FOREMAN, BROWN & JOHNSTON ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA 36602

ALEXANDER FOREMAN, JR. (1914-1966) ALTON R. BROWN, JR. JAMES A. JOHNSTON PETER V. SINTZ JOHN D. RICHARDSON

January 20, 1969

AREA CODE 205 432-2792

Clerk Circuit Court Baldwin County Bay Minette, Alabama

> RE: Mary K. Claprood vs Charles C. Dent

D/Accident - 8-18-67 Case No. - 8358 Our File - 68-5480-PVS

Gentlemen:

We respectfully request that you subpoena Mary K. Claprood, of 915 McKenzie Street, Foley, Alabama to appear in court on Thursday, February 6, 1969 in the above mentioned case. And also Officer Frank Osborne of the Foley City Policy Department with duces tecum to bring his report of the accident of 8/18/67 between Charles Dent and Mary Claprood.

Yours very truly,

For the firm

PS/qpw

MARY K.	CLAPROOD,)	IN THE CIRCUIT COURT OF
	Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	WAL TA
CHARLES	DENT,)	Case No. <u>8358</u>
	Defendant)	

FINAL DECREE

This cause coming on to be heard on a day regularly set by this Court for the hearing thereof, and the Plaintiff nor the Attorney for the Plaintiff having failed to appear and the Court proceeding to hear the testimony of the Defendant, the Court is of the opinion that this cause should be dismissed for lack of prosecution on the part of the Plaintiff.

It is therefore, ORDERED, ADJUDGED and DECREED that:

- 1. This cause be dismissed of lock of prosecution on the part of the Plaintiff;
- 2. That the Plaintiff pay the costs herein to be taxed by the Circuit Clerk for let execution issue.

DONE this the 22 day of October, 1969.

J. Man D. Markeburn CIRCUIT JUDGE

MARY K.	CLAPROOD,)	IN THE CIRCUIT COURT OF
	Plaintiff,)	BAL DWIN COUNTY, ALABAMA
VS.)	AT LAW
CHARLES	DENT,)	Case No. 8358
	Defendant)	

Comes the Defendant in the above styled cause and files this his answer to said Bill of Complaint and each and every count thereof:

I

The general issue.

II

Not guilty.

III

For further plea Defendant says: Plaintiff was guilty of negligence which contributed proximately to the damages complained of in the Complaint, in that on said day and date said Complainant failed to signal her intention to turn from U. S. Highway 98 at its intersection to Mimosa Road; that said Defendant failed to ascertain the nature of the following traffic to determine if it was clear for her to turn from U. S. Highway 98 onto Mimosa Road; that said Plaintiff could have determined that it was in fact, unsafe for her to turn; and that a reasonably prudent person would have given a signal to turn and would have ascertained that there was no oncoming or following traffic prior to turning from U. S. Highway 98 onto Mimosa Road. And as a result of her negligence Defendant proceeded to pass Plaintiff and Plaintiff abruptly turned causing the vehicles to collide and resulting in her damages as aforesaid.

RICHARD C. LACEY Attorney for Defendant

FILED

JUN 26 1969

ALGE J. DESTY CLERK REGISTER

HOCKLANDER

N.J. MARY K. CLAPROOD

FOREMAN & BROWN BY: JAMES A. JOHNSTON

> Suit for \$400.00 damages to auto VS. (TORT)

N.J. CHARLES DENT RICHARD A. LACEY Attorney at Law PLEADINGS, ROCESS, ETC, FILING DATE C & S served on Defendant on September 12, 1968. 1. Complaint and Summons *8-16-68 2. Plea in Abatement October 4, 1968 - Plea in Abatement sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama. 37-779 /s/ Joseph M. Hocklander, Judge

I. JOHN E. MAN DEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court. In Witness whereof I have hereunto set my hand and attached my Official Seal as such Glerk of said Court at Mobile, Mobile

°October County, Alabama, on this the 7th day of

Mudevelle Clork 0CT 8 1968

ALICE J. DUCK

MARY K. CLAPROOD,

* IN THE CIRCUIT COURT OF

Plaintiff,

* MOBILE COUNTY,

٧s.

* ALABAMA

CHARLES DENT,

* AT LAW

Defendant.

* CASE NO. 2639K

COUNT ONE

Plaintiff claims of the Defendant the sum of FOUR HUNDRED (\$400.00) DOLLARS as damages for that heretofore and on-to-wit the 18th day of August, 1967, the Defendant so negligently operated a motor vehicle on one of the public highways in Baldwin County, to-wit, U. S. Highway 98 near its intersection with Mimosa Road so at said time and place to collide with the Plaintiff's motor vehicle and as a proximate result of the Defendant's negligence as aforesaid, the Plaintiff's motor vehicle was bent, broken, torn and otherwise damaged, all for which it sues.

FOREMAN & BROWN Attorneys for Plaintiff.

JAMES A. JOHNSTON

Serve Defendant at:

614 Bellanger Avenue, Fairhope, Alabama

STATE OF ALA MOSTLE CO. I CERTIFY THIS PLEADING WAS FILED ON

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Jana Cherk

VOL 62 PAGE 173

THE STATE OF ALABAMA

MOBILE COUNTY

CIRCUIT COURT

10 Any Sherur of the State o f Ai You are hereby commanded to su	
CHARLES DENT	
	service of this process, in the Circuit Court of Mobile County, Alabama
at the place of holding the same,	hen and there to answer the complaint of
MARY K. CLAPROOD	
	16+h August 10.68
WITNESS: John E. Mandeville,	Clerk of said Court, this 16th day of August, 1968
	Attest: John E. Mandruelle Clerk
	Clerk
	SHERIFF'S RETURN
Received day of	
of	
the within	on
CIRC WALLAND	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
by service on	-
	RAY D. BRIDGES, SHERIFF
	PAGE 174

24:9-12-68

	JUIDEN DOCKET CIVIL DIVISION
served a copy of the which the	CIRCUIT COURT MOBILE COUNTY
y service or aborti	Mary K. Claprood
By Coy Kardal D. S. Sheriff claims 70 Coulles as	VS. Complaint and Summons
Ten Conts per mile Total \$ 200 TAYLOR WILKING, Shortfi BY HOLLANDS HERIFF	Charles Dent
	Issued 16th _{day of} August , 1968
	Defendant's Address 614 Bellanger Avenue Fairhope, Alabama
	JAMES A. JOHNSTON

Plaintiff's Attorney

ATTORNEY AT LAW FAIRHOPE, ALABAMA 36532

September 26, 1968

Honorable John Mandeville Circuit Clerk Mobile County Court House Mobile, Alabama

26394-14

RE: Mary K. Claprood vs. Charles Dent

Dear John:

I am enclosing a plea in abatement in subject case. I would appreciate your filing same.

Sincerely,

RICHARD C. LACEY

RCL/dt Encls.

> STATE OF ALA MIGHLE CO. I CERTIET THIS PLEADING WAS PILED OR

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MARY K. CLAPROOD,)	IN THE	CIRCUIT COURT OF
Plaintiff,)	MOBILE	COUNTY, ALABAMA
VS.)	CASE	NO. <u>26394</u> -A
CHARLES DENT,)		
Defendant)		

PLEA IN ABATEMENT

Comes CHARLES DENT, Defendant in the above styled cause, for the special purpose of filing the following plea separately to each count of the complaint in said cuase, and for no other purpose.

The said CHARLES DENT says that at the time said suit was instituted and at the time said cause of action arose he was a bona fide resident of the County of Baldwin, of the State of Alabama, and that the Circuit Court of Mobile County is without jurisdiction to try this suit.

CHARLES DENT

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Charles Dent, the Defendant in the above styled cause, who, being by me first duly sworn, says on oath, that the facts set forth in the foregoing plea are true and correct.

Sworn to and subscribed before me on this the 47 day of

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I do certify that I have on this 17th day of September, 1968, served a copy of the foregoing pleading on Foreman and Brown, Attorneys at Law in the Van Antwerp Building on Dauphin Street, Mobile, Alabama, by mailing the same by United States mail, properly addressed, and first class postage prepaid.

RICHARD C. LACEY, Attorney for Defendant, Fairhops, Alabama

STATE OF ALA. MGBALE CO. I CERTIFY THIS PLEADING WAS FILED ON

Sep 27 8 or AH °68

Shelliandould vol 62 PAGE 175

MARY K. CLAPROOD,) IN THE CIRCUIT COURT O	Œ
Plaintiff,) MOBILE COUNTY, ALABAMA	
VS.) CASE NO. 26374-W	į
CHARLES DENT,)	
Defendant)	

PLEA IN ABATEMENT

Comes CHARLES DENT, Defendant in the above styled cause, for the special purpose of filing the following plea separately to each count of the complaint in said cuase, and for no other purpose.

The said CHARLES DENT says that at the time said suit was instituted and at the time said cause of action arose he was a bona fide resident of the County of Baldwin, of the State of Alabama, and that the Circuit Court of Mobile County is without jurisdiction to try this suit.

CHARLES DENT

STATE OF ALABAMA BALDWIN COUNTY

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Sworn to and subscribed before me on this the 11 day of

v

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NISHARD C. LACRY, Attorney for Defendant, Fairhope, Alabama

FRIDAY, OCTOBER 4, 1968

MARY K. CLAPROOD

HOCKLANDER -vs- 26394

CHARLES DENT

PLEA IN ABATEMENT SUSTAINED AND CASE ORDERED TRANSFERRED TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed September 27, 1968, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed September 27, 1968 be, and the same is hereby sustained, and Case ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 37

Page 779

COUNTY OF MOBILE	IN THE CIRCUIT COURT OF MOBILE COUNTY, ALAB.	AM.
I, JOHN E. MANDEVILL	E, Clerk of the Circuit Court of Mobile County, Alabama, do he	ereb
certify that the foregoing is a	full, true and correct copy ofORDER_OF_COURT	TT M dd arl an gyng
as rendered by the said Circuit entitled No. 26394 - MARY	Court on the 4th day of October , 19 68, in the c	aus
***************************************	ENT Plair	ntiff
Defendant, (Imperior an america Minute Book No. <u>37</u> , Pa	exerciation record in this office age No. 779	e ir

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office

in the City of Mobile, Alabama, on this the 7th day of October , 1968

ATTEST:

Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

CLERK'S FEES	No. 26394 C	HARLES D		VS.			Defend
Suits for \$100 or less	(Act No. 740, Reg. Session Ala. Legislature Appyd. Sept. 20, 1957) (Amend Sec. 21, Title 11, Code Ala. 1940)	1957		[Act No. 571, Re. (Amend Sec. 34 a	g. Ses. nd 100,	Leg. 1955 Title 11,) Code Alz. 1940
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Advertisement	\$			Trial Tax (State)	1.50		
Total \$ 10.80 Carnishee's fees \$23.80	Total\$	10 80		1		\$22	

JOHN E. MANDEVILLE, Clerk

execution for same.