

ALBERT L. THOMASTON,	X	
Plaintiff,	X	
	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
SIM NEWELL, alias SIM	X	
NEWELL, JR., Individually		
and as agent, servant or	X	AT LAW
employee of JOHN DOE, whose		
name being unknown to your	X	
Plaintiff when determined		
and identified will be	X	NO: 8039
substituted for the said		
JOHN DOE,	X	
Defendants.	X	

ANSWER TO INTERROGATORIES

Comes now the Defendant, Sim Newell, Jr., and makes the following answer to the Interrogatories heretofore propounded to him by the Plaintiff and says as follows:

1. Sim Newell, Jr.
2. Route 1, Ovett, Mississippi.
3. Yes.
4. Walter Lowery, Robertsdale, Alabama
5. No.
6. Yes, I gave a signal and started passing a pick-up truck when suddenly it swerved into my lane and the rear view mirror on the right side of my truck struck something extended from or attached to the other truck.
7. No.
8. Yes, I stopped as soon as possible after completing passing the vehicle, however, it turned off on a side road and left the scene without stopping and I was not able to find out who it was and I assumed that there was no damage so I left.
9. No.
10. The glass was broken out of the right hand rear view mirror.

11. Yes.

12. Yes.

Comes now the Defendant, Sim Newell, Jr., and for answer to the supplemental interrogatories heretofore filed against him on July 2, 1968 in said cause, says as follows:

1. Not applicable.
2. Thomas Holliman, Overt, Mississippi.
3. Thomas Holliman.

Sim Newell Jr.

Sim Newell, Jr.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Sim Newell, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he has read the foregoing Answer to Interrogatories and the same are true and correct.

Sim Newell Jr.

Sim Newell, Jr.

Sworn to and subscribed before me

this 10th day of November, 1969.

John Earle Chasen
Notary Public, Baldwin County, Alabama.

FILED

NOV 10 1969

ALICE J. DUCK CLERK
REGISTER



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104
July 12, 1968

Honorable E. Leloir Thompson
124 Court House Square
Bay Minette, Alabama 36507

Re: Albert L. Thomaston, Plaintiff
VS Sim Newell, Jr., Defendant
Circuit Court of Baldwin County
Case Number 8039

Dear Mr. Thompson:

Please refer to your file on the above styled cause and be advised that on July 8, I mailed my notice along with a copy of the Amended Summons and Complaint and Interrogatories to Sim Newell, Jr., Perry County, New Augusta, Mississippi 39462.

In the mail today I received a card from the Post Office, New Augusta, Mississippi 39462, noting that the addressee is: "unknown. Supply address or forwarding directions if possible."

Please advise me as to any further steps you wish me to take in perfecting this service.

With best wishes, I am

Very truly yours,

Mabel S. Amos
Secretary of State

fc

CC: Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
✓ Bay Minette, Alabama 36507



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

July 31, 1968

To the Honorable Sheriff
Perry County
New Augusta, Mississippi 39462

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Sir:

Re: Albert L. Thomaston v Sim Newell, Jr., et al

Enclosed is my notice, together with copies of summons and complaint in duplicate in suit against Sim Newell, Jr., et al, now pending the the Circuit Court of Baldwin County, Alabama

Title 7, Section 199 of the 1940 Code of Alabama provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, Marshal or Deputy Marshal or any other duly constituted public official within the jurisdiction of the defendant's residence. This statute further provides a fee of \$2 for each service by said official. I am enclosing a check in the amount of \$2 forwarded to me by the attorney for the plaintiff. If there are any additional charges by you, you will please contact said attorney, who will give same his prompt attention.

I attempted service upon the said defendant at the address given, by certified mail, return receipt requested, deliver to addressee only; but said letter was returned, marked "undeliverable as addressed"

I shall greatly appreciate your efforts to complete this service upon the said defendant by serving upon him the original notice with the copy of the summons and complaint attached and making your return on the copy to the Clerk of the Court, who is named below.

Yours very truly,

Mabel S. Amos
Secretary of State

eh
enclosures

cc: Hon. Alice J. Duck ✓
Clerk, Circuit Court
Bay Minette, Alabama 36507

Hon. C. LeNoir Thompson
124 Court House Square
Bay Minette, Alabama 36507



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104
June 18, 1968

Honorable Linus S. Martin, Sheriff
Perry County
New Augusta, Mississippi 39462

Re: Albert L. Thomaston, Plaintiff VS
Sim Newell, et al, Defendants

Dear Mr. Martin:

Please refer to my letter of June 4th, and advise either Honorable C. Lenoir Thompson or me if you have been able to obtain service on Sim Newell.

Thanking you for any information, I am

Very truly yours,

Mabel S. Amos
Secretary of State

fc

CC: Honorable C. Lenoir Thompson
124 Court House Square
Bay Minette, Alabama 36507

✓ Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama 36507



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104
April 8, 1968

Honorable C. LeNoir Thompson
124 Court House Square
Bay Minette, Alabama 36507

Dear Mr. Thompson:

Re: ALBERT L. THOMASTON, Plaintiff VS
SIM NEWELL, et al, Defendants

Please refer to your file in the above-styled cause and be advised that on March 15, 1968, I sent by certified mail return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Sim Newell
Route 2
Ovett, Mississippi 39464

On April 4, 1968, this letter (Certified No. 51823) was returned to me with reason for non-delivery given as "UNCLAIMED".

If you would like to further pursue service on this defendant, according to the provisions of Title 7, Section 199, an additional \$2 deposit will enable me to attempt personal service by local law enforcement officers.

Will you please advise me as to any further steps you wish me to take in perfecting this service.

Very truly yours,

Mabel S. Amos
Secretary of State

fc

CC: Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
✓ Bay Minette, Alabama 36507



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104
June 4, 1968

To the Honorable Sheriff
Perry County
New Augusta, Mississippi 39462

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Sir:

8061
Re: ALBERT L. THOMASTON, Plaintiff VS
SIM NEWELL, et al, Defendants

Enclosed is my notice, together with copies of summons and complaint in duplicate in suit against Sim Newell, et al, now pending in the Circuit Court of Baldwin County, Alabama.

Title 7, Section 199 of the 1940 Code of Alabama provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, Marshal or Deputy Marshal or any other duly constituted public official within the jurisdiction of the defendant's residence. This statute further provides a fee of \$2 for each service by said official. I am enclosing a check in the amount of \$2 forwarded to me by the attorney for the plaintiff. If there are any additional charges by you, you will please contact said attorney, who will give same his prompt attention.

I attempted service upon the said defendant at the address given, by certified mail, return receipt requested, deliver to addressee only; but said letter was returned, marked "SUBJECT IS RESIDING IN

PERRY COUNTY AND WORKS FOR THOMAS HOLLOMAN". I shall greatly appreciate your efforts to complete this service upon the said defendant by serving upon him the original notice with the copy of the summons and complaint attached and making your return on the copy to the Clerk of the Court, who is named below.

Yours very truly,

fc
Enclosures

Mabel S. Amos
Secretary of State

cc: Honorable C. Lenoir Thompson
124 Court House Square
Bay Minette, Alabama 36507

✓ Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama 36507

FILED * NOTE: ATTORNEY SUBMITTED
\$200 CASH WHICH IS
ENCLOSED HEREWITH.

JUN 6 1968

ALICE J. DUCK, CLERK

LINUS B. MARTIN

SHERIFF and TAX COLLECTOR

PERRY COUNTY

Office ph. 964-3300

Res. ph. 964-3697

New Augusta, Miss.

39462

This papers were served
on Jim Newell (jr) and this
was man that was involved
in accident.

If you need additional
papers served please mail and
I will without cost

Linus B. Martin



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104
August 20, 1968

Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama 36507

Re: Albert L. Thomaston, Plaintiff VS
Sim Newell, Jr., et al, Defendants,
Circuit Court of Baldwin County
Case Number (Amended) 8039

Dear Mrs. Duck:

In the mail this morning I received the enclosed return reference the above-styled cause. These returns keep coming to my office regardless of what I do.

If I can be of assistance in the future, please feel free to call on me at any time.

With best wishes, I am

Very truly yours,

Mabel S. Amos
Secretary of State

fc

Enclosures

CC: Honorable C. LeNoir Thompson
124 Court House Square
Bay Minette, Alabama 36507



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

July 31, 1968

To the Honorable Sheriff
Perry County
New Augusta, Mississippi 39462

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Sir:

Re: Albert L. Thomaston v Sim Newell, Jr., et al

Enclosed is my notice, together with copies of summons and complaint in duplicate in suit against Sim Newell, Jr., et al, now pending the the Circuit Court of Baldwin County, Alabama

Title 7, Section 199 of the 1940 Code of Alabama provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, Marshal or Deputy Marshal or any other duly constituted public official within the jurisdiction of the defendant's residence. This statute further provides a fee of \$2 for each service by said official. I am enclosing a check in the amount of \$2 forwarded to me by the attorney for the plaintiff. If there are any additional charges by you, you will please contact said attorney, who will give same his prompt attention.

I attempted service upon the said defendant at the address given, by certified mail, return receipt requested, deliver to addressee only; but said letter was returned, marked "undeliverable as addressed"

I shall greatly appreciate your efforts to complete this service upon the said defendant by serving upon him the original notice with the copy of the summons and complaint attached and making your return on the copy to the Clerk of the Court, who is named below.

Yours very truly,

Mabel S. Amos
Mabel S. Amos
Secretary of State

eh
enclsoures

cc: Hon. Jlice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama 36507

Hon. C. LeNoir Thompson
124 Court House Square
Bay Minette, Alabama 36507

1. Interrogatories
2. SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8039

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sim Newell, alias Sim Newell, Jr.,
individually and as agent, servant or employee of John Doe, whose
name being unknown to your plaintiff when determined and identified
will be substituted for the said John Doe

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.....
Sim Newell,
alias Sim Newell, Jr., individually and as agent, servant or employee
of John Doe, whose name being unknown to your plaintiff when
determined and identified will be substituted for the said Defendant.....
John Doe

by Albert L. Thomaston

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

Witness my hand this 2 day of July 1968

Henry J. French, Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ALBERT L. THOMASTON

Plaintiffs

SIM NEWELL, alias SIM NEWELL, JR.
individually and as agent, servant
or employee of John Doe, whose name
being unknown to your Defendants
plaintiff when determined and iden-
tified will be substituted for the
said John Doe

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

2 Aug 1968

Linus B. Martin Sheriff

I have executed this summons

this 7 Aug 1968

by leaving a copy with

Sim Newell

Linus B. Martin Sheriff

E. E. Martin Deputy Sheriff

AMENDED COMPLAINT

ALBERT L. THOMASTON	I	
Plaintiff	I	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
SIM NEWELL, individually and as	X	AT LAW
agent, servant or employee of		NO. 8031
John Doe, whose name being	X	8039
unknown to your plaintiff when		
determined and identified will	X	
be substituted for the said		
John Doe	X	
Defendants	X	

Comes the plaintiff in the above styled cause and amends his complaint heretofore filed in said cause to read as follows:

ALBERT L. THOMASTON	I	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
		AT LAW
		NO. 8031
SIM NEWELL, alias SIM NEWELL, JR.,		8039
INDIVIDUALLY AND AS AGENT, SERVANT	X	
OR EMPLOYEE OF JOHN DOE, WHOSE		
NAME BEING UNKNOWN TO YOUR PLAINTIFF	X	
WHEN DETERMINED AND IDENTIFIED WILL		
BE SUBSTITUTED FOR THE SAID JOHN	X	
DOE	X	
Defendants	X	

-1-

The plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages for that, heretofore, on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant, Sim Newell, Jr., an agent, servant or employee of the defendant, John Doe, whose name is to your plaintiff otherwise unknown, while acting within the line and scope of his employment so negligently operated his motor vehicle, at high speed, to-wit, a pickup truck, then and there as to cause said motor vehicle a pickup truck which the said Sim Newell, Jr. was then and there operating, to sideswipe in passing, the automobile pickup

truck which the plaintiff was then and there operating, and the said Sim Newell, Jr., did not stop, but continued to travel at a high speed as he left the scene of the said accident and his identity has just been learned; and plaintiff avers that as a proximate consequence thereof, he was sorely and severely injured; suffering an injured arm, hand and shoulder causing your plaintiff great pain and suffering and plaintiff was caused to spend large sums of money for doctors bills and was caused to spend large sums of money for medical attention and medical supplies. And as a proximate consequence thereof the truck striking his arm which was extended to signal a turn and permanently injured the said arm, hand and shoulder of your said plaintiff, whereby he is permanently disabled and unable to perform his duties as a burner in a shipyard and is unable to do gainful employment being permanently injured and as a consequence lost his job, all to his damage in the sum aforesaid; and plaintiff avers that all of his said injuries were caused by the said negligence of the said defendant Sim Newell, Jr., an agent, servant or employee of defendant John Doe, whose name or positive identification is otherwise unknown, while said Sim Newell, Jr., was acting within the line and scope of his employment as such agent, servant or employee in and about the negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid.

-2-

Plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages, for that, heretofore on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant Sim Newell, Jr., an agent, servant or employee of the defendant, John Doe, whose name is to your plaintiff unknown or is without positive identification, while acting within the line and scope of his employment so wilfully and wantonly operated his motor vehicle at high speed, to-wit, a pickup


truck then and there as to cause said motor vehicle while traveling at a high rate of speed and which he was operating, to sideswipe or run into or against the automobile pickup truck which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof, he was severely injured; the outside mirror on the right side of defendant's said pickup truck striking his arm which was extended to signal a turn and injured the said arm, hand and shoulder of your said plaintiff whereby he is permanently disabled and is unable to do gainful employment being permanently injured and as a consequence lost his job all to his damage in the sum aforesaid; and as a proximate consequence of the wilful and wanton action of the defendant, your plaintiff was caused great pain and suffering and was caused to spend large sums of money for doctors bills and large sums of money for medical attention and medical supplies in and about the healing of the injuries resulting from the said wilfulness and wantonness of the said defendant; and plaintiff avers that all of his said injuries were caused by the said wilfulness and wantonness of the said defendant Sim Newell, Jr., an agent, servant or employee of the defendant John Doe, whose name is to your plaintiff unknown or without positive identification, while acting within the line and scope of his employment as such agent, servant or employee in and about the wilful and wanton operation of said motor vehicle at the time and place and on the occasion aforesaid.

-3-

Plaintiff further avers that the said defendants failed or refused to file a report of said accident with the Department of Public Safety in accordance with the provisions of the 1940 Code of Alabama as amended and recompiled.

And plaintiff further avers that the said defendant Sim Newell, Jr., is a non-resident of the State of Alabama and that the present post office address of said defendant,

Sim Newell, Jr., is Perry County, Mississippi, and the plaintiff prays that service of process upon the defendant, Sim Newell, Jr., may be had in accordance with the provisions of Code of 1940, Title 7, Section 199.


Attorney for plaintiff.

ALBERT THOMASTON

Plaintiff

vs. ~~betuxexs ysb airt evsri~~

~~SIM NEWELL, alias SIM NEWELL, JR.,~~
~~individually and as agent, servant~~
~~or employee of John Doe, whose name~~
~~being unknown to your plaintiff~~
~~when determined and identified will~~
~~be substituted for the said John~~
~~Doe.~~

Defendants

IN THE CIRCUIT COURT OF

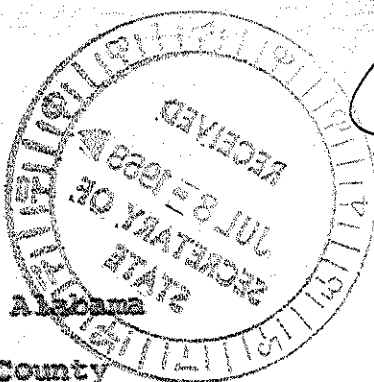
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8039

Comes the plaintiff in the above styled cause and propounds
the following supplemental interrogatories to the defendant
Sim Newell, alias Sim Newell, Jr.:

1. If you were employed by the owner of the said pickup
truck which you were operating, state his name and address.
2. If you were not employed by the owner of the said
pickup truck at the time and place complained, state the name
and address of your employer.
3. State also the owner of the large truck which you
drove to the home of Mr. Walter Lowery.



State of Alabama

Baldwin County

C. LeNoir Thompson
Attorney for plaintiff

Before me, the undersigned Notary Public, in and for
said State and County, personally appeared C. LeNoir
Thompson, who being by me first duly sworn, deposes on
oath and says as follows:

My name is C. LeNoir Thompson and I am one of the
attorneys of record for the plaintiff in the above entitled
cause, and as such, I am authorized to make this affidavit.
I further state that the answer of the defendant to the
foregoing interrogatories will, if truthfully made, be
material evidence for the plaintiff on the trial of said
cause.

C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir
Thompson on this the 2nd day of July, 1968.

FILED
JUL 2-1968
ALICE M. DOWELL

Alice M. Dowell
Notary Public, Baldwin County, Alabama.

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8039

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sim Newell, individually and as agent,
servant or employee of John Doe, whose name being unknown to
your plaintiff when determined and identified will be sub-
stituted for the said John Doe

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.....Sim Newell,
individually and as agent, servant or employee of John Doe, whose
name being unknown to your plaintiff when determined Defendant.....
and identified will be substituted for the said John Doe

by Albert L. Thomaston

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

Witness my hand this.....

.....day of.....

1968

....., 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

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

ALBERT L. THOMASTON	I	
Plaintiff	I	IN THE CIRCUIT COURT OF
VS	I	BALDWIN COUNTY, ALABAMA
SIM NEWELL, individually and as	I	AT LAW NO. _____
agent, servant or employee of	I	
John Doe, whose name being	I	
unknown to your plaintiff when	I	
determined and identified will	I	
be substituted for the said	I	
John Doe	I	
Defendants	I	

-1-

The plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages for that, heretofore, on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant, Sim Newell, an agent, servant or employee of the defendant, John Doe, whose name is to your plaintiff otherwise unknown, while acting within the line and scope of his employment so negligently operated his motor vehicle, at high speed, to-wit, a pickup truck, then and there as to cause said motor vehicle, a pickup truck which the said Sim Newell was then and there operating, to sideswipe in passing, the automobile pickup truck which the plaintiff was then and there operating, and the said Sim Newell did not stop, but continued to travel at a high speed as he left the scene of the said accident and his identity has just been learned; and plaintiff avers that as a proximate consequence thereof, he was sorely and severely injured; suffering an injured arm, hand and shoulder causing your plaintiff great pain and suffering and plaintiff was caused to spend large sums of money for doctors bills and was caused to spend large sums of money for medical attention and medical supplies. And as a proximate consequence thereof the truck striking his arm which was extended to signal a turn and permanently injured the said arm, hand and shoulder of your said plaintiff, whereby he is permanently disabled

and unable to perform his duties as a burner in a shipyard and is unable to do gainful employment being permanently injured and as a consequence lost his job, all to his damage in the sum aforesaid; and plaintiff avers that all of his said injuries were caused by the said negligence of the said defendant Sim Newell an agent, servant or employee of defendant John Doe, whose name or positive identification is otherwise unknown, while said Sim Newell was acting within the line and scope of his employment as such agent, servant or employee in and about the negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid.

-2-

Plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages, for that, heretofore, on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant Sim Newell, an agent, servant or employee of the defendant, John Doe, whose name is to your plaintiff unknown or is without positive identification, while acting within the line and scope of his employment so wilfully and wantonly operated his motor vehicle at high speed, to-wit, a pickup truck ten and there as to cause said motor vehicle while traveling at a high rate of speed and which he was operating, to sideswipe or run into or against the automobile pickup truck which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof, he was severely injured; the outside mirror on the right side of defendant's said pickup truck striking his arm which was extended to signal a turn and injured the said arm, hand and shoulder of your said plaintiff whereby he is permanently disabled and is unable to do gainful employment being permanently injured and as a consequence lost his job all to his damage in the sum aforesaid; and as a

proximate consequence of the wilful and wanton action of the defendant, your plaintiff was caused great pain and suffering and was caused to spend large sums of money for doctors bills and large sums of money for medical attention and medical supplies in and about the healing of the injuries resulting from the said wilfulness and wantonness of the said defendant; and plaintiff avers that all of his said injuries were caused by the said wilfulness and wantonness of the said defendant Sim Newell, an agent, servant or employee of the defendant John Doe, whose name is to your plaintiff unknown or without positive identification, while acting within the line and scope of his employment as such agent, servant or employee in and about the wilful and wanton operation of said motor vehicle at the time and place and on the occasion aforesaid.

-3-

Plaintiff further avers that the said defendants failed or refused to file a report of said accident with the Department of Public Safety in accordance with the provisions of the 1940 Code of Alabama as amended and recompiled.

And plaintiff further avers that the said defendant Sim Newell is a non-resident of the State of Alabama and that the present Post Office address of said defendant, Sim Newell is Route 2, Overt, Mississippi, and the plaintiff prays that service of process upon the defendant, Sim Newell may be had in accordance with the provisions of Code of 1940, Title 7, Section 199.


Attorney for plaintiff.

FILED

MAR 14 1968

ALICE J. DUCK CLERK
REGISTER

ALBERT L. THOMASTON

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALEWIN COUNTY, ALABAMA

SIM NEWELL, individually and as
agent, servant or employee of
John Doe, whose name being
unknown to your plaintiff when
determined and identified will
be substituted for the said
John Doe

X

AT LAW

NO. _____

X

X

X

Defendants

X

Comes the plaintiff in the above styled cause and propounds
the following interrogatories to the defendant, Sim Newell:

1. State your correct name.
2. State your correct address.
3. Were you driving an automobile pickup truck on
Baldwin County Road No. 64 about 2.2 miles East of Loxley,
Alabama, on Friday, December 23, 1966, about 5:00 or 5:30
P.M.
4. State the name and address of the owner of the said
pickup truck.
5. Were you employed by the owner of the said pickup
truck which you were operating?
6. Were you involved in any contact with any other motor
vehicle at the time and place noted?
7. Did you make a report of the contact or collision to
any officer of the State of Alabama following said occurrence?
8. Did you inform the owner of the said motor vehicle
of the occurrence taking place at the time and place noted?
9. Was anyone in the pickup which you were operating
at the time and place noted?
10. What damage, if any, was done to the pickup which
you were operating because of the contact noted.?
11. Was the pickup equipped with outside rear view
mirror prior to the accident?
12. Was the mirror on the right hand side of the
pickup truck damaged in any way when you arrived at the home
of the owner of the said pickup truck?



Attorney for plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. Lenoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. Lenoir Thompson and I am one of the attorneys of record for the plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.



Subscribed and sworn to before me by the said C. Lenoir Thompson on this the 14 day of March, 1967.


Notary Public, Baldwin County, Alabama.

FILED

MAR 14 1968

ALICE J. DUCK CLERK
REGISTER

Albert T. Johnson
US Navy
JURY LIST - MARCH 9, 1970 - SPRING SESSION 4061

- ~~1. Stevens, Marie U., Merchant, Bay Minette~~
- ~~2. Ziglar, John, Farmer, Robertsedale~~
- ~~3. Allegri, Angelo, Carpenter, Fairhope~~
- ~~4. Bishop, George O., Merchant, Fairhope~~
- ~~5. Duck, Fred, Laborer, Bay Minette~~
- ~~6. Lee, Edward A., Stockton~~
- ~~7. Lewis, William, Salesman, Fairhope~~
- ~~8. Montgomery, Bessie, Bus-Woman, Fairhope~~
- ~~9. Norsworthy, John C., Clerk, Bay Minette~~
- ~~10. Ellis, Thomas, Paperwood-Fleet, Loxley~~
- ~~11. Harrison, Joseph M., Farmer, Fairhope~~
- ~~12. Brock, L. B., Farmer, Robertsedale~~
- ~~13. Maynard, Harold A., Fairhope~~
- ~~14. Ebert, Charles J., Jr., Ins. Agt., Foley~~
- ~~15. Kendrick, Rivers, Farmer, Robertsedale~~
- ~~16. Pine, Julian C., Insurance, Bay Minette~~
- ~~17. Ruegg, Jacob, Merchant, Foley~~
- ~~18. Russell, Cecil, Filling Station, Robertsedale~~
- ~~19. Hall, Origen, Club Operator, Bay Minette~~
- ~~20. Gaston, Louise (Mrs. Jim, Jr.) housewife, Fairhope~~
- ~~21. Stuart, Harold, Cleaners, Bay Minette~~
- ~~22. Survant, Ray H., Civil Service, Lillian~~
- ~~23. Urbanek, Steve, Mail Clerk, Fairhope~~
- ~~24. Weston, Herbert R., Bookkeeper, Bay Minette~~
- ~~25. Boone, W.A., Farmer, Little River~~
- ~~26. Brantley, C. C., Constructor, Bay Minette~~
- ~~27. Herman, Vera W., Fairhope~~
- ~~28. Blackman, W. K., Farmer, Foley~~
- ~~29. Brodbeck, Arnold, Jr., Brookley Field, Fairhope~~
- ~~30. Whit, Robert D., Navy Yard, Robertsedale~~
- ~~31. Cox, Young Ausphera, Merchant, Stockton~~
- ~~32. Crook, Prince, Laborer, Bay Minette~~
- ~~33. Duck, Davis, Farmer, Bay Minette~~
- ~~34. Davis, Joe C., Self-Employed, Bon Secour~~
- ~~35. Day, Fred D., Stockton~~
- ~~36. Sellers, James R., Chemstrand, Robertsedale~~
- ~~37. Slaughter, Dupree, Farmer, Tensaw~~
- ~~38. Smith, Orrie, Sr., Brookley Field, Daphne~~
- ~~39. Rhodes, Virgil V., Jr., Farmer, Bay Minette~~
- ~~40. Capps, James C., Merchant, Bay Minette~~
- ~~41. Powell, Burley, Newport, Bay Minette~~
- ~~42. Aylin, E. Mack, International Paper, Bay Minette~~
- ~~43. Durant, Wilma, Teacher, Bromley~~

43
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39
12
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P XXXXX XXV

D XXXXX XXE

ALBERT L. THOMASTON

X

Plaintiff

X

IN THE CIRCUIT COURT OF

vs

X

BALDWIN COUNTY, ALABAMA

SIM NEWELL, alias SIM NEWELL, JR.,
individually and as agent, servant
or employee of John Doe, whose
name being unknown to your
plaintiff when determined and
identified will be substituted
for the said John Doe

X

AT LAW

NO. 8039

X

X

X

Defendants

X

A motion of the plaintiff to consolidate Civil Action
No. 8039 being Albert L. Thomaston, plaintiff, vs. Sim
Newell, alias Sim Newell, Jr., individually and as agent
servant or employee of John Doe, whose name being unknown
to your plaintiff, when determined and identified, will be
substituted for the said John Doe, with Civil Action No.
8061, being Albert L. Thomaston, plaintiff, vs. Walter
Lowery, individually, and John Doe, the agent, servant or
employee of the said Walter Lowery, whose name being unknown
to your plaintiff and when determined and identified, will
be substituted for the said John Doe, and Alabama Farm
Bureau Mutual Casualty Insurance Company, Inc., a
corporation, and the court having considered said motion and
said causes of action having arisen between the same people
on the same facts, to-wit, an automobile accident, it is
hereby,

ORDERED, ADJUDGED and DECREED by the Court that Civil
cause 8039 and Civil cause 8061 shall be and are hereby
consolidated for trial.

DONE this 4th day of June, 1969.

J. J. Mason
Circuit Judge.

FILED

JUN 4 1969

ALICE J. DUCK CLERK
REGISTER

ALBERT L. THOMASTON,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
	X	AT LAW
WALTER LOWERY, individually,	X	
and SIM NEWELL, JR., alias	X	
JOHN DOE, individually,	X	CASE NUMBER: 8061
the agent, servant or em-	X	
ployee of the said Walter	X	8039
Lowery,	X	
	X	
Defendants.	X	

PLEAS:

Comes now the Defendants in the above styled cause, separately and severally, by and through their attorneys of record, and plead, separately and severally, as follows:

1. Not guilty.
2. For that the Plaintiff at the time and place alleged in said Amended Complaint was himself guilty of negligence which proximately contributed to his alleged injuries, hence he should not recover.

CHASON, STONE & CHASON

By: John E. Chason
Attorneys for Defendants

Filed 3-12-78
Reed Duck
clerk

We the jury find for the defendants

Robert Livingston
Foreman

8039

ALBERT THOMASTON
Plaintiff
vs

SIM NEWELL, alias SIM NEWELL,
JR., individually and as
agent, servant or employee of
John Doe, whose name being
unknown to your Plaintiff,
when determined and iden-
tified will be substituted
for the said John Doe.

Defendants

X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8039

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA:

Comes the plaintiff, Albert Thomaston and shows unto the
Court that more than thirty days prior to the filing of this
motion, the plaintiff in the above styled cause propounded
interrogatories to defendant, Sim Newell, Jr., et al, under
Code 1940, Tit. 7, Section 477-486, requiring said defendant
to answer certain interrogatories therein propounded, and
that although more than sixty days have elapsed since the
service by the sheriff of said interrogatories upon the
defendant, Sim Newell, Jr., et al, the said defendant has
failed, and still fails and refuses to answer the interrogatories
therein propounded.

Wherefore, the plaintiff moves the Court to enforce the
penalty as provided by Title 7, Section 483 of the Code of
1940, as recompiled, in that the said plaintiff be granted a
judgment by default.


Attorney for plaintiff.

I hereby certify that I have this 22 day of November,
1968, served a copy of the foregoing on Honorable John Earle
Chason, Attorney for defendants, by depositing copy of same
in the U. S. Mail, postage prepaid, properly addressed to
his office in Bay Minette, Alabama.



FILED

NOV 22 1968

ALICE J. DUCK CLERK
REGISTER

AMENDED COMPLAINT

ALBERT L. THOMASTON,	X	
		IN THE CIRCUIT COURT OF
PLAINTIFF,	X	
	X	
VS.,	X	BALDWIN COUNTY, ALABAMA
	X	
WALTER LOWERY, individually,	X	
and SIM NEWELL, Jr., alias		AT LAW
JOHN DOE, individually and	X	
as the agent, servant, or		
employee of said Walter	X	
Lowery,	X	CASE NUMBER: 8039 and 8061
	X	
DEFENDANTS.	X	

Comes the Plaintiff in the above styled cause and amends his complaint as last amended to read as follows:

-1-

Plaintiff claims of the defendants the sum of Thirty-Five Thousand Dollars (\$35,000.00) as damages for that, he avers that on to-wit, December 23, 1966, Sim Newell, Jr., alias John Doe, individually and as the agent, servant or employee, of defendant, Walter Lowery, while operating an automobile pickup truck on to-wit, Baldwin County Road No. 64, a public road, at a point approximately 2.2 miles east of the City of Loxley in Baldwin County, Alabama, and while acting within the line and scope of his employment as such agent, servant or employee, negligently ran said automobile pickup truck into, upon or against said pickup truck, which Plaintiff was driving at the time and place where he had a right to be, at or near the intersection of said Baldwin County Road No. 64 and a local public road in said county, and by reason thereof and as a proximate result of said negligence and consequence thereof, plaintiff received personal injuries, in this to-wit, his left hand, left arm and left shoulder were permanently injured and permanently disabled and

and he lost time from his work and became permanently disabled for gainful employment. Said Plaintiff was forced to spend great sums of money and incurred debts for medical attention, hospital expense and medicines. Said Plaintiff suffered and continues to suffer great mental and physical pain for which he claims damages as aforesaid.

-2-

The Plaintiff claims of the defendants the sum of Thirty-Five Thousand Dollars (\$35,000.00) as damages for that heretofore on to-wit, the 23rd day of December, 1966, in the County of Baldwin, State of Alabama, on Baldwin County Road No. 64 at an intersection of a local public road and then and there the defendant, Sim Newell, Jr., alias John Doe, agent, servant or employee of defendant, Walter Lowery, being conscious at the time that his conduct in so doing, would probably result in disaster to Plaintiff, wilfully or wantonly ran the automobile pickup truck, which he was then and there operating, as said agent, servant or employee, into, upon or against the automobile pickup truck, which Plaintiff was then and there operating where he had a right to be, and wilfully or wantonly injured said Plaintiff as the proximate result of the wilful or wanton action on the part of said Sim Newell, Jr., alias John Doe, defendant, and as a proximate result and consequence of said wilful or wanton action of said defendant, plaintiff was made sick and sore, and bruised and injured, and suffered great pain and was permanently injured in his left hand, left arm and left shoulder. And Plaintiff was caused to spend great sums of money or to incur large debts for medical services, doctors' bills and hospital bills in the treatment of said injuries; and, as the proximate cause of the wilful or wanton action of the defendant herein complained of, Plaintiff is permanently disabled and unable to do gainful employment, hence this suit.


Attorney for Plaintiff

ALICE J. DICK
CLERK
REGISTER

NOV 13 1969

FILED

ALBERT L. THOMASTON

Plaintiff

vs

SIM NEWELL, alias SIM NEWELL, JR.,
Individually and as agent, servant
or employee of John Doe, whose
name being unknown to your plaintiff
when determined and identified will
be substituted for the said John
Doe.

Defendants

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8039

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA:


Comes the plaintiff, Albert L. Thomaston, and shows unto
the Court that more than thirty days prior to the filing of this
motion, the plaintiff in the above styled cause propounded
interrogatories to defendant Sim Newell, alias Sim Newell, Jr.,
under Code 1940, Title 7, Section 477-486, requiring said
defend to answer certain interrogatories therein propounded,
and that although more than sixty days have elapsed since
the service by the Secretary of State through the Sheriff of
Perry County, Mississippi, of said interrogatories upon the
defendant, Sim Newell, alias Sim Newell, Jr., the said
defendant has failed, and still fails and refuses to answer
the interrogatories therein propounded.

Wherefore, the plaintiff moves the Court to enforce the
penalty as provided by Title 7, Section 483 of the Code of
1940 as recompiled.


Attorney for plaintiff.

I hereby certify that I have served a copy of the foregoing
motion on Honorable John Earl Chason, attorney, by depositing
copy of same in the U. S. Mail, postage prepaid, properly
addressed to his office in Bay Minette, Alabama.

This 20 day of August, 1968.



FILED

AUG 20 1968

ALBERT THOMASTON,

Plaintiff,

vs.

SIM NEWELL, alias SIM NEWELL,
JR., individually and as
agent, servant or employee of
John Doe, whose name being
unknown to your Plaintiff
when determined and
identified will be substituted
for the said John Doe.

Defendants.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8039

MOTION TO STRIKE

Comes now the Defendant Sim Newell, Jr., by and through
his attorneys of record and appears especially and only for the
purpose of filing this motion and moves the Court to strike
certain matters from the amended complaint heretofore filed
against him in the above cause and shows unto the Court the
following in support thereof.

1. That the allegations of the amended complaint
contained in paragraph "-3-" that the Defendants failed or refused
to file a report of said accident with the Department of Public
Safety in accordance with the provisions of the 1940 Code of
Alabama as amended and recompiled are irrelevant, frivolous,
prolix and impertenant and should be stricken from the complaint.

2. That the allegations of the amended complaint con-
tained in paragraph "-3-" that the Defendant is a non-resident
whose address is Route 2, Ovett, Mississippi and praying service
of process in accordance with the provisions of Title 7, Section
199 of the Code of Alabama of 1940 are irrelevant, frivolous,
prolix and impertenant and should be stricken from the complaint.

CHASON, STONE & CHASON

The Defendants
respectfully demand a trial
of this cause by a jury.

By: John Earle Chason
Attorneys for Defendant Sim
Newell, Jr.

CHASON, STONE & CHASON

By: John Earle Chason

VOL

63 PAGE 459

AUG 15 1968

ALICE J. DICK
CLERK
REGISTER

ALBERT L. THOMASTON,	X		
Plaintiff,	X		
vs.	X		
		IN THE CIRCUIT COURT OF	
WALTER LOWERY, individually	X		
and JOHN DOE, the agent,			
servant or employee of the	X	BALDWIN COUNTY, ALABAMA	
said Walter Lowery, whose	X		
name being unknown to your	X		
Plaintiff, and when deter-		AT LAW	NO. 8061
mined and identified will	X		
be substituted for the said			
John Doe, and ALABAMA FARM	X		
BUREAU MUTUAL CASUALTY			
INSURANCE COMPANY, INC.,	X		
a corporation,			
	X		
Defendants.	X		

MOTION TO STRIKE

Comes now the Defendant in the above styled cause, Sim Newel, separately and severally, by and through his attorney of record and appears specially and only for the purpose of filing this motion, and moves the Court to strike certain matters from the Complaint heretofore filed against him in the above cause and shows unto the Court the following in support thereof:

1. That the allegations in paragraph "-1-" that "John Doe did not stop but continued to travel at a high rate of speed as he left the scene of the accident and his identity, Walter Lowery has failed or refused to divulge to your said Plaintiff or to the Department of Public Safety" are irrelevant, frivolous, prolix and impertenant and should be stricken from the Complaint.

2. That the allegations of the Complaint contained in the paragraphs number "-3-" are irrelevant, frivolous, prolix and impertenant and should be stricken from the Complaint.

3. That the allegations of the Complaint contained in the paragraphs number "-4-" are irrelevant, frivolous, prolix and

impertenant and should be stricken from the Complaint.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Defendant, Sim Newel

The Defendant respectfully
demands a trial of this
cause by a jury.

CHASON, STONE & CHASON

By: John Earle Chason
Attorneys for Defendant,
Sim Newel

FILED

JUN 25 1968

ALICE J. DUCK

CLERK
REC

ALBERT L. THOMASTON, X
 Plaintiff, X
 vs. X
 WALTER LOWERY, individually X
 and JOHN DOE, the agent, X
 servant or employee of the X
 said Walter Lowery, whose X
 name being unknown to your X
 Plaintiff, and when deter- X
 mined and identified will X
 be substituted for the said X
 John Doe, and ALABAMA FARM X
 BUREAU MUTUAL CASUALTY X
 INSURANCE COMPANY, INC., X
 a corporation, X
 Defendants. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8061

MOTION TO STRIKE

Come now the Defendants in the above styled cause,
 Walter Lowery and Alabama Farm Bureau Mutual Casualty Insurance
 Company, Inc., a corporation, separately and severally, by and
 through their attorneys of record and appear specially and only
 for the purpose of filing this motion, and move the Court to
 strike certain matters from the Complaint heretofore filed against
 them in the above cause and show unto the Court the following
 in support thereof:

1. That the Defendant, Alabama Farm Bureau Mutual
 Casualty Insurance Company, Inc., a corporation, be stricken as a
 party Defendant in this cause for that there is no allegation in
 said Complaint which alleges or attempts to allege a cause of
 action against such Defendant.

2. That the allegations of the Complaint contained in
 the paragraphs numbered "-3-" are irrelevant, frivolous, prolix
 and impertenant and should be stricken from the Complaint.

3. That the allegations of the Complaint contained in

the paragraphs numbered "-4-" are irrelevant, frivolous, prolix and impertenant and should be stricken from the Complaint.

CHASON, STONE & CHASON

By: John Earl Chason
Attorneys for Defendants, Walter
Lowery and Alabama Farm Bureau Mutual
Casualty Insurance Company, Inc., a
Corporation.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing
pleading has been served upon counsel
for all parties to this proceeding, by
mailing the same to each by First Class
United States Mail, properly addressed
and postage prepaid on this 27th day
of March, 1968.

John E. Chason

FILED

MAR 29 1968

ALICE J. DUCK CLERK
REGISTER



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE

MONTGOMERY, ALABAMA 36104

June 4, 1968

To the Honorable Sheriff
Perry County
New Augusta, Mississippi 39462

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Sir:

Re: ALBERT L. THOMASTON, Plaintiff VS
SIM NEWELL, et al, Defendants

Enclosed is my notice, together with copies of summons and complaint in duplicate in suit against Sim Newell, et al, now pending in the Circuit Court of Baldwin County, Alabama.

Title 7, Section 199 of the 1940 Code of Alabama provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, Marshal or Deputy Marshal or any other duly constituted public official within the jurisdiction of the defendant's residence. This statute further provides a fee of \$2 for each service by said official. I am enclosing a check in the amount of \$2 forwarded to me by the attorney for the plaintiff. If there are any additional charges by you, you will please contact said attorney, who will give same his prompt attention.

I attempted service upon the said defendant at the address given, by certified mail, return receipt requested, deliver to addressee only; but said letter was returned, marked "SUBJECT IS RESIDING IN PERRY COUNTY AND WORKS FOR

I shall greatly appreciate your efforts to complete this THOMAS HOLLOMAN". service upon the said defendant by serving upon him the original notice with the copy of the summons and complaint attached and making your return on the copy to the Clerk of the Court, who is named below.

Yours very truly,

Mabel S. Amos
Secretary of State

fc
Enclosures

CC: Honorable C. Lenoir Thompson
124 Court House Square
Bay Minette, Alabama 36507

* NOTE: ATTORNEY SUBMITTED
\$300 CASH WHICH IS
ENCLOSED HEREWITH.

Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama 36507



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

March 15, 1968

*per G. Woods for
Thomas Hallman*

Sim Newell
Route 2
Ovett, Mississippi 39464

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on March 15, 1968 the Sheriff of

Montgomery County, Alabama, served upon me, in my official capacity, Summons and Com-
and Interrogatories
plaint in a case entitled: ALBERT L. THOMASTON

Plaintiff VS SIM NEWELL, et al

Defendant s in the CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA, AT LAW

and Interrogatories

Case No. 8,039 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 15th
day of March, 1968

I have this day executed the within
writ by personally delivering a true copy
to Sim Newell

Mabel S. Amos
Mabel Amos
Secretary of State

This 15 day of June 1968
Albert L. Thomaston
Sheriff

By D. S.

Enclosure : Copy of Summons and Complaint and
Interrogatories
CC: Honorable C. LeNoir Thompson
124 Court House Square
Bay Minette, Alabama 36507

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8039

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sim Newell, individually and as agent
servant or employee of John Doe, whose name being unknown to
your plaintiff when determined and identified will be sub-
stituted for the said John Doe

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 Sim Newell,
individually and as agent, servant or employee of John Doe, whose
name being unknown to your plaintiff when determined Defendant.....
and identified will be substituted for the said John Doe.

by Albert L. Thoraston

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

Witness my hand this.....

14

day of.....

March

1968

Alice J. Luck

Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ALBERT L. THOMASTON

Plaintiffs

SIM NEWELL, ^{vs} individually and as
agent, servant or employee of
~~John Doe, whose name being unknown~~
to your plaintiff Defendants
~~when determined and identified will be~~
substituted for the said John Doe

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Route 2
Ovett, Mississippi

Received In Office

6 June 1968

Sheriff *For Collector* Sheriff
W. B. Augusta, Jr.
I have executed this summons

this 12 June 1968
by leaving a copy with

Sim Newell

James B. Natchez Sheriff

Deputy Sheriff

The plaintiff claims of the defendant the sum of thirty thousand dollars (\$30,000.00) as damages for that, heretofore, on to-wit, the 23rd day of December, 1956, about 5:30 a.m., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County, Road No. 64 at a point approximately 2.2 miles east of the city of Foley in Baldwin County, Alabama, where he had a right to be and the defendant, Jim Howell, an agent, servant or employee of the defendant, John Doe, whose name is to your plaintiff otherwise unknown, while acting within the line and scope of his employment so negligently operated his motor vehicle, at high speed, to-wit, a pickup truck, then and there as to cause said motor vehicle, a pickup truck which the said Jim Howell was then and there operating, to sidewise in passing, the automobile pickup truck which the plaintiff was then and there operating, and the said Jim Howell did not stop, but continued to travel at a high speed as he left the scene of the said accident and his identity has just been learned, and plaintiff avers that as a proximate consequence thereof, he was sorely and severely injured, suffering an injured arm, hand and shoulder causing him plaintiff great pain and suffering and plaintiff was caused to spend large sums of money for doctors bills and was caused to spend large sums of money for medical attention and medical supplies, and as a proximate consequence thereof the truck carrying his arm which was extended to assist him and permanently injured the said arm, hand and shoulder of your said plaintiff, whereby he is permanently disabled

[illegible]

and unable to perform his duties as a burner in a shipyard and is unable to do gainful employment being permanently injured and as a consequence lost his job, all to his damage in the sum aforesaid; and plaintiff avers that all of his said injuries were caused by the said negligence of the said defendant Sim Newell an agent, servant or employee of defendant John Doe, whose name or positive identification is otherwise unknown, while said Sim Newell was acting within the line and scope of his employment as such agent, servant or employee in and about the negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid.

-2-

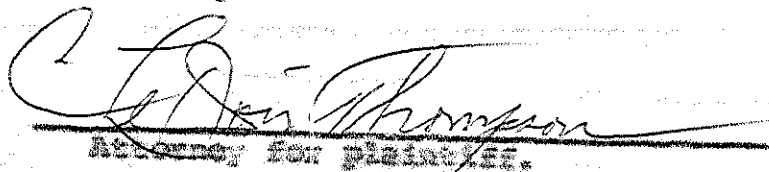
Plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages, for that, heretofore, on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant Sim Newell, an agent, servant or employee of the defendant, John Doe, whose name is to your plaintiff unknown or is without positive identification, while acting within the line and scope of his employment so wilfully and wantonly operated his motor vehicle at high speed, to-wit, a pickup truck then and there as to cause said motor vehicle while traveling at a high rate of speed and which he was operating, to sideswipe or run into or against the automobile pickup truck which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof, he was severely injured; the outside mirror on the right side of defendant's said pickup truck striking his arm which was extended to signal a turn and injured the said arm, hand and shoulder of your said plaintiff whereby he is permanently disabled and is unable to do gainful employment being permanently injured and as a consequence lost his job all to his damage in the sum aforesaid; and as a

proximate consequence of the wilful and wanton action of the defendant, your plaintiff was caused great pain and suffering and was caused to spend large sums of money for doctors bills and large sums of money for medical attention and medical supplies in and about the healing of the injuries resulting from the said wilfulness and wantonness of the said defendant; and plaintiff avers that all of his said injuries were caused by the said wilfulness and wantonness of the said defendant Sin Howell, an agent, servant or employee of the defendant John Doe, whose name is to your plaintiff unknown or without positive identification, while acting within the line and scope of his employment as such agent, servant or employee in and about the wilful and wanton operation of said motor vehicle at the time and place and on the occasion aforesaid.

-3-

Plaintiff further avers that the said defendants failed or refused to file a report of said accident with the Department of Public Safety in accordance with the provisions of the 1949 Code of Alabama as amended and recodified.

And plaintiff further avers that the said defendant Sin Howell is a non-resident of the State of Alabama and that the present Post Office address of said defendant, Sin Howell is Route 2, Overt, Mississippi, and the plaintiff prays that service of process upon the defendant, Sin Howell may be had in accordance with the provisions of Code of 1949, Title 7, Section 199.


Attorney for plaintiff.

FILED

MAR 14 1968

ALICE J. DUCK

CLERK
REGISTER

ALBERT L. THOMASTON

I

Plaintiff

I

IN THE CIRCUIT COURT OF

vs

I

WALDWIN COUNTY, ALABAMA

SIN NEWELL, individually and as I
agent, servant or employee of I
John Doe, whose name being I
unknown to your plaintiff when I
determined and identified will I
be substituted for the said I
John Doe I

AT LAW NO. _____

Defendants

I

Comes the plaintiff in the above styled cause and propounds
the following interrogatories to the defendant, Sin Newell:

1. State your correct name.
2. State your correct address.
3. Were you driving an automobile pickup truck on
Saldwin County Road No. 64 about 2.2 miles East of Loxley,
Alabama, on Friday, December 23, 1956, about 5:00 or 5:30
P.M.
4. State the name and address of the owner of the said
pickup truck.
5. Were you employed by the owner of the said pickup
truck which you were operating?
6. Were you involved in any contact with any other motor
vehicle at the time and place noted?
7. Did you make a report of the contact or collision to
any officer of the State of Alabama following said occurrence?
8. Did you inform the owner of the said motor vehicle
of the occurrence taking place at the time and place noted?
9. Was anyone in the pickup which you were operating
at the time and place noted?
10. What damage, if any, was done to the pickup which
you were operating because of the contact noted?
11. Was the pickup equipped with outside rear view
mirror prior to the accident?
12. Was the mirror on the right hand side of the
pickup truck damaged in any way when you arrived at the home
of the owner of the said pickup truck?


Attorney for plaintiff

STATE OF ALABAMA

DADEWEN COUNTY

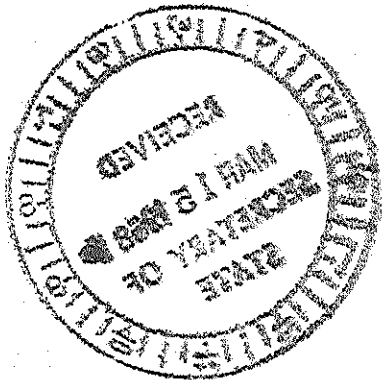
Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. Lenoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. Lenoir Thompson and I am one of the attorneys of record for the plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.

C. Lenoir Thompson

Subscribed and sworn to before me by the said C. Lenoir Thompson on this the 14 day of March, 1967.

Helen M. Powell
Notary Public, Baldwin County, Alabama.



FILED

MAR 14 1968

ALICE J. DUCK

CLERK
REGISTER

ALBERT L. THOMASTON	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
WALTER LOWERY, individually,	X	AT LAW NO. <u>2061</u>
and JOHN DOE, the agent,	X	
servant or employee of the	X	
said Walter Lowery, whose	X	
name being unknown to your	X	
plaintiff and when determined	X	
and identified will be sub-	X	
stituted for the said John	X	
Doe, and ALABAMA FARM BUREAU	X	
MUTUAL CASUALTY INSURANCE	X	
COMPANY, INC., a corporation	X	
Defendants	X	

-1-

The plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages, for that heretofore, on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant, John Doe, an agent, servant or employee of defendant, Walter Lowery, whose name is to your plaintiff otherwise unknown, while acting within the line and scope of his employment so negligently operated his motor vehicle, at high speed, to-wit, a pickup truck, then and there as to cause said motor vehicle, a pickup truck which the said John Doe was then and there operating, to sideswipe in passing, the automobile pickup truck which the plaintiff was then and there operating, and the said John Doe did not stop, but continued to travel at a high speed as he left the scene of the said accident and his identity, Walter Lowery has failed or refused to divulge to your said plaintiff or to the Department of Public Safety; and plaintiff avers that as a proximate consequence thereof, he was sorely and severely injured; suffering an injured arm, hand and shoulder causing your plaintiff great pain and suffering and plaintiff was caused to spend large sums of money for doctors' bills and was caused to spend large sums of money for medical

attention and medical supplies. And as a proximate consequence thereof the truck striking his arm which was extended to signal a turn and permanently injured the said arm, hand and shoulder of your said plaintiff, whereby he is permanently disabled and unable to perform his duties as a burner in a shipyard and is unable to do gainful employment being permanently injured and as a consequence lost his job, all to his damage in the sum aforesaid; and plaintiff avers that all of his said injuries were caused by the said negligence of the said defendant John Doe, an agent, servant or employee of defendant Walter Lowery, while said John Doe was acting within the line and scope of his employment as such agent, servant or employee in and about the negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid.

-2-

Plaintiff claims of the defendants the sum of Thirty Thousand Dollars (\$30,000.00) as damages, for that, heretofore on to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant John Doe, an agent, servant or employee of the defendant Walter Lowery, while acting within the line and scope of his employment so wilfully and wantonly operated his motor vehicle at high speed, to-wit, a pickup truck then and there as to cause said motor vehicle while traveling at a high rate of speed and which he was operating, to sideswipe or run into or against the automobile pickup truck which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof, he was severely injured; the outside mirror on the right side of defendant's said pickup truck striking his arm which was extended to signal a turn and injured the said arm, hand and shoulder of your said plaintiff whereby he is permanently injured and as a consequence lost his job

all to his damage in the sum aforesaid; and as a proximate consequence of the wilful and wanton action of the defendant, your plaintiff was caused great pain and suffering and was caused to spend large sums of money for doctors bills and large sums of money for medical attention and medical supplies in and about the healing of the injuries resulting from the said wilfulness and wantonness of the said defendant; and plaintiff avers that all of his said injuries were caused by the said wilfulness and wantonness of the said defendant John Doe, an agent, servant or employee of the defendant Walter Lowery, while acting within the line and scope of his employment as such agent, servant or employee in and about the wilful and wanton operation of said motor vehicle at the time and place, on the occasion aforesaid.

-3-

Plaintiff further avers that the said defendants failed or refused to file a report of said accident with the Department of Public Safety in accordance with the provisions of the 1940 Code of Alabama as amended and re-compiled.

And plaintiff further avers that the said defendant John Doe is believed to be a non-resident of the State of Alabama.

-4-

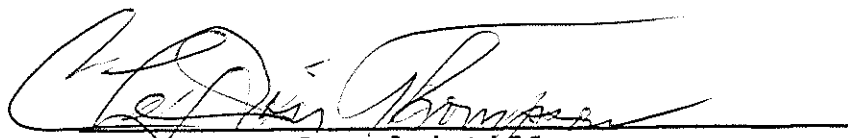
The Alabama Farm Bureau Mutual Casualty Insurance Company, Inc., a corporation, with its home office in Montgomery, Alabama, is a mutual insurance company organized under the laws of the State of Alabama and has filed an admission of liability of the damages done in that certain accident on to-wit, the 23rd day of December, 1966, occurring as follows:

"On to-wit, the 23rd day of December, 1966, about 5:30 P.M., plaintiff was operating an automobile pickup truck on a public highway, to-wit, Baldwin County Road No. 64 at a point approximately 2.2 miles East of the City of Loxley in Baldwin County, Alabama, where he had a right to be and the defendant, John Doe, an agent,

servant or employee of the defendant, Walter Lowery, while acting within the line and scope of his employment so negligently operated his motor vehicle, at high speed, to-wit, a pickup truck, then and there as to cause said motor vehicle, a pickup truck which the said John Doe was then and there operating, to sideswipe in passing, the automobile pickup truck which the plaintiff was then and there operating, and the said John Doe did not stop, but continued to travel at a high speed as he left the scene of the said accident and his identity, Walter Lowery has failed or refused to divulge to your said plaintiff or to the Department of Public Safety; and plaintiff avers that as a proximate consequence thereof, he was sorely and severely injured; suffering an injured arm, hand and shoulder causing your plaintiff great pain and suffering and plaintiff was caused to spend large sums of money for doctors' bills and was caused to spend large sums of money for medical attention and medical supplies. And as a proximate consequence thereof the truck striking his arm which was extended to signal a turn and permanently injured the said arm, hand and shoulder of your said plaintiff, whereby he is permanently disabled and unable to perform his duties as a burner in a shipyard and is unable to do gainful employment being permanently injured and as a consequence lost his job, all to his damage in the sum aforesaid; and plaintiff avers that all of his said injuries were caused by the said negligence of the said defendant John Doe, an agent, servant or employee of defendant Walter Lowery, while acting within the line and scope of his employment as such agent, servant or employee in and about the negligent operation of the said motor vehicle at the time and place and on the occasion aforesaid," and has given admission in writing of said liability which admission is attached hereto by photocopy and made a part hereof. Wherefore, plaintiff claims of the said defendants the sum of Thirty Thousand Dollars (\$30,000.00).

FILED

MAR 22 1968

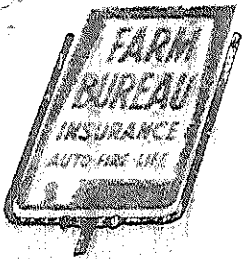

Attorney for plaintiff.

ALICE J. DUCK

CLERK
REGISTER

2 VOL

63 PAGE 452



P. O. BOX 6218
FARM BUREAU BUILDING
2108 EAST SOUTH BLVD.
MONTGOMERY, ALABAMA 36106

ALABAMA FARM BUREAU MUTUAL CASUALTY INSURANCE COMPANY
ALABAMA FARM BUREAU MUTUAL INSURANCE SERVICE
FEDERATED GUARANTY MUTUAL INSURANCE COMPANY
SOUTHERN FARM BUREAU LIFE INSURANCE COMPANY

December 7, 1967

Mr. Lenoir Thompson
Attorney At Law
Bay Minette, Alabama

Claim: 207881-L
Insured: Walter Lowery
Third Party: A. L. Thomaston
D/A: 12-23-66

We realize the Statute of Limitations expires December 23, 1967.

This letter is to assure you that we will not plead the Statute of Limitation as a defense while we discuss settlement of this claim.

We agree not to plead this Statute prior to March 23, 1968. If we have not settled by then we will consider extending this time.

Gene Hatfield
District Claims Manager

cc: Learon Owens

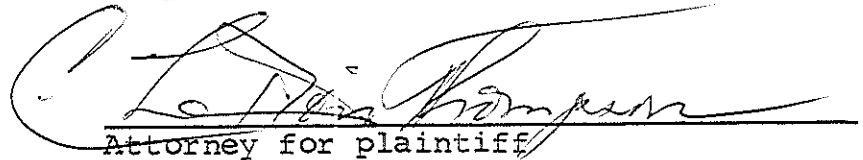
ALBERT L. THOMASTON	X		
Plaintiff	X	IN THE CIRCUIT COURT OF	
vs	X	BALDWIN COUNTY, ALABAMA	
WALTER LOWERY, individually,	X	AT LAW	NO. _____
and JOHN DOE, the agent,	X		
servant or employee of the	X		
said Walter Lowery, whose	X		
name being unknown to your	X		
plaintiff and when determined	X		
and identified will be sub-	X		
stituted for the said John	X		
Doe, and ALABAMA FARM BUREAU	X		
MUTUAL CASUALTY INSURANCE	X		
COMPANY, INC., a corporation	X		
Defendants	X		

Comes the plaintiff in the above styled cause and pro-
pounds the following interrogatories to the defendant,
Alabama Farm Bureau Mutual Casualty Insurance Company,
Inc., a corporation:

1. State your correct name.
2. State your correct address.
3. What is your capacity?
4. Is Gene Hatfield an employee of your company?
5. State the work he does with the defendant company.
6. State, if you know, whether or not the defendant
company insured Walter Lowery with a liability type insurance
on the 23rd day of December, 1966.
7. State if you know, whether or not a pickup truck
owned by Walter Lowery was insured by the defendant
company on that date as to liability insurance.
8. State if you know whether or not Walter Lowery
reported that to the company or any agent thereof whether
or not the said pickup truck owned by him was involved in
an accident in Baldwin County.
9. State, if you know, the name of the agent to whom
the said Walter Lowery made a report.
10. State, if you know, that a report was made whether
said report was in writing or whether said report was
orally made.
11. Give the date the company records show the said
report to have been made if you have any knowledge as
to such report being made.

12. State if the report shows, the name of the driver of the said pickup truck and if so, give the name and present address of said driver or the address given at the time of said accident.

13. If a report has been made concerning the said pickup truck owned by Walter Lowery being in an accident on the 23rd day of December, 1966, state whether or not any damage was reported to said pickup truck and describe the damage to said pickup truck as shown by the said report.

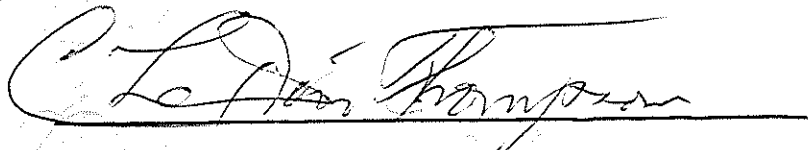

Attorney for plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

My name is C. LeNoir Thompson and I am one of the attorneys of record for the plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state that the answer of the defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.



Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 22 day of March, 1968.


Notary Public, Baldwin County, Alabama

FILED

MAR 22 1968

ALICE J. DUCK CLERK
REGISTER

75. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.

RECEIVED FOR JUDICIAL
CLERK OF THE COURT
BALDWIN COUNTY, ALABAMA
MAY 1 1968

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, Sheriff of Baldwin County, Alabama, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of Baldwin, Alabama.

Received 22 day of March 1968
and on 10 day of April 1968
I served a copy of the within
on Walter Lowery
By service on _____

TAYLOR WILKINS, Sheriff
[Signature]
Rosa Jackson

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING 1 PROCESS(ES) AND
TRAVEL EXPENSE ON EACH OF \$ 5.20
PROCESS(ES) OR A TOTAL OF \$ 6.70

NOTICE TO DEBTOR

1968
MAY 1 1968
BALDWIN COUNTY, ALABAMA

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Walter Lowery, individually, and John Doe,
the agent, servant or employee of the said Walter Lowery, whose name being
unknown to your plaintiff and when determined and identified will be sub-
stituted for the said John Doe, and Alabama Farm Bureau Mutual Casualty
Insurance Company, Inc., a corporation

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 Walter Lowery, ind.
and John Doe, the agent, servant or employee of the said Walter Lowery, whose
name being unknown to your plaintiff and when determined and identified will be
substituted for the said John Doe, and Alabama Farm Bureau Defendant.....
Mutual Casualty Insurance Company, Inc., a corporation

by ALBERT L. THOMASTON

Plaintiff.....

Witness my hand this.....

22nd day of March 1968

Clerk

No. 8061

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ALBERT L. THOMASTON

Plaintiffs

vs.

WALTER LOWERY, ind. and JOHN DOE, the agent, servant or employee of the said Walter Lowery, whose name being unknown to your plaintiff and when determined and identified will be substituted for the

SUMMONS AND COMPLAINT *& Interrogatories* said John Doe, and ALABAMA FARM BUREAU MUTUAL CASUALTY INSURANCE COMPANY, INC., a corporation

Filed 19.....

FILED

Clerk

MAR 22 1968

ALICE J. DUCK

CLERK
REGISTER

C. L. Thompson
Plaintiff's Attorney

Defendant's Attorney

2030
Walter Lowery lives East of
Robertsdale, Alabama

Alabama Farm Bureau Mutual
Casualty Ins. Co., Inc.
XXXXXXXXXXXXX
Montgomery, Alabama.

Received in Office

MAR 22 1968
MAR 25 1968

W. J. WALKER

M. S. BUTLER, Sheriff

Sheriff

I have executed this summons

this EXECUTED BY SHOWING A
COPY OF THE WITHIN

Mrs. Sullivan re
claim as for
Ala. Farm Bureau
Mutual Casualty
Co. Inc.

This the 25 day of March, 1968

Sheriff Montgomery County

By *W. J. Walker*

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 Sheriff

process(es) or a total of 2.50

Deputy Sheriff

W. J. Walker Deputy Sheriff