

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama,
hereby certify that on the 21st day of August, 1967, I sent
by registered mail in an envelope as follows:

American Security Insurance Company
1221 Peachtree Street, N. E.
Atlanta, Georgia 30309

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:

James R. Burdeaux, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

(Name of Court)

American Security Insurance Company, a corp., Defendant

And that on the 23rd day of August, 1967, I received
the return card showing receipt by the designated addressee of said envelope on
the 22nd day of August, 1967.

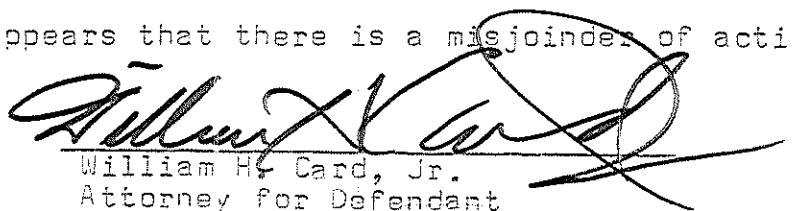
Witness my hand and official seal this the 23rd day of August,
1967.

Walter A. Houseal
SUPERINTENDENT OF INSURANCE

JAMES R. BURDEAUX,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY,
VS.	:	ALABAMA
AMERICAN SECURITY INSURANCE	:	AT LAW
COMPANY, a corporation	:	
Defendant	:	CASE NO. 7689

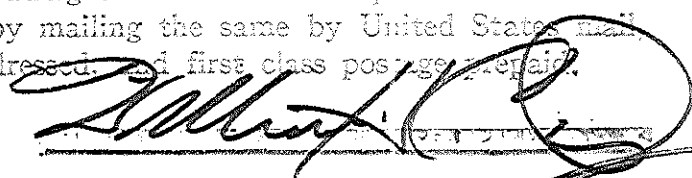
Comes now the Defendant in the above styled cause and files the following separate and several demurrers to each count of the complaint filed herein separately and severally and assigns the following separate and several grounds to the separate and several counts:

1. The complaint fails to state a cause of action.
2. For the Plaintiff's complaint fails to set out the terms of the fire policy sufficiently to apprise the Defendant that there was a contract of insurance.
3. For it affirmatively appears that the Plaintiff's complaint is insufficient on the grounds that it fails to allege the terms of the policy of insurance.
4. For it affirmatively appears that the complaint fails to allege an action of deceit against the Defendant.
5. For there is no such action as fraudulent deceit.
6. It does not appear from the complaint whether Count Two is based on fraud or based on deceit.
7. For it appears that the complaint as a whole fails to state a cause of action against the Defendant.
8. For it affirmatively appears that there is a misjoinder of actions.


 William H. Card, Jr.
 Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13 day of Sept, 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.



FILED

SEP 14 1967

CLERK
 SECRETARY

JAMES R. BURDEAUX,	)	IN THE CIRCUIT COURT OF
")	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
VS.)	
	)	AT LAW
AMERICAN SECURITY INSURANCE)	
COMPANY, a corporation,)	
)	
Defendant.	)	CASE NO. 7689

MOTION FOR JUDGMENT NIL DICIT

Comes now the plaintiff and respectfully shows unto the Court as follows:

1. Dilatory pleas were filed by the defendant and said demurrers were overruled on November 21, 1967. The defendant has failed to plead further, although more than thirty (30) days elapsed since said ruling.

WHEREFORE, the plaintiff respectfully moves the Court for a judgment nil dicit on the defendant's failure to plead further.

E. Graham Gibbons
E. Graham Gibbons
Attorney for the Plaintiff

Filed
1-16-68
Amie J. Smith

CERTIFICATE OF SERVICE
I certify that on this 11 day of January, 1968, a copy of the foregoing pleading has been served upon counsel for all adverse parties to this proceeding by mailing the same to each by first class U. S. mail, properly addressed and postage prepaid.

E. Graham Gibbons
ATTORNEY FOR

JAMES R. BURDEAUX,

Plaintiff

VS:

AMERICAN SECURITY INSURANCE)
COMPANY, a corporation,

Defendant

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

) CASE NO. 7689

COUNT ONE

Plaintiff claims of the Defendant \$2,500.00, the value of a dwelling house which the Defendant on the 3rd day of January, 1967, insured against loss or injury by fire and other perils in the policy of insurance mentioned, for the term of three (3) years, which house was wholly destroyed by fire on the 23rd day of June, 1967, of which the Defendant has had notice.

COUNT TWO

Plaintiff claims of the Defendant \$15,000.00, as damages for fraudulent deceit involving failure to pay the insurance policy. Plaintiff avers that said fraudulent deceit on the part of the Defendant consisted in this: On June 26, 1967 Defendant claimed that the insurance policy had been cancelled due to the fact that no payments were made on a loan and further averred cancellation was effective on the 10th day of May, 1967, and Plaintiff avers that because of said representation, which were false and were known to be false or ought to have known to be false, and were made with the intent of the Defendant to prevent Plaintiff from recovering his claim under said policy of insurance; and further, Plaintiff avers that he relied on such representation to his injury all for which the Plaintiff files this complaint, asking punitive damages in said suit.

560

E. Graham Gibbons
E. GRAHAM GIBBONS
Attorney for Plaintiff

Plaintiff respectfully demands trial by jury in
this cause.

E. Graham Gibbons
E. GRAHAM GIBBONS

Please serve the Defendant through service on Commissioner of
Insurance, State of Alabama, Montgomery, Alabama.

FILED

AUG 18 1967

ALICE J. DUCK CLERK
REGISTERED

We the Jury find favor of the
Plaintiff in the sum of \$2500⁰⁰ plus
interest

For
Harm & Day

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - 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 SummonAmerican Security Insurance Company, a corp

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

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.....

.....American Security Insurance Company, a corp....., Defendant.....

byJames R. Burdeaux.....

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

Witness my hand this.....18th.....day of.....August.....19...67..

.....*Eric J. [Signature]*....., Clerk

El: 8-21-67

No. 7689

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JAMES R. BURDEAUX

Plaintiffs

vs.

AMERICAN SECURITY INSURANCE COMPANY

a corp

Defendants

SUMMONS AND COMPLAINT

Filed 8-18 1967

Alice J. Duck

Clerk

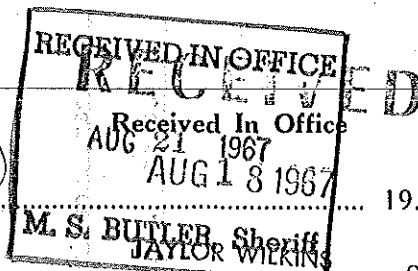
E. Graham Gibbons

Plaintiff's Attorney

Defendant's Attorney

3298

Defendant lives at



19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Executed by serving 2 copies of

the within on Walter Haussap

Superintendent

of Insurance, State of Alabama

This the 21 day of Aug 1967

Sheriff of Montgomery County

M. S. Butler,

By W. L. Mason D. S.

M. S. Butler, Sheriff of Montgomery

County, Alabama, Claim \$1.50 each for

serving 1 process(es) and \$1.00

travel expense on each of 1

Deputy Sheriff

process(es) or a total of \$2.50

W. L. Mason Deputy Sheriff

LAW OFFICES OF
HOWELL, JOHNSTON, LANGFORD & FINKBOHNER
NINTH FLOOR, E. A. ROBERTS BUILDING
P. O. BOX 1652
MOBILE, ALABAMA
36601

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
IRVIN J. LANGFORD
GEORGE W. FINKBOHNER, JR.
JOHN L. LAWLER

AREA CODE 205
TELEPHONE 432-2677

June 23, 1969

Mrs. Louise Dusenbury
Twenty-Eighth Judicial Circuit
Baldwin County
Bay Minette, Alabama 36507

Re: James Burdeaux vs. American Security
Insurance Company, Case No. 7689,
Circuit Court of Baldwin County,
Alabama

Dear Mrs. Dusenbury:

This is to personally guarantee to you the payment of \$30.00 for the transcript in the above styled cause. I would appreciate it if you would file this transcript on July 1, 1969.

I am sending a copy of this letter to Mrs. Duck and am requesting her to withhold filing the transcript of the complete record until August 1, 1969. I will be out of the City of Mobile from July 1st through July 16th, and the Alabama State Bar Association will meet in Mobile from July 17th through July 19th, so that it will be July 21st before I have an opportunity to prepare the Assignments of Error in this case.

Very truly yours,

HOWELL, JOHNSTON, LANGFORD & FINKBOHNER


Irvin J. Langford

IJL/eg

cc: Mrs. Alice Duck
Clerk, Baldwin County Courthouse
Bay Minette, Alabama 36507

LAW OFFICES OF
HOWELL, JOHNSTON, LANGFORD & FINKBOHNER
NINTH FLOOR, E. A. ROBERTS BUILDING
P. O. BOX 1652
MOBILE, ALABAMA
36601

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
IRVIN J. LANGFORD
GEORGE W. FINKBOHNER, JR.
JOHN L. LAWLER

AREA CODE 205
TELEPHONE 432-2677

June 23, 1969

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

Re: James Burdeaux vs. American
Security Insurance Company,
Case No. 7689, Circuit Court
of Baldwin County, Alabama

Dear Mrs. Duck:

Enclosed please find copy of letter which we have written to Mrs. Dusenbury requesting her to file the transcript of the evidence in the above styled cause on July 1, 1969. You will have thereafter 60 days from that date to file the completed transcript in the Supreme Court of the State of Alabama.

We are requesting you to hold up filing this completed transcript until at least August 1st, as I will be out of town from July 1st to July 16th and the Alabama State Bar Association will meet in Mobile from July 17th through July 19th. It will thus be Monday, July 21st before I have an opportunity to prepare the Assignments of Error in this case.

I am returning to you herewith my copy of the transcript of the evidence. I would sincerely appreciate it if you would put the rest of the record together and return it together with my copy of the transcript of the evidence so that my office will have a completed copy upon my return to Mobile on July 16, 1969. I will mail to you Assignments of Error to be bound with the record sometime during the week of July 21st through July 25th.

Very truly yours,

HOWELL, JOHNSTON, LANGFORD & FINKBOHNER


Irvin J. Langford

IJL/eg
Enc.

GIBBONS & STOKES

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III
WILLIAM L. HOWELL

July 22, 1969

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

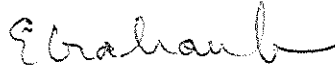
Mrs. Alice Duck, Clerk
Circuit Court B
Baldwin County Courthouse
Bay Minette, Alabama

Re: American Security Insurance Co. vs James R. Burdeaux

Dear Mrs. Duck:

I am enclosing herewith a notice of dismissal of appeal by American Security Insurance Company in the above captioned matter which is case number 7689. I also enclose my check to cover costs accrued.

Sincerely,


E. Graham Gibbons

EKG/al

Enclosure

IN THE COURT OF APPEALS OF
THE STATE OF ALABAMA

AMERICAN SECURITY INSURANCE
COMPANY, a corporation,
Appellant

vs.

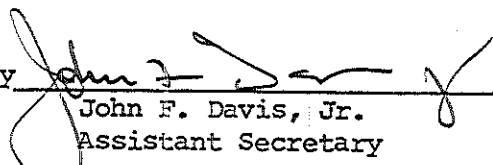
Case No.

JAMES R. BURDEAUX
Appellee

NOTICE OF DISMISSAL OF APPEAL

Comes now the Appellant, American Security Insurance Company,
and shows unto the Court that all matters in dispute have been concluded
between the Appellant and Appellee, and Appellant hereby dismisses the
Appeal taken herein.

AMERICAN SECURITY INSURANCE COMPANY

by 
John F. Davis, Jr.
Assistant Secretary

CERTIFICATE OF SERVICE

I certify that on this 16 day of July, 1969, a copy of this notice
was served on counsel for Appellee by mailing to same by first class U. S.
Mail, properly addressed and postage prepaid.

AMERICAN SECURITY INSURANCE COMPANY

by 
Assistant Secretary

FILED

JUL 23 1969

ALICE J. DUCK CLERK
REGISTER


JAMES R. BURDEAUX) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY, ALABAMA
VS.)
AMERICAN SECURITY INSURANCE) AT LAW
COMPANY, a corporation)
Defendant) CASE NO. 7689

NOTICE TO TAKE DEPOSITION ON ORAL EXAMINATION AND
SUBPOENA ISSUED THEREON.

To: Attorneys of Record Gibbons and Stokes for the
Plaintiff, James R. Burdeaux.

Please take notice that William H. Card, Jr., Attorney
for the defendant American Security Insurance Company, will
take the deposition, upon oral examination, for the purpose of
discovery, or for use as evidence in this cause, or for both
purposes, in accordance with the provisions of Act No. 375 of
the 1955 Legislature of Alabama (Title 7, Section 474(1) et
seq. of the 1940 Code, as amended), of the following named
person.

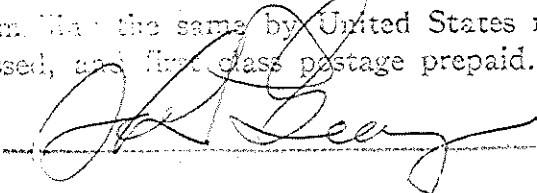
Said deposition will be taken at the office of John V.
Duck, Attorney at Law, 319 Magnolia Avenue, Fairhope, Alabama,
on the 7th day of November, 1968 at 3:00 p.m. before a Notary
Public or before some other person authorized by law to administer
oaths, and to take depositions. Said examination will continue
from day to day until completed.



William H. Card, Jr.
Attorney for Defendant

CERTIFICATE OF SERVICE

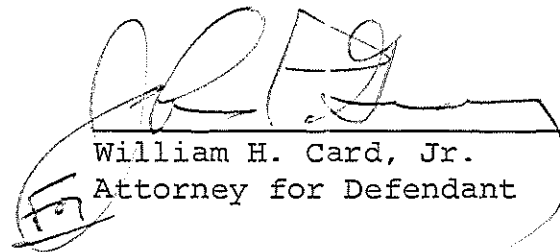
I do hereby certify that I have on this 24
day of Oct, 1968, served a copy of the
foregoing pleading on counsel for all parties to this
proceeding by mail the same by United States mail,
properly addressed, and first class postage prepaid.



To The Clerk of the Circuit Court:

Please issue subpoena to James R. Burdeaux, Route 1
Box 281B, Robertsdale, Alabama, the above-named person
whose deposition will be taken, summoning said person to be
and appear at the time and place appearing above, then and
there to give testimony upon oral examination, as provided
by law.

This the 24 day of Oct, 1968.


William H. Card, Jr.
Attorney for Defendant

FILED

OCT 25 1968

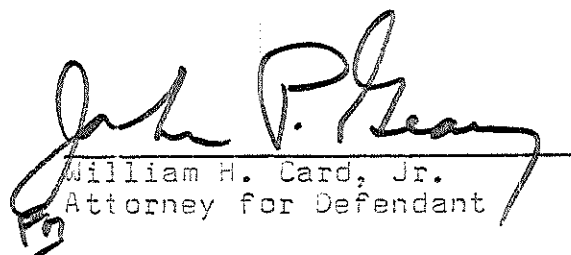
ALICE J. DUCK CLERK
REGISTER

JAMES R. BURDEAUX,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
VS.)	
AMERICAN SECURITY INSURANCE	)	AT LAW
COMPANY, a corporation,)	
Defendant.	)	CASE NO. <u>7689</u>

Comes now the Defendant in the above entitled cause and in answer to the complaint in said cause, and each count thereof, separately and severally, say:

1. Not guilty.

2. Comes now the Defendant and for answers to the Plaintiff's complaint says that at the time of the fire which destroyed Plaintiff's house, said insurance policy had been cancelled before this fire and therefore was not in effect at the time of this fire.


 William H. Card, Jr.
 Attorney for Defendant

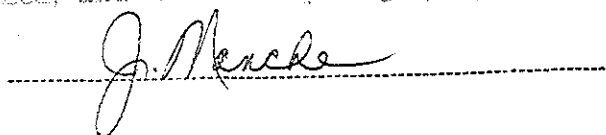
FILED

JAN 17 1968

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 16th day of January, 1968, served a copy of the foregoing plea by registered mail to this address by airmail by United States mail, first class postage prepaid.

 ALICE J. BUCK CLERK REGISTER



JAMES R. BURDEAUX,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	AT LAW
)	
AMERICAN SECURITY INSURANCE)	
COMPANY, a corporation,)	
)	
Defendant.	)	CASE NO. 7689

SUPERSEDEAS BOND

Know All Men By These Presents, that we, AMERICAN SECURITY INSURANCE COMPANY, a corporation and AMERICAN FIRE AND CASUALTY COMPANY, a Florida corporation, are held and firmly bound unto JAMES R. BURDEAUX in the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, for the payment of which we jointly and severally bind ourselves, and our successors and assigns, firmly by these presents.

Sealed with our seals, and dated this 9 day of May A.D., 1969.

The condition of the above obligation is such, that whereas the above bounden AMERICAN SECURITY INSURANCE COMPANY has this day applied for, and obtained an appeal returnable to the next term, 1969, of the Court of Appeals of the State of Alabama, to supersede and reverse the verdict of the jury and judgment of the Court dated the 12th day of March, 1969 in the sum of TWO THOUSAND AND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS in a cause wherein JAMES R. BURDEAUX is Plaintiff and AMERICAN SECURITY INSURANCE COMPANY is Defendant.

NOW, if the said AMERICAN SECURITY INSURANCE COMPANY shall prosecute to effect the said appeal and shall pay and satisfy such judgment as the Court of Appeals shall render in the premises, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

State of Alabama
County of Mobile) I, the undersigned,
John E. Mandeville, Clerk, Circuit Court,
Mobile County, Alabama, do hereby certify
that if this bond were presented to me as
Clerk of this Court I would approve the
same. Done this 15th day of May, 1969.
John E. Mandeville
JOHN E. MANDEVILLE, Clerk, Circuit Court,
Mobile County, Alabama.

AMERICAN SECURITY INSURANCE COMPANY
By: *[Signature]* (SEAL)
American Fire & Casualty Co. (SEAL)
By: H. Tom Cochran (SEAL)
attorney in fact

Taken, approved and filed 5-15-69
[Signature]
Clerk



AMERICAN
Fire and Casualty Company
ORLANDO, FLORIDA

Certified Copy

Power No. 990-448b

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the AMERICAN FIRE AND CASUALTY COMPANY, a Corporation duly organized under the laws of the State of Florida, and having its principal office in the City of Orlando, County of Orange, State of Florida, hath made, constituted and appointed, and does by these presents make, constitute and appoint

H. TOM COCHRAN

of Mobile and State of Alabama
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf,

ANY AND ALL BONDS NOT EXCEEDING IN AMOUNT TWO HUNDRED FIFTY THOUSAND AND NO/100 (\$250,000.00) DOLLARS IN ANY SINGLE INSTANCE

and to bind the AMERICAN FIRE AND CASUALTY COMPANY thereby as fully and to the same extent as if such bonds were signed by the duly authorized officers of the AMERICAN FIRE AND CASUALTY COMPANY, and all acts of said Attorney(s)-in-Fact pursuant to the authority herein given, are hereby ratified and confirmed; with right of revocation in the premises.

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the AMERICAN FIRE AND CASUALTY COMPANY at a meeting duly called and held on the 28th day of November A. D., 1962:

ARTICLE IV, SECTION 3--"Corporate Attorneys-in-Fact. For the purpose of executing bonds, undertakings, recognizances, contracts of indemnity and all other writings obligatory in the nature thereof such as are usually incident to the transaction of the business of underwriting by insurance companies, the President and/or any Vice-President of the Company is authorized to appoint attorneys-in-fact of the Company. Such appointments shall bear the corporate seal of the Company or a recital thereof attested by the Secretary or an Assistant Secretary."

This Power Void If Altered or Erased.

All authority hereby conferred shall terminate, without further notice, unless sooner revoked at midnight of

IN WITNESS, WHEREOF, the AMERICAN FIRE AND CASUALTY COMPANY has caused these presents to be signed by its President and Assistant Secretary, and its corporate seal to be hereto affixed, this 27th day of April A. D., 1967.

July 31, 1970

AMERICAN FIRE AND CASUALTY COMPANY



Attest: Ralph J. Brown
Ralph J. Brown, Assistant Secretary

By: Charles E. Hagar
Charles E. Hagar, President

STATE OF FLORIDA, COUNTY OF ORANGE, ss:
On the 27th day of April A. D., 1967, before me personally appeared Charles E. Hagar, President and Ralph J. Brown, Assistant Secretary of the AMERICAN FIRE AND CASUALTY COMPANY to me known, who, being duly sworn, did depose and say; that they reside in the City of Orlando, State of Florida; that they are the said officers of the Company aforesaid, the Corporation described in and which executed the above instrument, that the seal affixed to the said instrument is the Corporate Seal of said Company and that it was so affixed by authority granted under the By-Laws of said Company and that they sign their names thereto by like order.

(SEAL)

Charles R. Stanganello
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Feb. 1, 1971
Bonded By American Fire & Casualty Co.

STATE OF FLORIDA, COUNTY OF ORANGE, ss:
I, Dorothy C. Reel, Secretary of AMERICAN FIRE AND CASUALTY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney executed by said AMERICAN FIRE AND CASUALTY COMPANY, which is still in full force and effect.
IN WITNESS WHEREOF, I, have signed this certificate at Orlando, Florida, this 8 day of May, 1969.



Dorothy C. Reel
Dorothy C. Reel, Secretary

JAMES R. BURDEAUX,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	AT LAW
)	
AMERICAN SECURITY INSURANCE)	
COMPANY, a corporation,)	
)	
Defendant.	)	CASE NO. 7689

CITATION IN APPEAL

STATE OF ALABAMA)
BALDWIN COUNTY--CIRCUIT COURT)

To Any Sheriff of the State of Alabama--Greeting:

WHEREAS, at a Term of the Circuit Court of Baldwin, for Baldwin County, held on the 12th day of March, 1969, in a certain cause in said Court wherein JAMES R. BURDEAUX was Plaintiff, and AMERICAN SECURITY INSURANCE COMPANY, a corporation was Defendant, a Judgment was rendered against said AMERICAN SECURITY INSURANCE COMPANY, to reverse which said Judgment the said AMERICAN SECURITY INSURANCE COMPANY has on this day applied for and obtained from this office an Appeal, returnable to the next Term of the Court of Appeals of the State of Alabama, to be held at Montgomery, and the necessary security for costs and Supersedeas bond having been given by the said AMERICAN SECURITY INSURANCE COMPANY and AMERICAN FIRE AND CASUALTY COMPANY, a Florida corporation, as Sureties thereon in the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS.

NOW, You are Hereby Commanded, without delay, to Cite the said JAMES R. BURDEAUX or E. GRAHAM GIBBONS, Attorney at Law, to appear at the said Term of the Court of Appeals, State of Alabama, to defend against the said appeal, if They think proper.

Witness, Mrs. Alice Duck, Clerk of the Circuit Court of Baldwin County, this 15 day of May, 1969.

ATTEST:

Alice J. Duck Clerk.

SEAL

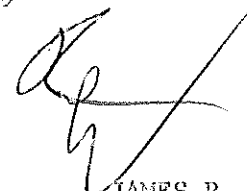
Received the 22 day of May, 1969 and on the 26 day
of May, 1969, I served a Copy of the within Citation in
Appeal and Copy of Notice of Appeal on James R Burdeaux
by service on E. Graham Ribbons, Attorney
_____.

Ray L Bridges, Sheriff
~~TAYLOR WILKINS~~ Mobile County

By Cg Fitzpatrick DS

7-5 CASE NO. 7689

6309


JAMES R. BURDEAUX,

Plaintiff,

vs:

AMERICAN SECURITY INSURANCE
COMPANY, A Corp.,

Defendant

CITATION OF APPEAL

267/24
Serve: E. Graham Gibbons,
Attorney -

10
10-10-1964
10-10-1964

JAMES R. BURDEAUX,

Plaintiff,

vs.

AMERICAN SECURITY INSURANCE
COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF

EALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7689

NOTICE OF APPEAL TO COURT OF APPEALS FILED BY DEFENDANT

Comes the Defendant in the above styled cause and gives notice of appeal from the judgment of this Court rendered on the 12th day of March, 1969, and also from the judgment of this Court overruling this party's motion for a new trial which judgment was entered on the 9th day of April, 1969, to the Court of Appeals in the State of Alabama.

WILLIAM H. CARD and
HOWELL, JOHNSTON, LANGFORD & FINKBOHNER

By: 

One of Attorneys for Defendant

We, the undersigned acknowledge ourselves security for costs of this appeal.

DONE this 9 day of May, 1969.

AMERICAN SECURITY INSURANCE COMPANY

By: 

AMERICAN FIRE AND CASUALTY COMPANY

BY: 

Attorney in Fact

Please serve a copy of the foregoing upon the Honorable E. Graham Gibbons, Attorney at Law, for James R. Burdeaux at his office at 160 Congress Street, Mobile, Alabama.

FILED

MAY 15 1969

ALICE J. DUCK

CLERK
REGISTER

JAMES R. BURDEAUX,

Plaintiff,

vs.

AMERICAN SECURITY INSURANCE
COMPANY, a corporation,

Defendant.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 7689

We, the undersigned acknowledge ourselves security for all costs of this appeal.

DONE this 9th day of May, 1969.

AMERICAN SECURITY INSURANCE COMPANY

By: *[Signature]*

American Security Insurance Company

N. Lem Cochran

Attorney in fact

STATE OF ALABAMA)
MOBILE COUNTY)

In the Circuit Court of Mobile County, Alabama.

I, the undersigned, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby certify that, were the above Security for Cost of appeal presented to me as Clerk of this Court, I would approve the same.

DONE this the 19th day of May, 1969.

[Signature]
CLERK, CIRCUIT COURT, MOBILE COUNTY, ALA.

approved 5-15-69
Reice J. Duck
Clerk

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 7689

THE STATE OF ALABAMA

BALDWIN County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein JAMES R. BURDEAUX

was plaintiff, and AMERICAN SECURITY INSURANCE COMPANY, A Corporation

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said American Security Insurance Company, a corp. did on the 15th day of May, 1969, pray for and obtain an appeal from the judgment of said Court to the Court of Appeals Court of Alabama to reverse said judgment of said Court upon entering into bond with American Security Insurance Company and American Fire and Casualty Company, as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 15th day of May, 1969

Alice J. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

04.
American
Security

1. Taylor, Frank, Printer, Stapleton
2. Tindall, Horace A., Farmer, Gulf Shores
3. Day, Warren W., Civil Service, Elberta
4. Drew, Norman Lee, Mechanic, Bay Minette
5. Lazzari, Anglo, Farmer, Belforest
6. Allen, Norman W., Farmer, Gateswood
7. Yelding, Bailey, Sr., Carpenter & Bricklayer, Daphne
8. Graham, James R., Laborer, Bay Minette
9. Andrews, Herbert E., Farmer, Foley
10. Williams, Samuel D., Gov't. Employee, Fairhope
11. Fletcher, Charles T., Gov't. Employee, Bay Minette
12. Gamble, L. Jack, Salesman, Bay Minette
13. Garrett, Malcolm, Farmer, Belforest
14. Underwood, Mechanic, Foley
15. Weatherford, Arthur C., Newport, Bay Minette
16. Harrison, Bibb, Farmer, Fairhope
17. Henry, J. W., Salesman, Fairhope
18. Winterhalter, Daniel G., Clerk, Bay Minette
19. Cain, Hurman L., Mechanic, Bay Minette
20. Cranberry, Mechanic, Bay Minette
21. Cabiness, Marvin, Laborer, Bay Minette
22. Larson, Henry L., Brick Layer, Elberta
23. Matthews, Reid, Furniture Store Oper., Robertsdale
24. McKenzie, Robert E., Yeast Packer, Fairhope
25. Mitchel, Fred, Jr., Service Station, Stapleton
26. Mund, Andrew, Fisherman, Gulf Shores
27. Osborne, W. A., Civil Service, Foley
28. Pierce, Arthur, Insurance, Fairhope
29. Rayborn, Cecil, Farm Laborer, Robertsdale
30. Clemons, Frank, Grand Hotel, Fairhope
31. Boros, Anthony J., Farmer, Elberta
32. Burkhardt, John M., Farmer, Elberta
33. Allen, Leslie Sr., Clerk, Fairhope
34. Allen, James B., Jr., Farmer, Lillian
35. Jones, George, Business Operator, Daphne
36. Wenzel, Emmett O., Merchant, Gulf Shores
37. Clemons, W. P., Carpenter, Fairhope

37
16
3.13
53

P XXXXX XXXXX X
D XXXXX XXXXX X

JAMES R. BURDEAUX,
Plaintiff,

vs.

AMERICAN SECURITY INSURANCE
COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CASE NO. 7589

SUPERSEDEAS BOND

Know All Men By These Presents, that we, AMERICAN SECURITY INSURANCE COMPANY, a corporation and AMERICAN FIRE AND CASUALTY COMPANY, a Florida corporation, are held and firmly bound unto JAMES R. BURDEAUX in the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, for the payment of which we jointly and severally bind ourselves, and our successors and assigns, firmly by these presents.

Sealed with our seals, and dated this ____ day of May A.D., 1969.

The condition of the above obligation is such, that whereas the above bounden AMERICAN SECURITY INSURANCE COMPANY has on this day applied for, and obtained an appeal returnable to the next term, 1969, of the Court of Appeals of the State of Alabama, to supersede and reverse the verdict of the jury and judgment of the Court dated the 12th day of March, 1969 in the sum of TWO THOUSAND AND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS in a cause wherein JAMES R. BURDEAUX is Plaintiff and AMERICAN SECURITY INSURANCE COMPANY is Defendant.

NOW, if the said AMERICAN SECURITY INSURANCE COMPANY shall prosecute to effect the said appeal and shall pay and satisfy such judgment as the Court of Appeals shall render in the premises, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

State of Alabama
County of Mobile) I, the undersigned,
John E. Mandeville, Clerk, Circuit Court,
Mobile County, Alabama, do hereby certify
that if this bond were presented to me as
Clerk of this Court I would approve the
same. Done this the 15th day of May, 1969.

JOHN E. MANDEVILLE, Clerk, Circuit Court,
Mobile County, Alabama.

AMERICAN SECURITY INSURANCE COMPANY

By:

(SEAL)

(SEAL)

(SEAL)

Taken, approved and filed

Clerk



AMERICAN Fire and Casualty Company

ORLANDO, FLORIDA

Certified Copy

Power No. 990-448b

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the AMERICAN FIRE AND CASUALTY COMPANY, a Corporation duly organized under the laws of the State of Florida, and having its principal office in the City of Orlando, County of Orange, State of Florida, hath made, constituted and appointed, and does by these presents make, constitute and appoint

H. TOM COCHRAN

of Mobile and State of Alabama
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf,

ANY AND ALL BONDS NOT EXCEEDING IN AMOUNT TWO HUNDRED FIFTY THOUSAND AND NO/100 (\$250,000.00) DOLLARS IN ANY SINGLE INSTANCE

and to bind the AMERICAN FIRE AND CASUALTY COMPANY thereby as fully and to the same extent as if such bonds were signed by the duly authorized officers of the AMERICAN FIRE AND CASUALTY COMPANY, and all acts of said Attorney(s)-in-Fact pursuant to the authority herein given, are hereby ratified and confirmed; with right of revocation in the premises.

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the AMERICAN FIRE AND CASUALTY COMPANY at a meeting duly called and held on the 28th day of November A. D., 1962:

ARTICLE IV, SECTION 3--"Corporate Attorneys-in-Fact. For the purpose of executing bonds, undertakings, recognizances, contracts of indemnity and all other writings obligatory in the nature thereof such as are usually incident to the transaction of the business of underwriting by insurance companies, the President and/or any Vice-President of the Company is authorized to appoint attorneys-in-fact of the Company. Such appointments shall bear the corporate seal of the Company or a recital thereof attested by the Secretary or an Assistant Secretary."

This Power Void If Altered or Erased.

All authority hereby conferred shall terminate, without further notice, unless sooner revoked at midnight of July 31, 1970

IN WITNESS, WHEREOF, the AMERICAN FIRE AND CASUALTY COMPANY has caused these presents to be signed by its President and Assistant Secretary, and its corporate seal to be hereto affixed, this 27th day of April A. D., 1967.

AMERICAN FIRE AND CASUALTY COMPANY



Attest: Ralph J. Brown
Ralph J. Brown, Assistant Secretary

By: Charles E. Hagar
Charles E. Hagar, President

STATE OF FLORIDA, COUNTY OF ORANGE, ss:
On the 27th day of April A. D., 1967, before me personally appeared Charles E. Hagar, President and Ralph J. Brown, Assistant Secretary of the AMERICAN FIRE AND CASUALTY COMPANY to me known, who, being duly sworn, did depose and say; that they reside in the City of Orlando, State of Florida; that they are the said officers of the Company aforesaid, the Corporation described in and which executed the above instrument, that the seal affixed to the said instrument is the Corporate Seal of said Company and that it was so affixed by authority granted under the By-Laws of said Company and that they sign their names thereto by like order.

(SEAL)

Isabel R. Stanzanello
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Feb. 1, 1971
Bonded By American Fire & Casualty Co.

STATE OF FLORIDA, COUNTY OF ORANGE, ss:
I, Dorothy C. Reel, Secretary of AMERICAN FIRE AND CASUALTY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney executed by said AMERICAN FIRE AND CASUALTY COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I, have signed this certificate at Orlando, Florida, this 8 day of May, 1969.



Dorothy C. Reel
Dorothy C. Reel, Secretary

JAMES R. BURDEAUX,
Plaintiff,

vs.

AMERICAN SECURITY INSURANCE
COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7689

SUPERSEDEAS BOND

Know All Men By These Presents, that we, AMERICAN SECURITY INSURANCE COMPANY, a corporation and AMERICAN FIRE AND CASUALTY COMPANY, a Florida corporation, are held and firmly bound unto JAMES R. BURDEAUX in the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, for the payment of which we jointly and severally bind ourselves, and our successors and assigns, firmly by these presents.

Sealed with our seals, and dated this 9 day of May A.D., 1969.

The condition of the above obligation is such, that whereas the above bounden AMERICAN SECURITY INSURANCE COMPANY has this day applied for, and obtained an appeal returnable to the next term, 1969, of the Court of Appeals of the State of Alabama, to supersede and reverse the verdict of the jury and judgment of the Court dated the 12th day of March, 1969 in the sum of TWO THOUSAND AND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS in a cause wherein JAMES R. BURDEAUX is Plaintiff and AMERICAN SECURITY INSURANCE COMPANY is Defendant.

NOW, if the said AMERICAN SECURITY INSURANCE COMPANY shall prosecute to effect the said appeal and shall pay and satisfy such judgment as the Court of Appeals shall render in the premises, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

State of Alabama
County of Mobile) I, the undersigned,
John E. Mandeville, Clerk, Circuit Court,
Mobile County, Alabama, do hereby certify
that if this bond were presented to me as
Clerk of this Court I would approve the
same. Done this the 15th day of May, 1969.

JOHN E. MANDEVILLE, Clerk, Circuit Court,
Mobile County, Alabama.

AMERICAN SECURITY INSURANCE COMPANY

By: [Signature] (SEAL)

American Fire and Casualty Company (SEAL)

[Signature] (SEAL)

Attorney in fact

Taken, approved and filed

[Signature]
Clerk



AMERICAN Fire and Casualty Company

ORLANDO, FLORIDA

Certified Copy

Power No. 990-448b

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the AMERICAN FIRE AND CASUALTY COMPANY, a Corporation duly organized under the laws of the State of Florida, and having its principal office in the City of Orlando, County of Orange, State of Florida, hath made, constituted and appointed, and does by these presents make, constitute and appoint

H. TOM COCHRAN

of Mobile and State of Alabama
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf,

ANY AND ALL BONDS NOT EXCEEDING IN AMOUNT TWO HUNDRED FIFTY THOUSAND AND NO/100 (\$250,000.00) DOLLARS IN ANY SINGLE INSTANCE

and to bind the AMERICAN FIRE AND CASUALTY COMPANY thereby as fully and to the same extent as if such bonds were signed by the duly authorized officers of the AMERICAN FIRE AND CASUALTY COMPANY, and all acts of said Attorney(s)-in-Fact pursuant to the authority herein given, are hereby ratified and confirmed; with right of revocation in the premises.

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law adopted by the Board of Directors of the AMERICAN FIRE AND CASUALTY COMPANY at a meeting duly called and held on the 28th day of November A. D., 1962:

ARTICLE IV, SECTION 3--"Corporate Attorneys-in-Fact. For the purpose of executing bonds, undertakings, recognizances, contracts of indemnity and all other writings obligatory in the nature thereof such as are usually incident to the transaction of the business of underwriting by insurance companies, the President and/or any Vice-President of the Company is authorized to appoint attorneys-in-fact of the Company. Such appointments shall bear the corporate seal of the Company or a recital thereof attested by the Secretary or an Assistant Secretary."

This Power Void If Altered or Erased.

All authority hereby conferred shall terminate, without further notice, unless sooner revoked at midnight of

July 31, 1970

IN WITNESS, WHEREOF, the AMERICAN FIRE AND CASUALTY COMPANY has caused these presents to be signed by its President and Assistant Secretary, and its corporate seal to be hereto affixed, this 27th day of April A. D., 1967.

AMERICAN FIRE AND CASUALTY COMPANY



Attest: Ralph J. Brown
Ralph J. Brown, Assistant Secretary

By: Charles E. Hagar
Charles E. Hagar, President

STATE OF FLORIDA, COUNTY OF ORANGE, ss:
On the 27th day of April A. D., 1967, before me personally appeared Charles E. Hagar, President and Ralph J. Brown, Assistant Secretary of the AMERICAN FIRE AND CASUALTY COMPANY to me known, who, being duly sworn, did depose and say; that they reside in the City of Orlando, State of Florida; that they are the said officers of the Company aforesaid, the Corporation described in and which executed the above instrument, that the seal affixed to the said instrument is the Corporate Seal of said Company and that it was so affixed by authority granted under the By-Laws of said Company and that they sign their names thereto by like order.

(SEAL)

Isabel R. Stanzanella
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Feb. 1, 1971
Bonded By American Fire & Casualty Co.

STATE OF FLORIDA, COUNTY OF ORANGE, ss:
I, Dorothy C. Reel, Secretary of AMERICAN FIRE AND CASUALTY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney executed by said AMERICAN FIRE AND CASUALTY COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I, have signed this certificate at Orlando, Florida, this 8 day of May, 1969.



Dorothy C. Reel
Dorothy C. Reel, Secretary

THE STATE OF ALABAMA--JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 68

To the Clerk of the Circuit Court of Baldwin County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said County, in a certain cause lately pending in said Court between

American Security Insurance Company, Appellant,

and

James R. Burdeaux, Appellee,

wherein by said Court, at the Term, 19 , it was considered adversely to said appellant , were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant .

Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 25th day of July 19 69 ,

, that the said appeal be and stand dismissed; and that it was further considered that the appellant, and American Fire and Casualty Company

sureties on the appeal bond

pay the costs accruing on said appeal in this Court and in the Court below

Witness Charles Bricken, Jr., Clerk of the Court
of Appeals of Alabama, at the Capitol, this the
25th day of July 19 69


Clerk of the Court of Appeals of Alabama.

7689

THE COURT OF APPEALS OF ALABAMA

October Term, 19 68

1st Div. No. 451

American Security

Insurance Company

Appellant.....

v.

James R. Burdeaux

Appellee.....

From Baldwin Circuit Court

CERTIFICATE OF DISMISSAL

No Opinion

The State of Alabama,

FILED

County.

} Filed

this 24th day of 8-1969 19

ALICE J. DICK

CLERK
REGISTER

~~Howard~~
~~Hawthorne~~
The jury find in favor of Plaintiff and
in the sum of \$2500.00 plus interest and
expenses for lawer fees

Forman
Warren W. Day