

INEZ RADDCLIFFE,	Ø	
	Ø	IN THE CIRCUIT COURT OF
VS. Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA
	Ø	AT LAW NO. 8371
THE WATER WORKS AND SEWER BOARD OF THE CITY OF FAIRHOPE, ALABAMA, a corporation,	Ø	
Defendant.	Ø	

DEMURRER TO COMPLAINT

Now comes the defendant, by its attorney, and demurs to the original complaint heretofore filed in this cause and to each and every count thereof, separately and severally, and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. It affirmatively appears from the complaint that the plaintiff's cause of action is barred by the statute of limitations of one year.
3. The allegations of the complaint are vague, indefinite and uncertain.
4. The allegations of the complaint are conclusions of the pleader.
5. No facts are alleged to show that the plaintiff's alleged injury or wrong was done or suffered through the neglect, carelessness or unskillfulness of some agent, officer or employee of the defendant engaged in work therefor and while acting in the line of his duty.
6. No facts are alleged to show that the plaintiff's alleged injuries or damages were done or suffered through the neglect, carelessness or failure to remedy some defect in the defendant's sewer line after the same had been called to the attention of the Council or after the same had existed for such unreasonable length of time as to raise a presumption of knowledge of such defect on the part of the defendant.

7. The plaintiff fails to join such other person or persons as may be liable to the defendant or allege facts showing its failure so to do, as required by Title 37, Section 503 of the Code of Alabama.

J. B. Blackburn
Attorney for Defendant

I hereby certify that I mailed a copy of the foregoing demurrer to Norborne C. Stone, Esquire, attorney for the plaintiff, by first class mail, postage prepaid and properly addressed, on this the 15th day of November, 1968.

J. B. Blackburn
Attorney for Defendant

FILED

NOV 15 1968

ALICE J. DUCK CLERK
REGISTER

INEZ N. RADDCLIFFE,	X	
		IN THE CIRCUIT COURT OF
Plaintiff,	X	
vs.	X	BALDWIN COUNTY, ALABAMA
THE WATER WORKS AND	X	
SEWER BOARD OF THE		AT LAW NO. _____
CITY OF FAIRHOPE,	X	
ALABAMA, a Corporation,	X	
	X	
Defendant.	X	

AMENDED COMPLAINT

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on, to-wit, the third day of May, 1968, the agents, servants or employees of said Defendant, while acting within the line and scope of their employment as such agents, servants, or employees negligently caused or allowed sewer lines located within the City of Fairhope, Alabama, and maintained and operated by the Defendant to overflow and flood Plaintiff's home at 256 Pier Street, in the City of Fairhope, Alabama, with raw sewage and refuse. As a proximate result of which negligence the furniture, furnishings, personal effects in, and bathroom fixtures and floors of said dwelling house of the Plaintiff were injured and damaged; foul, obnoxious and objectionable odors were caused to permeate said premises; Plaintiff was put to great expense in renovating, cleaning and deodorizing said premises; Plaintiff was caused to suffer great mental pain and anguish; and Plaintiff further alleges that a statement of said claim was filed with the Defendant within six months after May 3, 1968, and that claim was thereafter disallowed by the Defendant, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on, to-wit,

the third day of May, 1968, the Defendant negligently caused or allowed sewer lines located within the City of Fairhope, Alabama, and maintained and operated by the Defendant to overflow and flood Plaintiff's home and residence located at 256 Pier Street, in the City of Fairhope, Alabama, with raw sewage and refuse. As a proximate result of which negligence the furniture, furnishings, personal effects in, and bathroom fixtures and floors of said dwelling house of the Plaintiff were injured and damaged; foul, obnoxious and objectionable odors were caused to permeate said premises; Plaintiff was put to great expense in renovating, cleaning and deodorizing said premises; Plaintiff was caused to suffer great mental pain and anguish; and Plaintiff further alleges that a statement of said claim was filed with the Defendant within six months after May 3, 1968, and that claim was thereafter disallowed by the Defendant, hence this suit.

CHASON, STONE & CHASON

By:

John E. Chason
Attorneys for Plaintiff

FILED

JAN 22 1970

ALICE J. EDER CLERK
REGISTER

INEZ RADDCLIFFE,
Plaintiff,
VS.

THE WATER WORKS AND SEWER
BOARD OF THE CITY OF FAIRHOPE,
ALABAMA, a corporation,

Defendant.

Ø
Ø
Ø
Ø
Ø
Ø

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8371

DEMURRER TO AMENDED COMPLAINT

Now comes the defendant, by its attorney, and demurs to the complaint as last amended, and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.

J. B. Blackburn
Attorney for Defendant

I hereby certify that I mailed a copy of the foregoing demurrer to Chason, Stone and Chason, attorneys for plaintiff, in Bay Minette, Alabama, by first class mail, postage prepaid and properly addressed, on this the 31st day of March, 1970.

J. B. Blackburn
Attorney for Defendant

FILED

MAR 3 1970

ALICE J. DUCK CLERK
REGISTER

8371

INEZ N. RADDCLIFFE,
Plaintiff

vs.

THE WATER WORKS AND SEWER BOARD
OF THE CITY OF FAIRHOPE, ALABAMA,
A Corporation,

Defendant

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 8371

* * * * *

FOR DAMAGES

* * * * *

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. BOX 120
BAY MINETTE, ALABAMA

Received 15th day of October 1948
and on 17 day of Oct 1948
I served a copy of the within A+C
on The Water Works Sewer Board
of the City of Fairhope, Ala.
By service on Richard C. Martin
Mayor
TAYLOR, WILKINS, Sheriff
By Roy Randall D. S.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR, WILKINS, Sheriff
BY Roy Randall
DEPUTY SHERIFF

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

You are hereby commanded to summon The Water Works and Sewer Board of the City of Fairhope, Alabama 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 same, then and there to answer the Complaint of Inez N. Raddcliffe.

Witness my hand this 15 day of Oct.,

1968.

Alice J. Luck
Clerk

INEZ N. RADDCLIFFE,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

THE WATER WORKS AND
SEWER BOARD OF THE
CITY OF FAIRHOPE,
ALABAMA, A Corporation,

X

AT LAW

NO. 8371

X

X

Defendant.

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on, to-wit, the third day of May, 1958, the agents, servants or employees of said Defendant, while acting within the line and scope of their employment as such agents, servants, or employees negligently caused or allowed sewer lines located within the City of Fairhope, Alabama and maintained and operated by the Defendant to overflow and flood Plaintiff's home at 256 Pier Street, in the City of Fairhope, Alabama, with raw sewage and refuse. As a proximate result of which negligence the furniture, furnishings, personal effects in, and bathroom fixtures and floors of said dwelling

house of the Plaintiff were injured and damaged; foul, obnoxious and objectionable odors were caused to permeate said premises; Plaintiff was put to great expense in renovating, cleaning and deodorizing said premises; Plaintiff was caused to suffer great mental pain and anguish; and Plaintiff further alleges that a statement of said claim was filed with the Defendant within six months after May 3, 1958 and that claim was thereafter disallowed by the Defendant, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on, to-wit, the third day of May, 1958, the Defendant negligently caused or allowed sewer lines located within the City of Fairhope, Alabama and maintained and operated by the Defendant to overflow and flood Plaintiff's home and residence located at 256 Pier Street, in the City of Fairhope, Alabama, with raw sewage and refuse. As a proximate result of which negligence the furniture, furnishings, personal effects in, and bathroom fixtures and floors of said dwelling house of the Plaintiff were injured and damaged; foul, obnoxious and objectionable odors were caused to permeate said premises; Plaintiff was put to great expense in renovating, cleaning and deodorizing said premises; Plaintiff was caused to suffer great mental pain and anguish; and Plaintiff further alleges that a statement of said claim was filed with the Defendant within six monthssafter May 3, 1958 and that claim was thereafter disallowed by the Defendant, hence this suit.

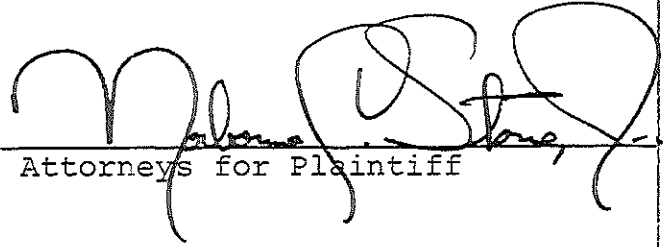
FILED

OCT 15 1968

ALICE J. DUCK CLERK
REGISTER

CHASON, STONE & CHASON

By:


Attorneys for Plaintiff

The Plaintiff demands a trial by a jury.

CHASON, STONE & CHASON

By:



VOL

63 PAGE 637

0-17-68