

FOREMAN, BROWN & JOHNSTON
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

AREA CODE 205
432-2792

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

January 20, 1969


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 withduces 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/gpw

MARY K. CLAPROOD,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
CHARLES DENT,) Case No. 8358
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 lack 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 22nd day of October, 1969.

J. Edgar D. Madlock
CIRCUIT JUDGE

MARY K. CLAPROOD,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN 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

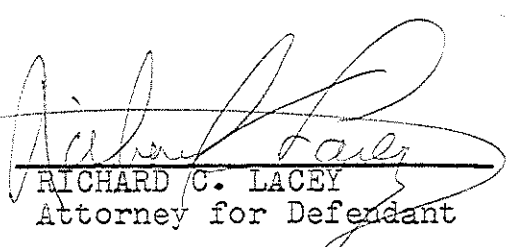
The general issue.

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 neg-
ligence 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

ALICE J. DUCK CLERK
REGISTER

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

CASE NO. 26394 - HOCKLANDER

FOREMAN & BROWN
BY: JAMES A. JOHNSTON

MARY K. CLAPROOD

N.J.

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

RICHARD A. LACEY
Attorney at Law
P.O. Drawer A-J, Fairhope, Alabama 36532

CHARLES DENT

N.J.

PLEADINGS, PROCESS, ETC, * FILING DATE *

1. Complaint and Summons * 8-16-68 *
2. Plea in Abatement * 9-27-68 *

C & S served on Defendant on September 12, 1968.

October 4, 1968 - Plea in Abatement sustained, and case ordered transferred
to the Circuit Court of Baldwin County, Alabama.
/s/ Joseph M. Hocklander, Judge

37-779

I, JOHN E. MANDEVILLE, 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 Clerk of said Court at Mobile, Mobile County, Alabama, on this the 7th day of October 19 68.

John E. Mandeville Clerk

FILED

OCT 8 1968

ALICE J. DUCK CLERK
REGISTER

MARY K. CLAPROOD,

Plaintiff,

Vs.

CHARLES DENT,

Defendant.

* IN THE CIRCUIT COURT OF

* MOBILE COUNTY,

* ALABAMA

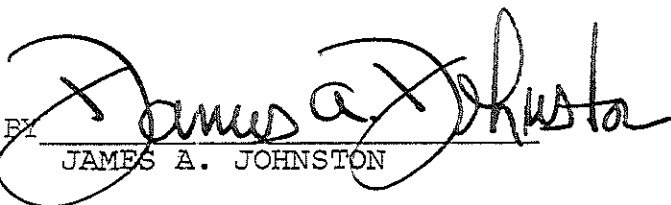
* AT LAW

* CASE NO. 26394

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.

BY 
JAMES A. JOHNSTON

Serve Defendant at:

614 Bellanger Avenue, Fairhope, Alabama

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

AUG 16 9 41 AM '68


CLERK

VOL

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THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

CHARLES DENT

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of

MARY K. CLAPROOD

WITNESS: John E. Mandeville, Clerk of said Court, this 16th day of August, 1968

Attest: John E. Mandeville
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ day
of _____, 19____, I served a copy of
the within _____ on _____
by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

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24:9-12-68

RECEIVED
CLERK OF COURT
MOBILE, ALA.
BY
Received 21 day of Aug 1968
and on 13 day of Sept 1968
served a copy of the within VC
on Charles Dent
By service on above
Shifer
TAYLOR WILKINS, Sheriff
By Roy Randall D. S.
Sheriff claims 70 miles @
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Roy Randall
DEPUTY SHERIFF

mail
No. 26394 - H
JUDGE _____ DOCKET
CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

Mary K. Claprood

VS. }

Complaint and Summons

Charles Dent

Issued 16th day of August, 1968

Defendant's Address

614 Bellanger Avenue
Fairhope, Alabama

JAMES A. JOHNSTON

Plaintiff's Attorney

P. O. DRAWER A-J

RICHARD C. LACEY

TELEPHONE 928-2373

ATTORNEY AT LAW
FAIRHOPE, ALABAMA 36532

September 26, 1968

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

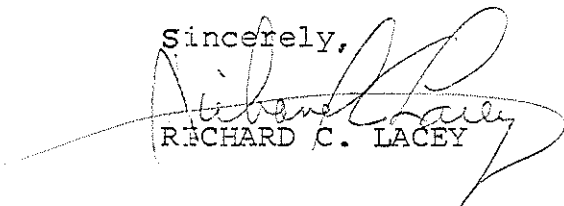
26394-H

RE: Mary K. Clapgood
vs. Charles Dent

Dear John:

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

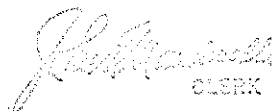
Sincerely,


RICHARD C. LACEY

RCL/dt
Encls.

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

SEP 27 8 01 AM '68


CLERK

MARY K. CLAPROOD,) IN THE CIRCUIT COURT OF
Plaintiff,) MOBILE COUNTY, ALABAMA
VS.) CASE NO. 26394-H
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.

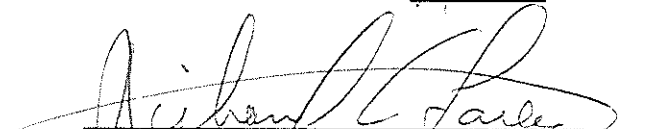
The said CHARLES DENT says that at the time said suit was instituted and at the time said cause of action arose he was a bona fide resident of the County of Baldwin, of the State of Alabama, and that the Circuit Court of Mobile County is without jurisdiction to try this suit.


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 27 day of September, 1968.


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, Fairhope, Alabama

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

SEP 27 8 01 AM '68


CLERK

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MARY K. CLAPROOD,) IN THE CIRCUIT COURT OF
Plaintiff,) MOBILE COUNTY, ALABAMA
VS.) CASE NO. 26394-4
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 cause, 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

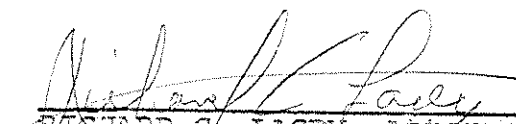
Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Charles Dent, the Defendant in the above styled cause, who, being by me first duly sworn, says on oath, that the facts set forth in the foregoing plea are true and correct.

Sworn to and subscribed before me on this the 17 day of September, 1968.


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, Fairhope, Alabama

FRIDAY, OCTOBER 4, 1968

MARY K. CLAPROOD)	PLEA IN ABATEMENT SUSTAINED
)	AND CASE ORDERED TRANSFERRED
HOCKLANDER -vs- 26394)	TO THE CIRCUIT COURT OF BALDWIN
)	COUNTY, ALABAMA
CHARLES DENT)	

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

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STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

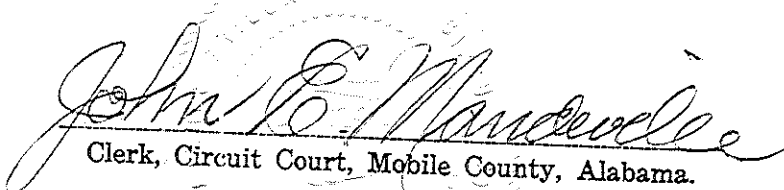
as rendered by the said Circuit Court on the 4th day of October, 19 68, in the cause
entitled No. 26394 - MARY K. CLAPROOD

_____, Plaintiff,
— versus — CHARLES DENT

Defendant, (~~Entered with the examination record~~), as the same remains of record in this office in
Minute Book No. 37, Page No. 779

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, 19 68

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

No. 26394 MARY K. CLAPROOD Plaintiff
VS.
CHARLES DENT Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

[illegible]

I respectfully beg to advise that if this bill for costs is not paid before _____ 19_____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk