

THE UTILITIES BOARD OF  
THE CITY OF FOLEY,  
  
Complainant,  
  
-VS-  
  
STATE TRUCKING AND EQUIPMENT;  
STATE TRUCKING AND EQUIPMENT;  
A CORPORATION;  
STATE TRUCKING AND EQUIPMENT  
COMPANY, a corporation;  
V. L. KITTRELL;  
JOHN DOE AND RICHARD ROE,  
Individuals;  
K and Y, Partners; and  
Z CORPORATION, whose names are  
otherwise unknown to Plaintiff  
but will be added by amendment  
when ascertained,  
  
Defendant.

IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA  
  
AT LAW

7506

PLAINTIFF'S INTERROGATORIES TO DEFENDANTS,  
STATE TRUCKING AND EQUIPMENT

Comes the Plaintiff in the above styled cause and propounds the following interrogatories to the Defendant, State Trucking and Equipment, to be answered separately and severally in the manner and form provided by law, viz:-

1. Is State Trucking and Equipment a partnership?
2. If the answer to Interrogatory No. 1 is in the affirmative, give the names and addresses of all partners.
3. Is State Trucking and Equipment a corporation?
4. If the answer to Interrogatory No. 3 is in the affirmative, were you on May 9, 1966, authorized to do business in the State of Alabama?
5. If the answer to Interrogatory No. 3 is in the affirmative, give the name and address in the State of Alabama of the agent of said corporation on whom process may be served.
6. If the answer to Interrogatory No. 3 is in the affirmative, give the names and addresses of the agents, servants or employees in the State of Alabama on whom process may be served.
7. Is State Trucking and Equipment a name under which an individual does business?
8. If the answer to Interrogatory No. 7 is in the affirmative, furnish the name and address of the individual doing business

as State Trucking and Equipment.

9. Was State Trucking and Equipment, by this name or any other name, doing business in Baldwin County, Alabama, on May 9, 1966?


10. If business was being done in a name other than State Trucking and Equipment, what was the name under which the operation was being carried out, and if under another name, was it a sole proprietorship, partnership, or corporation?

11. If work was being performed under another name on May 9, 1966, in Baldwin County, Alabama, give the name and address of the officer on which process may be served, if a corporation; and if unincorporated, the name and address of the partners, or sole proprietor.

12. Was V. L. Kittrell an agent, servant, or employer of State Trucking and Equipment on May 9, 1966?

13. Was V. L. Kittrell operating a vehicle belonging to State Trucking and Equipment in Baldwin County, Alabama, on May 9, 1966?

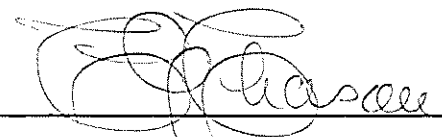
14. What business was State Trucking and Equipment carrying out in Baldwin County, Alabama, on May 9, 1966?

  
Attorney for Plaintiff

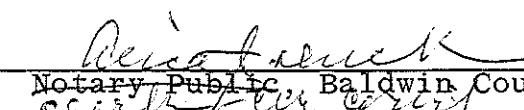
STATE OF ALABAMA

BALDWIN COUNTY

Before me, ~~Janice L. Childress~~, a Notary Public in and for said County in said State, personally appeared C. G. Chason, who, after being by me first duly and legally sworn, deposes and says as follows: That he is the attorney of record for the Plaintiff, The Utilities Board of the City of Foley, in the foregoing styled cause and the answers to the foregoing interrogatories if truthfully made will be material testimony for the Plaintiff in said cause.

  
SWORN TO AND SUBSCRIBED BEFORE me on this the 18th day of October, 1967.

CLERK  
Defendant should be served by  
Registered or Certified Mail  
at 1408 NE 26th St., Ft.  
Lauderdale, Florida 33305

  
Notary Public, Baldwin County  
State of Alabama

CECIL G. CHASON  
ATTORNEY-AT-LAW  
FOLEY, ALABAMA 36535

May 6, 1967

7506

Mrs. Alice J. Duck  
Register in Chancery  
Bay Minette, Alabama 36507

RE: The Utilities Board of the City of Foley vs  
State Trucking and Equipment Company

Dear Mrs. Duck:

Please file the enclosed Complaint but hold for service  
until I find the proper name of the company.

Yours very truly,

  
Cecil G. Chason

CGC:hl

Enclosure

CECIL G. CHASON  
ATTORNEY-AT-LAW  
FOLEY, ALABAMA 36535

August 9, 1968

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Re: The Utilities Board of  
The City of Foley, vs.  
State Trucking & Equipment Co.

7566

Dear Mrs. Duck:

Enclosed please find check which is submitted pursuant to Title 7, Section 199 of the Code of Alabama 1940, Recompiled 1958, for service of process on the above referenced non-resident Defendant. In further pursuance of the aforesaid Code Section, please make three (3) copies of the Complaint in the above referenced case, and mail the same along with the enclosed check to the Secretary of State.

The Defendant may be served by Registered Mail:  
State Trucking and Equipment Company, 1408 Northeast 26th  
Street, Fort Lauderdale, Florida, 33305.

Yours very truly,

  
C. G. Chason

CGC:dmc

Encl.

~~Note:  
If possible please send us  
the three copies to be served  
in Sec. State. copies furnished~~

CECIL G. CHASON

ATTORNEY-AT-LAW  
FOLEY, ALABAMA 36535

January 21, 1969

Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: The Utilities Board of  
The City of Foley, v  
State Trucking and Equipment,  
State Trucking and Equipment,  
a corporation  
State Trucking and Equipment  
Company, a corporation  
Case No 7506

Enclosed please find a default judgment with Writ of Inquiry which should be signed by Judge Mashburn immediately. This case is set for the 28th day of Jan., 1969 and this default judgment must be filed at least one day before the 28th day of January as we will prove our damages and obtain a final judgment on that day.

Yours very truly,



C. G. Chason

CGC:dmc

Encls.

August 21, 1968

THE UTILITIES BOARD OF THE CITY OF FOLEY,  
Complainant

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA AT LAW

VS

STATE TRUCKING AND EQUIPMENT, et al,  
Defendants

CASE NO. 7506

TO THE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on August 14, 1968  
I sent by certified mail in an envelope addressed as follows:

"State Trucking and Equipment  
1408 Northeast 26th Street  
Fort Lauderdale, Florida 33305"

"Certified Mail—  
Return Receipt Requested  
~~Deliver to Addressee Only~~"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of  
the State of Alabama in words and figures as follows:

"State Trucking and Equipment  
1408 Northeast 26th Street  
Fort Lauderdale, Florida 33305

You will take notice that on August 14, 1968 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: THE UTILITIES BOARD OF THE CITY OF FOLEY, Complainant VS STATE  
TRUCKING AND EQUIPMENT, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW  
Case No. 7506 a true copy of which summons and complaint is attached hereto  
and the said service upon me as Secretary of State of the State of Alabama has the force and  
effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 14th  
day of August, 1968

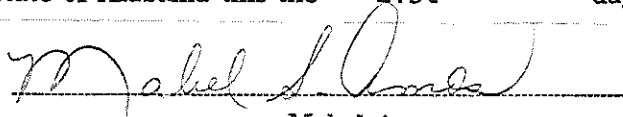
Enclosure (1)

(Signed) Mabel Amos  
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed  
as above set forth had attached to it a true copy of the summons and complaint in the above-styled  
cause.

I further certify that on August 19, 1968 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Fort Lauderdale, Fla.-----  
on August 16, 1968

WITNESS MY HAND and the Great Seal of the State of Alabama this the 21st day  
of August, 1968



Mabel Amos  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.

CC: Honorable John E. Chason  
157 Hoyle Avenue  
Bay Minette, Alabama 36507

STATE OF ALABAMA )  
 ) . . . IN THE CIRCUIT COURT . . . LAW SIDE..  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon State Trucking and Equip-  
ment; State Trucking and Equipment, a corporation; State Trucking  
and Equipment Company, a corporation; V. L. Kittrell; John Doe  
and Richard Roe, Individuals; K and Y, Partners; and Z Corporation,  
whose names are otherwise unknown to Plaintiff but will be added  
by amendment when ascertained, to appear for the Circuit Court of  
Baldwin County, Alabama at the place of holding the same, within  
thirty days from the service of this summons and complaint, then  
and there to demur or plead to the Complaint of The Utilities  
Board of the City of Foley, a corporation, and you are hereby  
commanded to execute this process instanter and make return as  
required by law.

WITNESS my hand this 8<sup>th</sup> day of May, 1967.

Alice J. Duck  
Clerk

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- COMPLAINT -

THE UTILITIES BOARD OF )  
THE CITY OF FOLEY, )  
 )  
Complainant, )  
 )  
vs )  
 )  
STATE TRUCKING AND EQUIPMENT; )  
STATE TRUCKING AND EQUIPMENT; )  
a corporation; )  
STATE TRUCKING AND EQUIPMENT )  
COMPANY, a corporation; )  
V. L. KITTRELL; )  
JOHN DOE AND RICHARD ROE, )  
Individuals; )  
K AND Y, Partners; and )  
Z CORPORATION, whose names are )  
otherwise unknown to Plaintiff )  
but will be added by amendment )  
when ascertained, )  
 )  
Defendant. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

7506

rec'd address  
1408 Northeast 2<sup>nd</sup> St.  
Fort Lauderdale, Fla -1-

COUNT I

7527

The Plaintiff claims of the Defendants, State Trucking and Equipment; State Trucking and Equipment, a corporation; State Trucking and Equipment Company, a corporation; V. L. Kittrell; John Doe and Richard Roe, Individuals; K and Y, Partners; and Z Corporation, whose names are otherwise unknown to Plaintiff but will be added by amendment when ascertained, the sum of Four Hundred Seventy-three and 42/100 Dollars (\$473.42), as damages, for that heretofore on, to-wit, May 9, 1966 at approximately 4:45 to 5:00 p.m., the Defendant, V. L. Kittrell, the agent, servant and employee of the Defendants, State Trucking and Equipment; State Trucking and Equipment, a corporation; State Trucking and Equipment Company, a corporation; John Doe and Richard Roe, Individuals; K and Y, Partners; and Z Corporation, whose names are otherwise unknown to Plaintiff but will be added by amendment when ascertained, was driving a motor vehicle, to-wit, a dump truck, along Baldwin County Road No. 64 from a point approximately one-half ( $\frac{1}{2}$ ) mile east of the L & N Railroad crossing near the town of Loxley corporate limit line eastward toward the community of Rosinton while acting within the line and scope of his employment, the said V. L. Kittrell so negligently operated the motor vehicle as to tear down and cause damage to seven (7) electric distribution services and two (2) primary feeder lines, the property of the Plaintiff, which crossed the said Baldwin County Road No. 64, all within a distance of approximately two-and-one-fourth ( $2\frac{1}{4}$ ) miles of travel along said Baldwin County Road No. 64. All of the above damage is the proximate result and consequence of the negligence of the Defendant, V. L. Kittrell, the agent, servant or employee of the Defendants, State Trucking and Equipment; State Trucking and Equipment, a corporation; State Trucking and Equipment Company, a corporation; John Doe and Richard Roe, Individuals; K and Y, Partners; and Z Corporation, whose names are otherwise unknown to Plaintiff but will be added by amendment when ascertained, while acting within the line and scope of his employment as aforesaid, hence this suit.

  
Attorney for Plaintiff

FILED

MAY 8 1966

ALICE H. NIX, CLERK  
REGISTER



THE UTILITIES BOARD OF  
THE CITY OF FOLEY,

Plaintiff

VS

STATE TRUCKING AND EQUIPMENT;  
STATE TRUCKING AND EQUIPMENT,  
a corporation;  
STATE TRUCKING AND EQUIPMENT,  
COMPANY, a corporation

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW NO. 7306

FINAL JUDGMENT

In this cause, the Plaintiff came by attorney and the Defendant came not, but made default. Therefore on the 23rd day of January, 1969, the Court rendered judgment by default with writ of inquiry. The amount of damages being undetermined and no jury being demanded or asked for, the Court proceeded to try this case. After hearing all the evidence by the Plaintiff and after considering the same the Court is of the opinion that the Plaintiff should have and recover of the Defendants damages in the sum of \$473.42.

IT IS THEREFORE CONSIDERED by the Court and it is the ORDER and JUDGMENT of the Court that the Plaintiff do have and recover of the Defendant the sum of \$473.42 and all cost in this cause created FOR THE RECOVERY OF WHICH LET EXECUTION ISSUE.

DONE this the 30th day of January, 1969.

J. Mashburn  
Gelfair J. Mashburn, Judge

Alfred J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Court in the above entitled cause, which said decree is on file and entered in my office.  
WITNES MY HAND AND SEAL THIS 1st day of Feb. 1969

Alfred J. Duck  
Register of Circuit Court, Baldwin County, Alabama

THE UTILITIES BOARD OF  
THE CITY OF FOLEY,

Plaintiff

vs

STATE TRUCKING AND EQUIPMENT:  
STATE TRUCKING AND EQUIPMENT,  
a corporation;  
STATE TRUCKING AND EQUIPMENT,  
COMPANY, a corporation

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW NO 7506

JUDGMENT BY DEFAULT WITH WRIT OF INQUIRY

Came the plaintiff by attorney and the defendant came not, but made default. It is therefore considered and adjudged by the Court that the plaintiff recover of the defendant the damages in this behalf expended; but inasmuch as such damages are unknown to the Court, let the plaintiff submit his proof, that the Court may inquire of and assess the damages.

DONE this the 25<sup>th</sup> day of January, 1969.

Telfair J. Mashburn  
Telfair J. Mashburn, Judge

FILED

JAN 24 1969

ALICE J. DUCK CLERK  
REGISTER

STATE OF ALABAMA       )  
                              ) . . . IN THE CIRCUIT COURT . . . LAW SIDE..  
BALDWIN COUNTY        )

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon State Trucking and Equip-  
ment; State Trucking and Equipment, a corporation; State Trucking  
and Equipment Company, a corporation; V. L. Kittrell; John Doe  
and Richard Roe, Individuals; K and Y, Partners; and Z Corporation,  
whose names are otherwise unknown to Plaintiff but will be added  
by amendment when ascertained, to appear for the Circuit Court of  
Baldwin County, Alabama at the place of holding the same, within  
thirty days from the service of this summons and complaint, then  
and there to demur or plead to the Complaint of The Utilities  
Board of the City of Foley, a corporation, and you are hereby  
commanded to execute this process instanter and make return as  
required by law.

WITNESS my hand this 8<sup>th</sup> day of May, 1967.

Alice J. Quirk  
Clerk

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- COMPLAINT -

THE UTILITIES BOARD OF	)	
THE CITY OF FOLEY,	)	
	)	IN THE CIRCUIT COURT OF
Complainant,	)	
	)	BALDWIN COUNTY, ALABAMA
vs	)	
	)	
STATE TRUCKING AND EQUIPMENT;	)	AT LAW
STATE TRUCKING AND EQUIPMENT,	)	
a corporation;	)	7506
STATE TRUCKING AND EQUIPMENT	)	
COMPANY, a corporation;	)	
V. L. KITTRELL;	)	
JOHN DOE AND RICHARD ROE,	)	
Individuals;	)	
K AND Y, Partners; and	)	
Z CORPORATION, whose names are	)	
otherwise unknown to Plaintiff	)	
but will be added by amenment	)	
when ascertained,	)	
	)	
Defendant.	)	

COUNT I

The Plaintiff claims of the Defendants, State Trucking and Equipment; State Trucking and Equipment, a corporation; State Trucking and Equipment Company, a corporation; V. L. Kittrell; John Doe and Richard Roe, Individuals; K and Y, Partners; and Z Corporation, whose names are otherwise unknown to Plaintiff but will be added by amendment when ascertained, the sum of Four Hundred Seventy-three and 42/100 Dollars (\$473.42), as damages, for that heretofore on, to-wit, May 9, 1966 at approximately 4:45 to 5:00 p.m., the Defendant, V. L. Kittrell, the agent, servant or employee of the Defendants, State Trucking and Equipment; State Trucking and Equipment, a corporation; State Trucking and Equipment Company, a corporation; John Doe and Richard Roe, Individuals; K and Y, Partners; and Z Corporation, whose names are otherwise unknown to Plaintiff but will be added by amendment when ascertained, was driving a motor vehicle, to-wit, a dump truck, along Baldwin County Road No. 64 from a point approximately one-half ( $\frac{1}{2}$ ) mile east of the L & N Railroad crossing near the town of Loxley corporate limit line eastward toward the community of Rosinton while acting within the line and scope of his employment, the said V. L. Kittrell so negligently operated the motor vehicle as to tear down and cause damage to seven (7) electric distribution services and two (2) primary feeder lines, the property of the Plaintiff, which crossed the said Baldwin County Road No. 64, all within a distance of approximately two-and-one-fourth ( $2\frac{1}{4}$ ) miles of travel along said Baldwin County Road No. 64. All of the above damage is the proximate result and consequence of the negligence of the Defendant, V. L. Kittrell, the agent, servant or employee of the Defendants, State Trucking and Equipment; State Trucking and Equipment, a corporation; State Trucking and Equipment Company, a corporation; John Doe and Richard Roe, Individuals; K and Y, Partners; and Z Corporation, whose names are otherwise unknown to Plaintiff but will be added by amendment when ascertained, while acting within the line and scope of his employment as aforesaid, hence this suit.

  
Attorney for Plaintiff

558

EX-18-14-68

FILED

W. B. C. 1966

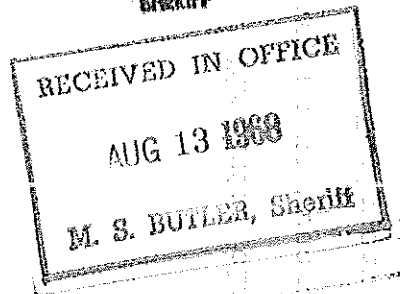
ALICE L. HALL, CLERK  
REGISTER

② Def'ts. address  
1408 N.E. 26th St.  
Fort Lauderdale, Fla.  
3452

RECEIVED

AUG 12 1968

TAYLOR WILKINS  
SHERIFF



M. S. Butler, Sheriff of Montgomery  
County, Alabama, Claim \$1.50 each for  
serving 3 process(es) and \$1.00  
travel expense on each of 1  
process(es) or a total of \$2.50

W. J. Walker Deputy Sheriff

Executed by serving 3 copies of  
the within on Mabel Amos  
Secretary of State of The State of  
Alabama.

This the 14 day of Aug 1968

Sheriff of Montgomery County  
M. S. Butler,

By W. J. Walker D. S.

NO. 7506

The Utilities Board of  
The City of Foley

VS

State Trucking Equipment  
Co.

~~TAYLOR WILKINS, SHERIFF OF MONTGOMERY  
COUNTY, ALABAMA, CLAIM \$1.50 EACH  
FOR SERVING 3 PROCESS(ES) AND  
TRAVEL EXPENSE ON EACH OF \$1.00  
PROCESS(ES) OR A TOTAL OF \$2.50~~

D. G. Chasoro