

ROY B. FAULKNER,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

X

vs.

X

BALDWIN COUNTY, ALABAMA

T. V. LOGSDON,

X

Lawrence
IN EQUITY NO: 8369

Defendant.

X

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.
3. That the location of the pool where the accident occurred is not sufficiently set out.
4. That the type of pool referred to in the Complaint is not sufficiently set out.
5. For aught that appears from said Complaint, the children referred to were trespassers.
6. The allegation that the pool became a common resort to which the children went to play is but a conclusion of the pleader.
7. The alleged negligence of the Defendant is not sufficiently set out.
8. It is not alleged when the child is supposed to have drowned in the pool.
9. For aught that appears the death of the child did not result from any negligence of the Defendant.

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 24 day of Oct, 1968

James Stone
Attorneys for Defendant

OCT 29 1968

VOL

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ALICE J. DUCK

CLERK
REGISTER

ROY B. FAULKNER,

Plaintiff,

vs.

T. V. LOGSDON,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO: 8369

* * * * *

DEMURRER

* * * * *

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon T. V. Logsdon to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Roy B. Faulkner.

WITNESS my hand this 14 day of October, 1968.

Alice J. Duck
Clerk

The defendant resides at Point Clear, Alabama.

* * * * *

ROY B. FAULKNER,
Plaintiff,
VS.
T. V. LOGSDON,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

8269

C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendant the sum of Fifty Thousand Dollars (\$50,000.00) for that heretofore on to-wit, December 19, 1967, the defendant maintained on his premises at Point Clear, Baldwin County, Alabama, an unenclosed pool to which children of tender years were attracted and the said pool became a common resort to which the said children went to play; that the said defendant knew or by the exercise of ordinary care should have known that the said pool was so being used by children of tender years and as a proximate result of the negligence of the said defendant in maintaining the said pool unenclosed or protected on his said premises, plaintiff's minor son, Roy B. Faulkner, Jr., a child three years of age, was attracted to and fell into the said pool and drown, hence this suit.

M. A. MARSAL and JAMES R. OWEN

By [Signature]

Attorneys for Plaintiff

Plaintiff demands a trial by
jury of said cause.

M. A. MARSAL and JAMES R. OWEN

By 

Attorneys for Plaintiff

FILED

OCT 14 1968

ALICE J. DUCK

CLERK
REGISTER

Received 14 day of Oct 1908
and on 24 day of Oct 1908
served a copy of the within Doc
on J. V. Logsdon
By above
Sp. For
TAYLOR WILKINS, Sheriff
By Roy Randolph D. I.

Sheriff claims 44 miles at
Ten Cents per mile Total \$ 4.40
TAYLOR WILKINS, Sheriff
BY Randall
DEPUTY SHERIFF

8269

Roy B. Faulkner
Plt.

vs.

J. V. Logsdon
Deft.

St. Clair

Summons & Complaint

M. A. Marsal &
James B. River