

OWENS & PATTON  
ATTORNEYS AT LAW  
DAHLBERG BUILDING  
P. O. BOX 729  
BAY MINETTE, ALABAMA - 36507

J. CONNOR OWENS, JR.  
WALTER S. PATTON

TELEPHONE NO. 937-4661

September 1, 1967

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

7721

Subject: O'Dell vs. Quattlebaum, et al.

Dear Mrs. Duck:

This is with reference to the above styled matter which is to be forwarded to the Secretary of State for service under and pursuant to Title 7, Section 199, Code of Alabama.

The last known mailing address of the defendant, Barto Quattlebaum is Route 4, Box 376, Chipley, Florida.

I am enclosing herewith check in the amount of \$5.00 payable to the Secretary of State covering fee for such service.

Thank you for your aid and consideration in this matter.

Sincerely yours,

*Walter S. Patton*

Walter S. Patton

WSP:am

I, Major Roy L. Smith an officer authorized to administer oaths by the laws of the State of Kansas, have called and caused to come before me, the said Nathan T. O'Dell, the said deponent, under oath depose and saith his answers to the questions posed him by Capt. R. L. Wilkinson, of the office of Staff Judge Advocate, Forbes Air Force Base, Kansas as follows; no appearance was made by other persons.

DEPOSITION OF NATHAN T. O'DELL

Q. What is your full name?

A. Nathan T. O'Dell.

Q. Are you over the age of twenty-one years?

A. Yes.

Q. What is your present resident address?

A. 3508 Bryant, Topeka, Kansas.

Q. Are you the Plaintiff in the suit styled:

Nathan T. O'Dell,

Plaintiff,

Vs.

Barto Quattlebaum, Et Al.,

Defendants.

pending in the Circuit Court of Baldwin County, Alabama,  
Law Side?

A. Yes.

Q. Have you bought and sold automobiles?

A. Yes.

Q. Are you familiar with the fair and reasonable market value of automobiles?

A. Yes.

Q. Do you have an opinion as to the fair and reasonable market value of the 1960 Chevrolet automobile, the damage thereof being the subject of said law suit, immediately prior to the accident complained of in said law suit?

A. Yes.

Q. What is your opinion as to that value?

A. \$650.00

Q. Do you have an opinion as to the fair and reasonable market value of the same automobile immediately after the said accident?

A. Yes.

Q. What is your opinion as to that value?

A. \$ 70.00

FURTHER THE DEPONENT SAITH NOT.

Nathan T. O'Dell  
Nathan T. O'Dell

CERTIFICATE OF OFFICER

I Roy L. Smith, an officer authorized to administer oaths by the laws of the State of Kansas, hereby certify that the evidence of the witness, Nathan T. O'Dell under oath, was written down by me, and subscribed by Nathan T. O'Dell in my presence at the Office of Staff Judge Advocate, Forbes Air Force Base, Kansas, in Shawnee County, Kansas, on the 20 th day of June, 1968, and that I have personal knowledge of the personal identity of said witness, and that I am not of counsel or kin to any of the parties to the cause, or in any manner interested in the result thereof.

Given under my hand and seal, this 20th day of June, 1968.

Roy L. Smith  
Officer

(SEAL)

"A Judge Advocate on active duty in the U.S. Air Force having general powers of a notary public and of a consul of the U.S., in the performance of all notarial acts to be executed by members of the armed forces, the subscriber being known to me to be a member of the armed forces. (No seal required.) (Sec. 1, Act of 5 May 1958, 84 Stat. 143; 10 USC 435)"

FILED

JUN 27 1968

ALICE J. DUCK CLERK  
REGISTER

September 12, 1967

NATHAN T. O'DELL, Plaintiff

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

VS

BARTO QUATTLEBAUM, et al, Defendants

CASE NO. 7721

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

I, Mabel Amos, Secretary of State, hereby certify that on September 8, 1967  
I sent by certified mail in an envelope addressed as follows:

"Barto Quattlebaum  
Route 4, Box 376  
Chipley, Florida 32428"

"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:

"Barto Quattlebaum  
Route 4, Box 376  
Chipley, Florida 32428"

You will take notice that on September 8, 1967 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: NATHAN T. O'DELL, Plaintiff VS BARTO QUATTLEBAUM, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, LAW SIDE  
Case No. 7721 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 8  
day of September, 1967

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 September 12, 1967 I received the return card, showing receipt by the designated addressee of the aforementioned matter at NOT GIVEN  
on September 11, 1967

WITNESS MY HAND and the Great Seal of the State of Alabama this the 12th day  
of September, 1967

*Mabel S. Amos*

Mabel Amos  
Secretary of State

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

CC: Honorable Walter S. Patton, III  
P. O. Box 204  
Fairhope, Alabama 36532

STATE OF ALABAMA           )  
BALDWIN COUNTY            (

S U M M O N S

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BARTO QUATTLEBAUM; JOHN DOE, whose name to the plaintiff is otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the defendant Barto Quattlebaum on the date and occasion of the accident made the basis of this suit; RICHARD ROE, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the owner of the motor vehicle described herein at the time and place of the accident made the basis of this suit; THE DOE COMPANY, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was legally responsible for the operation of the motor vehicle described herein at the time and place of the accident made the basis of this suit, 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, Alabama, at Bay Minette, against the above named by Nathan T. O'Dell.

WITNESS my hand this 1st day of September, 1967.

*Alice J. Luck*

Clerk.

Last Known Mailing

Address of Defendant,

Barto Quattlebaum: Route 4, Box 376  
Chipley, Florida

NATHAN T. O'DELL,

Plaintiff,

vs.

BARTO QUATTLEBAUM; JOHN DOE, whose name to the plaintiff is otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the defendant Barto Quattlebaum on the date and occasion of the accident made the basis of this suit; RICHARD ROE, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the owner of the motor vehicle described herein at the time and place of the accident made the basis of this suit; THE DOE COMPANY, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was legally responsible for the operation of the motor vehicle described herein at the time and place of the accident made the basis of this suit,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE.

7721

The Plaintiff claims of the Defendants the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages for that on, to-wit, the 23rd day of November, 1966, while John Henry Gazzoway, Jr., was operating the automobile of the Plaintiff on, to-wit, U. S. Highway Number 90, a public highway in Baldwin County, Alabama, at a point .4 of a mile East of Loxley, Alabama, said point being about 40 feet East of Gulf Telephone Pole Number A1-72, and at said time and place, the Defendants acting by and through their agent, servant or employee who was then and there acting within the line and scope of his authority as such agent, servant or employee, negligently caused or allowed a motor vehicle to collide with the automobile of the Plaintiff, which John Henry Gazzoway, Jr., was operating as aforesaid, and as a proximate consequence of said negligence

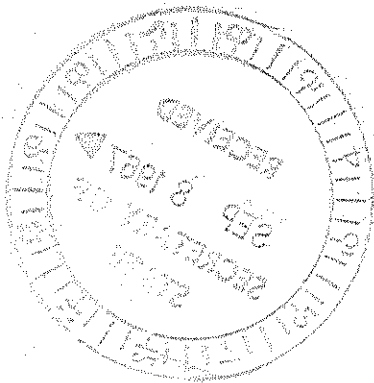
aforesaid, Plaintiff's automobile was damaged, bent, broken, wrecked and rendered a total loss; that the Plaintiff used said automobile in and about the conduct of his business and that Plaintiff lost the use of said automobile for a period of nine (9) months, all to his great damage; hence this suit.

OWENS AND PATTON

By:

*Walter J. Patton*

Attorneys for Plaintiff.



November 29, 1967

NATHAN T. O'DELL, Plaintiff

VS

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA LAW SIDE

L. L. CREAMER, et al, Defendants

CASE NO. 7,721

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE.

I, Mabel Amos, Secretary of State, hereby certify that on November 27, 1967  
I sent by certified mail in an envelope addressed as follows:

" L. L. Creamer  
Route 1  
Cottondale, Florida 32431"

"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:

" L. L. Creamer  
Route 1  
Cottondale, Florida 32431

You will take notice that on November 27, 1967 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: NATHAN T. O'DELL, Plaintiff VS L. L. CREAMER, et al,  
Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE  
Case No. 7,721 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 27th  
day of November, 1967

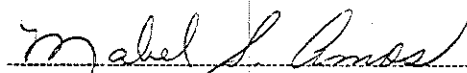
Enclosure (1)

(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 November 29, 1967 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Cottondale, Fl  
on November 28, 1967

WITNESS MY HAND and the Great Seal of the State of Alabama this the 29th day  
of November, 1967



Mabel Amos  
Secretary of State

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

CC: Honorable Walter S. Patton  
Owens & Patton  
P. O. Box 729  
Bay Minette, Alabama 36507



SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 7721

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....

L. L. Creamer

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.....

L. L. Creamer et al., Defendant.....

by Nathan T. O'Dell.....

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

Witness my hand this 21 day of November 19 67

..... Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed ..... 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

*L. L. Creamer*  
*Wt 1. Cottontale, Fla*

Received In Office

19.....

Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

NATHAN T. O'DELL,	)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
BARTO QUATTLEBAUM, ET AL.,	)	
	)	LAW SIDE. NO. 7721.
Defendants.	)	

AMENDED COMPLAINT:

Now comes the Plaintiff in the above styled cause, by his attorneys, and having ascertained that the true name of the defendant who is designated in the complaint as "John Doe, whose name to the Plaintiff is otherwise unknown, and whose true name, when ascertained, will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the Defendant, Barto Quattlebaum, on the date and occasion of the accident made the basis of this suit", is L. L. CREAMER, and amends his complaint as heretofore filed herein by substituting the said L. L. Creamer for the said "John Doe, whose name to the Plaintiff is otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the defendant, Barto Quattlebaum on the date and occasion of the accident made the basis of this suit", as a party defendant in this cause; all to the end that the said L. L. Creamer be made a party defendant in this cause and be substituted for said defendant John Doe.

Now comes further the Plaintiff in the above styled cause, by his attorneys, and amends the complaint heretofore filed in this cause, so that as amended, the same shall read as follows:

The Plaintiff claims of the Defendants, the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages for that on, to-wit, the 23rd day of November, 1966, while John Henry Gazzoway, Jr., was operating the automobile of the Plaintiff on, to-wit, U. S. Highway Number 90, a public highway in Baldwin County, Alabama, at a point .4 of a mile East of Loxley, Alabama, said point being about 40

feet East of Gulf Telephone Pole Number A1-72, and at said time and place the Defendant, Barto Quattlebaum, an agent, servant or employee of the Defendant, L. L. Creamer, while acting within the line and scope of his authority as such agent, servant, or employee, negligently caused or allowed a motor vehicle to collide with the automobile of the Plaintiff, which John Henry Gazzoway, Jr., was operating as aforesaid, and as a proximate consequence of said negligence aforesaid, Plaintiff's automobile was damaged, bent, broken, wrecked and rendered a total loss; that the Plaintiff used said automobile in and about the conduct of his business and that Plaintiff lost the use of said automobile for a period of nine (9) months, all to his great damage; hence this suit.

OWENS AND PATTON

By: Walter S. Patton

Attorneys for Plaintiff  
P. O. Box 729  
Bay Minette, Alabama.

ADDRESS OF DEFENDANT, L. L. CREAMER  
Route 1, Cottondale, Florida

I, the undersigned, one of the attorneys of record for the plaintiff in the foregoing cause, do hereby certify that I have forwarded a copy of the foregoing amended complaint to the defendant, Barto Quattlebaum, by United States Mail, properly addressed, with postage prepaid, this 21st day of November, 1967.

Walter S. Patton

**FILED**

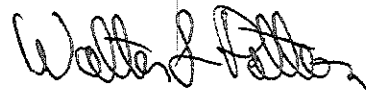
NOV 21 1967

**ALICE J. DUCK** CLERK  
REGISTER

In the Circuit Court of  
Baldwin County, Alabama  
Case No. 7721

To: Barto Quattlebaum, defendant, L. L. Creamer, defendant  
Please take notice that plaintiff by Capt. R. L. Wilkinson  
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 Nathan T. O'Dell.

Said deposition will be taken at the Office of Staff Judge  
Advocate, Forbes Air Force Base, Kansas on the 20th day of June,  
1968 at 10:00 A. M. before a Notary Public or before some other  
person authorized by law to administer oaths, and to take deposi-  
tions. Said examination will continue day to day until completed.

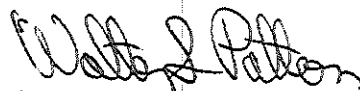


Walter S. Patton  
Attorney for plaintiff

#### CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the  
foregoing notice on Barto Quattlebaum, defendant, and L. L. Creamer,  
defendant in the above styled cause by mailing the same to them  
by United States mail, properly stamped and addressed.

This 7th day of June, 1968



Walter S. Patton  
Attorney for plaintiff

**FILED**

JUN 27 1968

**ALICE J. DUCK** CLERK  
REGISTER

NATHAN T. O'DELL,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	
BARTO QUATTLEBAUM, ET AL.,	)	BALDWIN COUNTY, ALABAMA
Defendants.	)	LAW SIDE. NO. 7721

MOTION TO STRIKE

Comes now the Plaintiff in the above styled cause and moves to strike as parties defendant to this cause, the following:

"RICHARD ROE, whose name is to the Plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the owner of the motor vehicle described herein at the time and place of the accident made the basis of this suit; THE DOE COMPANY, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was legally responsible for the operation of the motor vehicle described herein at the time and place of the accident made the basis of this suit".

OWENS AND PATTON

By: W. Owens & J. Patton  
Attorneys for Plaintiff.

**FILED**

JAN 2 1968

**ALICE J. DUCK** CLERK  
REGISTER

NATHAN T. O'DELL,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
BARTO QUATTLEBAUM, ET AL.,	)	
Defendants.	)	LAW SIDE. NO. 7721.

AMENDED COMPLAINT:

Now comes the Plaintiff in the above styled cause, by his attorneys, and having ascertained that the true name of the defendant who is designated in the complaint as "John Doe, whose name to the Plaintiff is otherwise unknown, and whose true name, when ascertained, will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the Defendant, Barto Quattlebaum, on the date and occasion of the accident made the basis of this suit", is L. L. CREAMER, and amends his complaint as heretofore filed herein by substituting the said L. L. Creamer for the said "John Doe, whose name to the Plaintiff is otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the defendant, Barto Quattlebaum on the date and occasion of the accident made the basis of this suit", as a party defendant in this cause; all to the end that the said L. L. Creamer be made a party defendant in this cause and be substituted for said defendant John Doe.

Now comes further the Plaintiff in the above styled cause, by his attorneys, and amends the complaint heretofore filed in this cause, so that as amended, the same shall read as follows:

The Plaintiff claims of the Defendants, the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages for that on, to-wit, the 23rd day of November, 1966, while John Henry Gazzoway, Jr., was operating the automobile of the Plaintiff on, to-wit, U. S. Highway Number 90, a public highway in Baldwin County, Alabama, at a point .4 of a mile East of Loxley, Alabama, said point being about 40

feet East of Gulf Telephone Pole Number A1-72, and at said time and place the Defendant, Barto Quattlebaum, an agent, servant or employee of the Defendant, L. L. Creamer, while acting within the line and scope of his authority as such agent, servant, or employee, negligently caused or allowed a motor vehicle to collide with the automobile of the Plaintiff, which John Henry Gazzoway, Jr., was operating as aforesaid, and as a proximate consequence of said negligence aforesaid, Plaintiff's automobile was damaged, bent, broken, wrecked and rendered a total loss; that the Plaintiff used said automobile in and about the conduct of his business and that Plaintiff lost the use of said automobile for a period of nine (9) months, all to his great damage; hence this suit.

OWENS AND PATTON

By: Walter J. Patton  
Attorneys for Plaintiff  
P. O. Box 729  
Bay Minette, Alabama.

ADDRESS OF DEFENDANT, L. L. CREAMER  
Route I, Cottondale, Florida

I, the undersigned, one of the attorneys of record for the plaintiff in the foregoing cause, do hereby certify that I have forwarded a copy of the foregoing amended complaint to the defendant, Barto Quattlebaum, by United States Mail, properly addressed, with postage prepaid, this 21st day of November, 1967.

Walter J. Patton

**FILED**

NOV 21 1967

**ALICE J. DUCK** CLERK  
REGISTER



SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 7721

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

L. L. Creamer

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

L. L. Creamer et als

Defendant

by Nathan T. O'Dell

Plaintiff

Witness my hand this 21 day of November

19 67

*Eric J. Warch*, Clerk

## STATE OF ALABAMA

Baldwin County

## CIRCUIT COURT

NATHAN T. O'DELL

Plaintiffs

vs.

BARTO QUATTLEBAUM et. als

Defendants

## SUMMONS AND COMPLAINT

Filed 11-21 19.67

Alice J. Duck Clerk

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

process(es) or a total of \$2.50

W. L. Mason Owens & Patton  
Deputy Sheriff  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

L. L. Creamer

RECEIVED IN OFFICE

Received In Office

NOV 25 1967

M. S. NOV 21 1967

19

Sheriff

I have executed this summons

this 19

by leaving a copy with

Executed by serving 3 copies of  
the within on Mable Amos  
Secretary of State of The State of  
Alabama  
This the 27 day of Nov. 19.67

Sheriff of Montgomery County

M. S. Butler,

By W. L. Mason D.A.

Sheriff

Deputy Sheriff

STATE OF ALABAMA            )  
BALDWIN COUNTY            (

S U M M O N S

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BARTO QUATTLEBAUM; JOHN DOE, whose name to the plaintiff is otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the employer of the defendant Barto Quattlebaum on the date and occasion of the accident made the basis of this suit; RICHARD ROE, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was the owner of the motor vehicle described herein at the time and place of the accident made the basis of this suit; THE DOE COMPANY, whose name is to the plaintiff otherwise unknown, and whose true name when ascertained will be substituted by amendment, being that person, firm, corporation, partnership or association who was legally responsible for the operation of the motor vehicle described herein at the time and place of the accident made the basis of this suit, 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, Alabama, at Bay Minette, against the above named by Nathan T. O'Dell.

WITNESS my hand this 1st day of September, 1967.

Alice J. Luck Clerk.

Last Known Mailing

Address of Defendant,  
Barto Quattlebaum:

375  
Route 4, Box 376  
Chipley, Florida

NATHAN T. O'DELL, )

Plaintiff, )

vs. )

BARTO QUATTLEBAUM; JOHN DOE, whose )  
name to the plaintiff is otherwise )  
unknown, and whose true name when )  
ascertained will be substituted by )  
amendment, being that person, firm, )  
corporation, partnership or asso- )  
ciation who was the employer of the )  
defendant Barto Quattlebaum on the )  
date and occasion of the accident )  
made the basis of this suit; )  
RICHARD ROE, whose name is to the )  
plaintiff otherwise unknown, and )  
whose true name when ascertained )  
will be substituted by amendment, )  
being that person, firm, corpora- )  
tion, partnership or association )  
who was the owner of the motor vehi- )  
cle described herein at the time )  
and place of the accident made the )  
basis of this suit; THE DOE COMPANY, )  
whose name is to the plaintiff )  
otherwise unknown, and whose true )  
name when ascertained will be sub- )  
stituted by amendment, being that )  
person, firm, corporation, partner- )  
ship or association who was legal- )  
ly responsible for the operation )  
of the motor vehicle described )  
herein at the time and place of )  
the accident made the basis of this )  
suit, )

Defendants. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

7721

The Plaintiff claims of the Defendants the sum of ONE THOUSAND DOLLARS (\$1,000.00) as damages for that on, to-wit, the 23rd day of November, 1966, while John Henry Gazzoway, Jr., was operating the automobile of the Plaintiff on, to-wit, U. S. Highway Number 90, a public highway in Baldwin County, Alabama, at a point .4 of a mile East of Loxley, Alabama, said point being about 40 feet East of Gulf Telephone Pole Number A1-72, and at said time and place, the Defendants acting by and through their agent, servant or employee who was then and there acting within the line and scope of his authority as such agent, servant or employee, negligently caused or allowed a motor vehicle to collide with the automobile of the Plaintiff, which John Henry Gazzoway, Jr., was operating as aforesaid, and as a proximate consequence of said negligence

aforesaid, Plaintiff's automobile was damaged, bent, broken, wrecked and rendered a total loss; that the Plaintiff used said automobile in and about the conduct of his business and that Plaintiff lost the use of said automobile for a period of nine (9) months, all to his great damage; hence this suit.

OWENS AND PATTON

By: Walter S. Patton  
Attorneys for Plaintiff.

CASE NO. 7721

4  
RECEIVED  
RECEIVED IN OFFICE

SEP 5 1967  
SEP 7 1967

3

TAYLOR WILKINS  
SHERIFF S. BUTLER, Sheriff

NATHAN T. O'DELL,

Plaintiff,

vs:

BARTO QUATTLEBAUM, ET AL

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW, CASE NO. 7721

SUMMONS & COMPLAINT

OWENS & PATTON

Executed by serving... 3 copies of  
the within on *M. S. Butler*  
Secretary of State of The State of  
Alabama.  
This the 8 day of Sept. 1967

Sheriff of Montgomery County  
M. S. Butler,

By *W. L. Moser* D. S.

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

*W. L. Moser* Deputy Sheriff

R E L E A S E

KNOW ALL MEN BY THESE PRESENTS:

That I, NATHAN T. O'DELL, for the sole consideration of Five Hundred and no/100 Dollars (\$500.00) to me in hand paid by BARTO QUATTLEBAUM, Payer, the receipt whereof is hereby acknowledged, have released and discharged and by these presents do for myself, my heirs, executors, administrators and assigns release and forever discharge the said Payer of and from any and all claims, demands, damages or suits of law, including those for personal injuries and for property damages, for or because of anything or matter done, omitted or suffered to be done on account of any injuries or damages, whether to personal property, resulting, or to result from an accident which resulted in a Judgment against the said BARTO QUATTLEBAUM in Baldwin County, Alabama, Circuit Court Minute Book 12 at page 126, and acknowledge that said Final Judgment has been paid in full.

I understand said Payer, by reason of agreeing to this compromise payment, neither admits nor denies liability of any sort, and said Payer has made no agreement or promise to do or admit to do any act or thing not herein set forth and I further understand that this Release is made as a compromise to avoid expenses and to terminate all controversy and/or claims for injuries or damages of whatsoever nature, known or unknown including further developments thereof, in any way growing out of or in connection with the said accident.

I admit that no representation of fact or opinion has been made by the said Payer or anyone else on his behalf to induce this compromise with respect to the extent, nature or permanency of said injuries or as to the likelihood of future complications or recovery therefrom, and that the sum paid is solely by way of compromise of a disputed claim, and that in determining said sum there has been taken into consideration the fact that serious or unexpected consequences might result from the present injuries,

known or unknown, from said accident, and it is, therefore, specifically agreed that this Release shall be a complete bar to all claims or suits for injuries or damages of whatsoever nature resulting or to result from said accident.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29<sup>th</sup> day of March, 1971.

Nathan T. O'Dell (SEAL)  
NATHAN T. O'DELL

STATE OF Arkansas  
COUNTY OF Pulaski

I hereby certify that on this day before me an officer duly qualified to take acknowledgments and administer oaths, personally appeared NATHAN T. O'DELL to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

Witness my hand and official seal in the County and State last aforesaid this 29<sup>th</sup> day of March, 1971.

Clotilde L. Havens  
Notary Public

My Commission Expires: October 15, 1973

**FILED**

MAR 31 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK