

MOORE, MOORE, DOWNING & LAYDEN

LAWYERS
920 DAUPHIN STREET
P. O. BOX 4457
MOBILE, ALABAMA 36604

GEORGE J. MOORE
JAMES E. MOORE
MAURICE A. DOWNING
LIONEL L. LAYDEN
CHARLES H. ERWIN

CABLE ADDRESS: LAWYER
TEL. NO.: 432-5641

August 19, 1969

Mrs. Alice Duck
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama

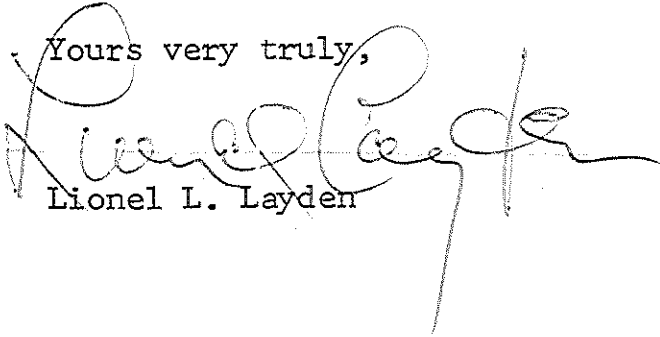
Re: Robert Kenneth Braswell, a minor
Case No. 8,373

Dear Mrs. Duck:

The money belonging to Robert Kenneth Braswell, a minor should be paid into the Probate Court. Since the minor is a resident of Mobile County, I would suggest that the money be paid into the Probate Court of Mobile County rather than in Baldwin County.

Thank you for your assistance in this matter.

Yours very truly,


Lionel L. Layden

LLL:n

cc: Hon. John L. Moore
Probate Judge of Mobile County


ROBERT KENNETH BRASWELL,	§	IN THE CIRCUIT COURT OF
a minor, suing by and through		
his father and next friend, James	§	
M. Braswell, Sr.,		BALDWIN COUNTY, ALABAMA
	§	
Plaintiff,		
	§	
VS.		AT LAW
	§	
PHYLLIS S. NESBIT, as		
Administratrix of the Estate of	§	
Donald Earl Marks, deceased, and		CASE NO. 8373
"X", whose name is otherwise	§	
unknown but will be supplied by		
amendment when ascertained,	§	
Defendant	§	

A N S W E R

Comes now the defendant in the above-styled cause,
Phyllis S. Nesbit, as Administratrix of the Estate of Donald
Earl Marks, deceased, and for separate and several answer
to each count of the complaint heretofore filed, sets down
and assigns, separately and severally, the following separate
and several pleas:

1. Not guilty.
2. At the time and place alleged in the complaint, to-wit,
June 17, 1967, while the plaintiff was riding in an automobile
on U. S. Highway 90, near Robertsdale, Alabama, Baldwin County,
his agent, servant or employee so negligently operated such
automobile so as to cause or allow same to become involved in
a collision with an automobile being then and there operated
by defendant's intestate, and as a direct and proximate result
of the negligence of plaintiff, as aforesaid, plaintiff proximately
contributed to the accident and his alleged injuries and damages;

therefore, plaintiff ought not recover.

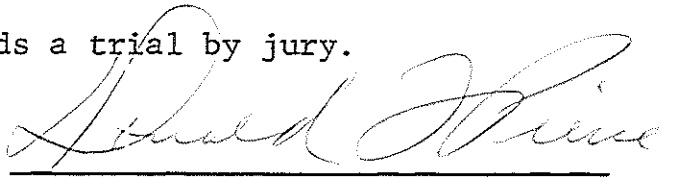

Donald F. Pierce

Attorneys for Defendant

OF COUNSEL

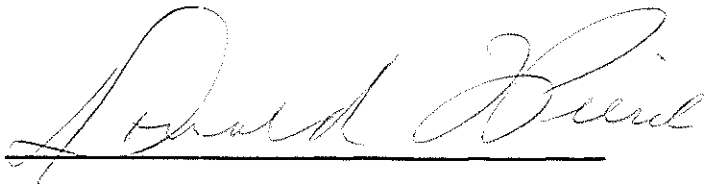
HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands a trial by jury.



CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing Answer to Lionel L. Layden, Esquire, Attorney for the Plaintiff, by depositing a copy of same in the United States mail, postage prepaid, addressed to Mr. Layden at his office in Mobile, Alabama, on this 7th day of November, 1968.



FILED

NOV 8 1968

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8373

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon PHYLLIS S. NESBIT, as Adminstratrix of the Estate of Donald Earl Marks, deceased, and "X", whose name is otherwise unknown but will be supplied by amendment when ascertained,.....

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 PHYLLIS S. NESBIT, as Administratrix of the Estate of Donald Earl Marks, deceased, and "X", whose name is otherwise unknown but will be supplied by amendment when ascertained, Defendant.....

by ROBERT KENNETH BRASWELL, a minor, suing by and through his father and next friend, James M. Braswell, Sr.,..... Plaintiff.....

Witness my hand this 16th day of October 1968.....

Alice J. Clark Clerk

VOL

61 PAGE 420

10-31-68

No. 8373.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ROBERT KENNETH BRASWELL, a minor,
suing by and through his father and
next friend, James M. Braswell, Sr.,

Plaintiffs

vs.

PHYLLIS S. NESBIT, as Administratrix of
the Estate of Donald Earl Marks, deceased,
and ~~whose name is otherwise unknown~~
but will be supplied by ~~Defendants~~
~~when ascertained,~~

SUMMONS AND COMPLAINT

Filed 19.....

FILED

Clerk

OCT 16 1968

ALICE J. DUCK

CLERK
REGISTER

MOORE, MOORE, DOWNING & LAYDEN

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Q,
P.O. Box 555
Robertsdale, Alabama

Received in Office

OCT 16 1968

19.....

~~WILLIAMS~~

~~CLERK~~

Sheriff

I have executed this summons

this Oct 31 1968

by leaving a copy with

Phyllis S. Nesbit

Daphne

Sheriff claims 5 1/2 miles at

Ten Cents per mile Total \$ 5.50

TAYLOR WILKINS, Sheriff

BY Ray Rankin

DEPUTY SHERIFF

Taylor Wilkins

Sheriff

Ray Rankin

Deputy Sheriff

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

LAWYERS

30TH FLOOR FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

November 7, 1968

MAILING ADDRESS:
P. O. DRAWER C
OR P. O. BOX 123

CABLE ADDRESS:
HAB
TELEPHONE
432-5511
AREA CODE 205

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON
LYMAN F. HOLLAND, JR.
J. THOMAS KINES, JR.
DONALD F. PIERCE
LOUIS E. BRASWELL
HAROLD D. PARKMAN
G. PORTER BROCK, JR.
HARWELL E. COALE, JR.
STEPHEN G. CRAWFORD
JERRY A. MCDOWELL
W. RAMSEY MCKINNEY, JR.
LARRY U. SIMS
C. WAYNE LOUDERMILCH
A. CLAY RANKIN, III
EDWARD A. HYNDMAN, JR.

Mrs. Alice J. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama
Bay Minette, Alabama

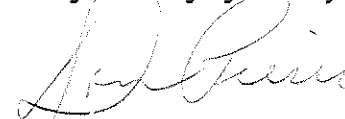
Re: Circuit Court of Baldwin County
Case No. 8373
Robert Kenneth Braswell, a minor,
suing by and through his father and
next friend, James M. Braswell, Sr. vs.
Phyllis S. Nesbit, as Administratrix of
the Estate of Donald Earl Marks, deceased.

Dear Mrs. Duck:

Enclosed please find an answer which we are asking
you to file on behalf of the defendant herein in the above-
referenced cause.

With best personal regards,

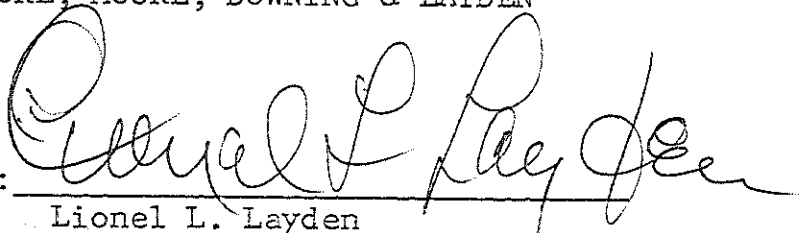
Very truly yours,


For the Firm

DFP/dm

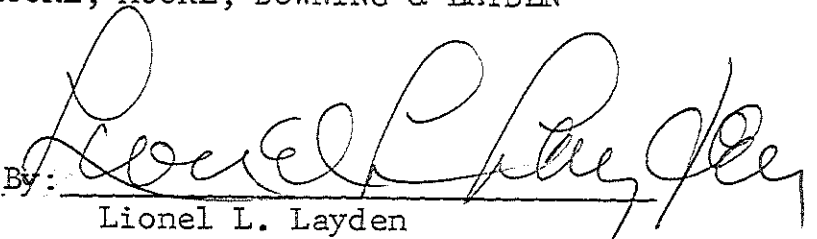
WHEREFORE, Plaintiff demands judgment of the Defendants in
the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars.

MOORE, MOORE, DOWNING & LAYDEN

By: 
Lionel L. Layden
Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury.

MOORE, MOORE, DOWNING & LAYDEN

By: 
Lionel L. Layden
Attorney for Plaintiff

Defendant may be served at:

P. O. Box 555
Robertsdale, Alabama 36567

Filed: _____

Clerk: _____

ROBERT KENNETH BRASWELL,)	IN THE CIRCUIT COURT OF
a minor, suing by and through)	
his father and next friend, James)	BALDWIN COUNTY, ALABAMA
M. Braswell, Sr.,)	
)	AT LAW.
Plaintiff,)	
)	
Vs.)	
)	
PHYLLIS S. NESBIT, as)	
Administratrix of the Estate of)	
Donald Earl Marks, deceased, and)	
"X", whose name is otherwise)	
unknown but will be supplied by)	
amendment when ascertained,)	
)	
Defendant.)	CASE NO. <u>8373</u>

COUNT ONE

The Plaintiff, Robert Kenneth Braswell, a minor, suing by and through his father and next friend, James M. Braswell, Sr., claims of the Defendants the sum of One Hundred Thousand and No/100 (\$100,000.00) Dollars for that heretofore, on to-wit, June 17, 1967, on a public highway, namely Highway 90, near Robertsdale, Alabama in Baldwin County, Alabama, the Defendants' intestate did negligently cause, allow or permit the automobile which he was driving to run into, upon or against the automobile in which Plaintiff was a passenger, which said car was being driven in a westwardly direction on Highway 90 at said place and that as a direct and proximate consequence of Defendants' negligence, the Plaintiff sustained the following injuries: Plaintiff sustained severe lacerations of the face and compound fractures of the nose; Plaintiff sustained bruises about his body; Plaintiff has sustained an irregular deformity of the nose as well as nerve damage to his eyes; Plaintiff sustained severe pain and mental anguish and has been permanently disfigured about his face and said disfiguration will require future surgery. Plaintiff has sustained doctor, hospital and medical bills as a result of the aforesaid injuries.