that said cancelled checks or other written instruments or documents are necessary and material and contain legal evidence bearing on the outcome of the issues involved in said cause;

And it further appearing to the Court that notice of this motion was served upon Prestwood & Prestwood, Attorneys at Law, Prestwood Building, Andalusia, Attorneys for the Plaintiffs and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, Attorney for the Defendant, James S. Williams, by the placing of a copy of said motion in the United States mail, properly addressed with postage prepaid, on August 25, 1967;

And it further appearing to the Court that no exceptions or objections have been taken to the said motion or the affidavit presented to this Court; it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court, that said motion to produce be, and the same is hereby granted and that the Plaintiffs in this cause are hereby

ordered and directed to produce for the inspection of the Defendant,  
The Lamar Life Insurance Company, within ten (10) days from the  
date of this order, all cancelled checks, and all other written  
instruments or documents, evidencing the payment of sums of money  
claimed to be due and owing in the complaint heretofore filed in  
this cause, in the Office of the Circuit Clerk of Baldwin County,  
Alabama.

DONE at Bay Minette, Baldwin County, Alabama, this 12<sup>th</sup>  
day of September, 1967.

Joseph J. Minkler  
Judge.

FILED

SEP 1 1967

ALICE J. DUCK

CLERK  
REGISTER

W. G. FOSHEE, JR. and  
E. C. FOSHEE,

PLAINTIFFS

VS

JAMES S. WILLIAMS and  
THE LAMAR LIFE INSURANCE  
COMPANY, a Corporation

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7271

.....

Comes now Defendant, James S. Williams and for answer  
to the Bill of Complaint says:

1. The matters alleged therein are untrue.
2. Not guilty.

*W. L. Hay*  
Attorney for Defendant, James S.  
Williams

Defendant, James S. Williams

demands trial by jury.

This the 22nd day of March,  
1967.

*W. L. Hay*  
Attorney for Defendant, James S.  
Williams

I do hereby certify that I have on the 22nd of March  
1967, served a copy of this Bill of Complaint on counsel for all  
parties to this proceeding by mailing the same by United States  
Mail, properly addressed, with first class postage prepaid.

*W. L. Hay*

FILED

3-23 1967

ALICE L. DICK, CLERK  
REGISTERED

800

We the Jury find  
for the Plaintiff -  
7000<sup>00</sup>

Vaas H. Leerdam  
for man

and against James S.  
Williams

1166

1166

W. G. FOSHEE, JR.,  
and E. C. FOSHEE,  
Plaintiffs,

=vs=

JAMES S. WILLIAMS and THE  
LAMAR LIFE INSURANCE COMPANY,  
a corporation,  
Defendants.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) AT LAW  
) CASE NO. 7271

To: James M. Prestwood  
Attorney at Law  
Prestwood Building  
Andalusia, Alabama  
Attorney for Plaintiffs

Please take notice that the defendants in the above styled cause will take the testimony on oral examination of J. B. Nix, Esquire, Attorney at Law, Evergreen, Alabama, under the provisions of Section 474(1)-474(18) of Title 7, Code of Alabama of 1940 as amended, at his law offices in Evergreen, Alabama, commencing at 3 o'clock P.M., Friday, March 24, 1967, before Mrs. Doris Bowers, Official Court Reporter of Evergreen, Alabama. Such oral examination will continue from day to day until completed, and you are invited to attend.

MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Charles B. Bailey, Jr.  
Attorneys for Defendant,  
The Lamar Life Insurance Company

#### CERTIFICATE OF SERVICE

I do hereby certify that I have on this 2nd day of Mar., 1967, 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.

Charles B. Bailey, Jr.

FILED

MAR 3 1967

ALICE L. BOWEN, CLERK  
RECEIVED

W. G. FOSHEE, JR., and	)	
E. C. FOSHEE,	)	
	)	IN THE CIRCUIT COURT OF
Plaintiffs,	)	
	)	BALDWIN COUNTY, ALABAMA
vs.	)	
JAMES S. WILLIAMS and THE	)	
LAMAR LIFE INSURANCE COMPANY,	)	AT LAW. NO. 7271
a corporation,	)	
	)	
Defendants.	)	

ORDER TO PRODUCE:

This cause coming on to be heard on the motion to produce filed by the Defendant, Lamar Life Insurance Company, wherein the said Defendant, Lamar Life Insurance Company seeks the production at the trial of said cause, certain documents, checks and other instruments more fully described in the verified petition of said Defendant; and it appearing to the Court that said motion was duly served upon Prestwood and Prestwood, Attorneys at Law, Andalusia, Alabama, and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, the other attorneys of record involved in this cause, by placing a copy of the same in the United States Mail, properly addressed with postage prepaid on the 29th day of February, 1968; it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said motion to produce be, and the same is hereby granted and the Plaintiffs herein are hereby ordered to produce at the trial of said cause on March 6, 1968, the following instruments:

1. Original check dated 6/25/66, drawn on The Conecuh County Bank, in the amount of \$4,250.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Le Roy Roell Development Company, marked "for partial payment - Loan discount".
2. Original check numbered 2584, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$3500.00, on the account of Foshee Milling Company, and payable to Jim Williams, marked "for finder's fee".



3. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00, on the account of W. G. Foshee, and payable to Jim Williams, marked "for finder's fee".

4. Original check dated 5/16/66, drawn on Citizens National Bank of Opp, in the amount of \$4,000.00, on the account of E. C. Foshee, and payable to Jim Williams, marked "for finder's fee".

5. Original check numbered 2674, dated 6/20/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$2,000.00, on the account of Foshee Milling Company by W. G. Foshee, and payable to Jim Williams.

6. Original check numbered 2585, dated 6/8/66, drawn on The Conecuh County Bank, Evergreen, Alabama, in the amount of \$1500.00, on the account of Foshee Milling Company by E. C. Foshee, and payable to Lamar Life Insurance Company.

DONE this 1st day of March, 1968.

Jefferson J. Marksburn  
Circuit Judge.

**FILED**

MAR 1 1968

**ALICE J. DUCK** CLERK  
REGISTER

W. G. FOSHEE, JR.,	)	IN THE CIRCUIT COURT OF
and E. C. FOSHEE,	)	BALDWIN COUNTY, ALABAMA
Plaintiffs,	)	AT LAW
=vs=	)	CASE NO. 7271
JAMES S. WILLIAMS and THE	)	
LAMAR LIFE INSURANCE COMPANY,	)	
a corporation,	)	
Defendants.	)	

MOTION TO PRODUCE UNDER TITLE 7, SECTION 426

Comes the defendant, The Lamar Life Insurance Company, and respectfully moves this Honorable Court to enter an order directed to the plaintiffs ordering them to produce before the trial of this cause and within ten days from the granting of this motion, cancelled checks or other written instruments or documents evidencing the payment of the sums of money claimed to be due and owing in the complaint heretofore filed in the above entitled cause, and the defendant, The Lamar Life Insurance Company, avers that it is informed and believes, and upon such information and belief, avers that said cancelled checks or other written instruments or documents are in the possession of or under the control of the plaintiffs. Defendant The Lamar Life Insurance Company states that there is hereto attached and marked Exhibit "A" and incorporated herein by reference affidavit of necessity and materiality of the said cancelled checks or other written instruments or documents requested to be produced by said defendant and which cancelled checks or written instruments or documents contain legal evidence bearing on the issues involved in this case.

WHEREFORE, THE PREMISES CONSIDERED, defendant The Lamar Life Insurance Company prays that this Honorable Court will be pleased to issue an order directed to the plaintiffs requiring them to produce the said cancelled checks or other written

instruments or documents within ten days from the granting of this motion.

J. CONNOR OWENS, JR.

and

McCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By Charles B. Bailey  
Attorneys for Defendant  
The Lamar Life Insurance Company

I, the undersigned, one of the attorneys of record for the Defendant, The Lamar Life Insurance Company, do hereby certify that I have served a copy of the foregoing motion on Prestwood & Prestwood, Attorneys at Law, Prestwood Building, Andalusia, Alabama, Attorneys for the Plaintiffs, and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, Attorney for the Defendant, James S. Williams, by placing a copy of the same in the United States Mail, properly addressed, with postage prepaid, this 25th day of August, 1967.

J. Connor Owens, Jr.

FILED

AUG 25 1967

ALICE J. FOSTER

EXHIBIT "A"

STATE OF ALABAMA

COUNTY OF MOBILE

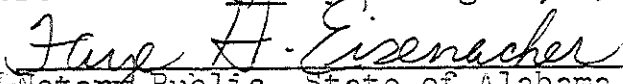
Before me the undersigned authority in and for said State and County, personally appeared Charles B. Bailey, Jr., who is known to me and who being by me first duly sworn, deposes and says on oath as follows:

This litigation involves a claim for money or monies received by the defendants to the use of the plaintiffs and in which litigation the defendant The Lamar Life Insurance Company denies that it has received any money from the plaintiffs except received in payment for policies of insurance issued by the defendant, The Lamar Life Insurance Company, insuring the lives of the plaintiffs. Affiant is informed and believes and upon such information and belief avers that the plaintiffs have in their possession and under their control cancelled checks or other instruments or documents in writing evidencing the payment by the plaintiffs of the sums of money claimed to be due and owing in the complaint filed in this cause, which cancelled checks affiant is informed and believes and upon such information and belief states evidence on the face thereof that except for said sums paid to The Lamar Life Insurance Company for insurance policies, that no part of such funds were received by The Lamar Life Insurance Company but were all received by the defendant Williams. Affiant further states that said cancelled checks or other written instruments or documents contain material evidence for the defendant The Lamar Life Insurance Company upon the trial of this case, and affiant further states that it is necessary for affiant to inspect

these written instruments or documents or cancelled checks in advance of trial in order to adequately prepare for trial.

  
Charles B. Bailey, Jr.

Subscribed and sworn to before me this 24 day of August, 1967.

  
Fay H. Eisenacher  
Notary Public, State of Alabama at  
Large

CLERK  
REGISTER  
AUG 25 1967  
ALICE J. DUCK

FILED

W. G. FOSHEE, JR.,	)	
and E. C. FOSHEE,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiffs,	)	BALDWIN COUNTY, ALABAMA
	)	
vs.	)	
	)	LAW SIDE. NO. 7271.
JAMES S. WILLIAMS and THE	)	
LAMAR LIFE INSURANCE COMPANY,	)	
a corporation,	)	
	)	
Defendants.	)	

NOTICE:

TO PRESTWOOD & PRESTWOOD		WILSON HAYES
Attorneys at Law	-and-	Attorney at Law
Prestwood Building		Bay Minette, Alabama
Andalusia, Alabama		

Please take notice that on the 1st day of September, 1967, at 10:00 o'clock A. M., the deposition of James S. Williams will be taken by the Defendant, Lamar Life Insurance Company, in the Law Library in the Courthouse of Baldwin County, located in Bay Minette, Alabama, upon oral examination, pursuant to an Act of the Legislature of the State of Alabama, designated as Act No. 375, Regular Session 1955, approved September 8, 1955, before Mrs. Louise Dusenbury, an officer authorized to take depositions and swear witnesses in said County in said State. The oral examination will continue from day to day until completed and you are invited to attend and cross-examine.

J. CONNOR OWENS, JR.,  
-and-  
MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By: *J. Connor Owens, Jr.*  
Attorneys for Defendant,  
The Lamar Life Insurance Company.

I, the undersigned, one of the Attorneys of Record for the Defendant, The Lamar Life Insurance Company, do hereby certify that I have served a copy of the foregoing Notice on Prestwood & Prestwood, Attorneys at Law, Prestwood Building, Andalusia, Alabama, Attorneys for the Plaintiffs, and Wilson Hayes, Attorney at Law, Bay Minette, Alabama, Attorney for the Defendant, James S. Williams, by placing a copy of the same in the United States Mail, properly addressed, with postage prepaid, this 25th day of August, 1967.

FILED

AUG 25 1967

ALB. C. BUSH CLERK  
REGISTER

802

W. G. FOSHEE, JR.,  
and E. C. FOSHEE,  
Plaintiffs,

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) AT LAW

=vs=

) CASE NO. 7271

JAMES S. WILLIAMS and THE  
LAMAR LIFE INSURANCE COMPANY, )  
a corporation, )

Defendants.

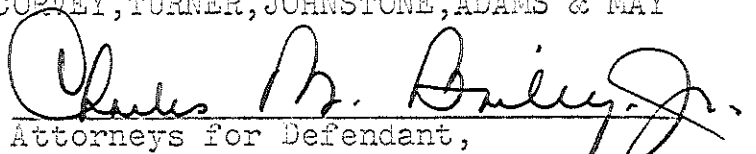
To: James M. Prestwood  
Attorney at Law  
Prestwood Building  
Andalusia, Alabama

Attorney for Plaintiffs

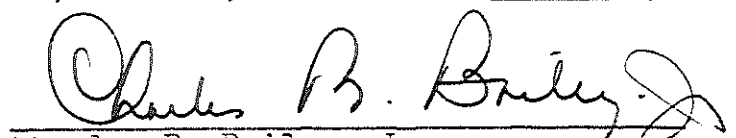
Please take notice that the defendants in the above styled cause will take the testimony on oral examination of the plaintiffs, W. G. Foshee, Jr. and E. C. Foshee, under the provisions of Section 474(1)-474(18) of Title 7, Code of Alabama of 1940 as amended, in the Conference Room of the Chamber of Commerce, City Hall, Atmore, Alabama, commencing at 1:30 P.M., Friday, January 27, 1967, before Mr. Walter W. Wise, a notary public, or before some other officer authorized by law to administer oaths. Such oral examination will continue from day to day until completed, and you are invited to attend.

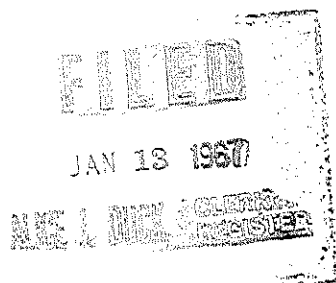
MCCORVEY, TURNER, JOHNSTONE, ADAMS & MAY

By

  
Attorneys for Defendant,  
The Lamar Life Insurance Company

I, Charles B. Bailey, Jr., one of the attorneys of record for the defendants in the above styled cause, hereby certify that I have served a copy of the above and foregoing notice upon James M. Prestwood, Esquire, attorney for the plaintiffs, by mailing a copy of same, postage prepaid, to him at his law office in the Prestwood Building, Andalusia, Alabama, on this the 12<sup>th</sup> day of January, 1967.

  
Charles B. Bailey, Jr.



RECEIVED

JAN 13 1967

TAYLOR WILKINS  
SHERIFF

720. 72 71

W. L. Fackee, Jr.  
Att. C.

James S. Williams  
Lamar Life Insurance Co.

Notice

to be served on  
James S. Williams  
(on payment)

dated 13 day of Jan 1967  
found in my county after Sheriff's search of  
Taylor Wilkins, Sheriff  
Taylor Wilkins  
served 14 day of March 1967  
on 15 day of March 1967  
served a copy of the within Notice  
service on James S. Williams  
TAYLOR WILKINS, Sheriff  
By W. O. Garner D. C.  
One Miles