

MRS. J. C. CALLAWAY,	X	
Plaintiff,	X	
	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
HOME SPECIALTY PEST		
CONTROL, INC.; THE	X	
GLENS FALLS INSURANCE		
COMPANY; UNITED STATES	X	AT LAW
FIDELITY & GUARANTY		
COMPANY: THE EMPLOYERS'	X	
LIABILITY ASSURANCE		
CORPORATION, LIMITED;	X	CASE NO: 8435
AETNA CASUALTY & SURETY		
COMPANY and HARDWARE	X	
MUTUAL CASUALTY COMPANY,		
	X	
Defendants.	X	

DEMURRER

Come now the Defendants, Home Specialty Pest Control, Inc., and The Glens Falls Insurance Company, separately and severally, by and through their attorneys of record, and demur to the Complaint heretofore filed against them in the above styled cause, and assign the following separate and several grounds in support thereof:

1. The Complaint fails to properly identify the contract sued upon.
2. The Complaint fails to properly appraise the Defendants of the terms of said contract.
3. Said Complaint fails to properly identify the building or property alleged to have been insured.
4. The Complaint fails to allege where the contract was entered into.
5. The Complaint fails to allege with sufficient certainty the dates or times upon which additional damage to the Plaintiff's dwelling occurred.

6. The Complaint fails to allege any damage to said dwelling house since October 12, 1967.

7. The Complaint fails to allege the substance of any bond or agreement between the Defendant, The Glens Falls Insurance Company, and the Defendant, Home Specialty Pest Control, Inc.

8. The Complaint fails to allege any matters sufficient to show a liability by the Defendant, The Glens Falls Insurance Company, to the Plaintiff.

9. That said Complaint fails to properly appraise the Defendants of the damage alleged to have been caused to said dwelling house.

10. Said Complaint fails to allege the reasonable market value of the property alleged to have been destroyed.

11. That there is a misjoinder of party Defendants to this cause of action.

12. That there is a misjoinder of causes of action in said Complaint.

13. That said Complaint fails to allege the amount of the Defendants bond with the Plaintiff.

14. SAid Complaint fails to allege whether said bond or agreement is in writing.

CHASON, STONE & CHASON

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 17th day of December 1968

By:

John Earle Chason

John Earle Chason

Defendants demand trial by Jury.

John Earle Chason  
Attorneys for Defendants

FILED

DEC 17 1968

ALICE J. BUCK

CLERK  
REGISTER

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 6th day of December, 1968, I sent by registered mail in an envelope as follows:

Glens Falls Insurance Company  
291 Glen Street  
Glens Falls, New York 12801

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Mrs. J. C. Callaway, Plaintiff

in the Circuit Court of Baldwin County

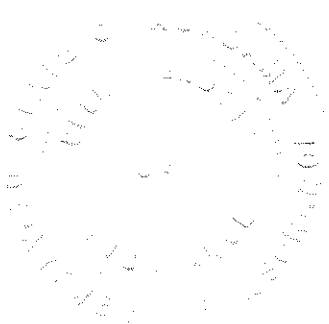
VERSUS

Home Specialty Pest Control, Inc., et als, Defendant  
(Name of Court)

And that on the 13th day of December, 1968, I received the return card showing receipt by the designated addressee of said envelope on the 10th day of December, 1968.

Witness my hand and official seal this the 16th day of December, 1968.

R. Frank Usery  
SUPERINTENDENT OF INSURANCE



STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 6th day of December, 1968, I sent by registered mail in an envelope as follows:

Hardware Mutual Casualty Company  
1421 Strong's Avenue  
Stevens Point, Wisconsin 54481

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Mrs. J. C. Callaway, Plaintiff

in the Circuit Court of Baldwin County

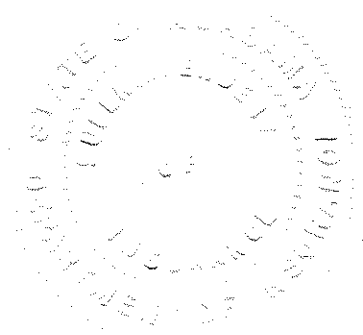
VERSUS

Home Specialty Pest Control, Inc., et als, Defendant  
(Name of Court)

And that on the 16th day of December, 1968, I received the return card showing receipt by the designated addressee of said envelope on the 11th day of December, 1968.

Witness my hand and official seal this the 16th day of December, 1968.

R. Frank Ussery  
SUPERINTENDENT OF INSURANCE



STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 6th day of December, 1968, I sent by registered mail in an envelope as follows:

Aetna Casualty & Surety Company  
151 Farmington Avenue  
Hartford, Connecticut 06115

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Mrs. J. C. Callaway, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

Home Specialty Pest Control, Inc., et als, Defendant  
(Name of Court)

And that on the 13th day of December, 1968, I received the return card showing receipt by the designated addressee of said envelope on the        day of not shown, 196      .

Witness my hand and official seal this the 16th day of December, 1968.

R. Frank Hossery  
SUPERINTENDENT OF INSURANCE

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

Deputy

I, the undersigned as/Superintendent of Insurance for the State of Alabama,  
hereby certify that on the 6th day of December, 1968, I sent  
by registered mail in an envelope as follows:

United States Fidelity & Guaranty Company  
Calvert & Redwood Streets  
Baltimore, Maryland 21203

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon  
me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Mrs. J. C. Callaway, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

(Name of Court)

Home Specialty Pest Control, Inc., et als, Defendant

And that on the 12th day of December, 1968, I received  
the return card showing receipt by the designated addressee of said envelope on  
the 10th day of December, 1968.

Witness my hand and official seal this the 12th day of December,  
1968.

Joe R. Dunder  
Deputy SUPERINTENDENT OF INSURANCE

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

Deputy

I, the undersigned as/ Superintendent of Insurance for the State of Alabama,  
hereby certify that on the 6th day of December, 1968, I sent  
by registered mail in an envelope as follows:

Employers' Liability Assurance Corporation, Ltd.  
110 Milk Street  
Boston, Massachusetts 02107

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon  
me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Mrs. J. C. Callaway, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

(Name of Court)

Home Specialty Pest Control, Inc., et als, Defendant

And that on the 12th day of December, 1968, I received  
the return card showing receipt by the designated addressee of said envelope on  
the 10th day of December, 1968.

Witness my hand and official seal this the 12th day of December,  
1968.

Joe R. Darden  
Deputy SUPERINTENDENT OF INSURANCE

MRS. J. C. CALLAWAY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	AT LAW NO: 8435
HOME SPECIALTY PEST	X	
CONTROL, INC., et	X	
al.,	X	
Defendants.	X	

DEMURRER:

Comes now the Defendant, Aetna Casualty & Surety Company, by and through its attorneys of record, and demurs to the Complaint heretofore filed against it in the above styled cause and assigns the same separate and several grounds in support thereof as assigned in the Demurrer of Home Specialty Pest Control, Inc., heretofore filed in said cause.

CHASON, STONE & CHASON

By: John Earle Chason

**FILED**

DEC 31 1968

**ALICE J. DUCK** CLERK  
REGISTER



MRS. J. C. CALLAWAY,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
HOME SPECIALTY PEST	X	AT LAW	NO: 8435
CONTROL, INC., et	X		
al.,	X		
Defendants.	X		

DEMURRER

Come now the Defendants, United States Fidelity & Guaranty Company, The Employer's Liability Assurance Corporation, Limited, and Hardware Mutual Casualty Company, by and through their attorneys of record, and demur to the Complaint heretofore filed against them in the above styled cause and assign the same separate and several grounds in support thereof as assigned in the Demurrer of Home Specialty Pest Control, Inc., heretofore filed in said cause.

CHASON, STONE & CHASON

By: John E. Chason

The Defendants respectfully demand a trial of this cause by jury.

CHASON, STONE & CHASON

By: John E. Chason

**FILED**

FEB 3 1969

ALICE J. DUCK CLERK  
REGISTER

MRS. J. C. CALLAWAY, : IN THE CIRCUIT COURT OF  
 Plaintiff, : BALDWIN COUNTY, ALABAMA  
 vs. : AT LAW  
 HOME SPECIALTY PEST CONTROL, :  
 INC.; THE GLENS FALLS  
 INSURANCE COMPANY; UNITED  
 STATES FIDELITY AND GUARANTY :  
 COMPANY; THE EMPLOYERS'  
 LIABILITY ASSURANCE CORPORA- : CASE NO. 8435  
 TION, LIMITED; AETNA  
 CASUALTY & SURETY COMPANY :  
 and HARDWARE MUTUAL CASUALTY  
 COMPANY, :  
 Defendants. :

A P P E A R A N C E

Comes now William E. Johnston and the law firm of  
 Johnston, Johnston and Kendall and file this their appearance  
 as one of the attorneys for the Hardware Mutual Casualty  
 Company.

JOHNSTON, JOHNSTON & KENDALL  
 Attorneys for Defendant  
 Hardware Mutual Casualty Co.

By William E. Johnston  
 William E. Johnston

Certificate of Service

This is to certify that I have served counsel for the  
 plaintiff herein with a copy of the foregoing appearance by  
 mailing a copy of same, postage prepaid, to his office in  
 Bay Minette, Alabama.

This, the 13th day of November, 1969.

William E. Johnston

FILED

NOV 14 1969

VOL 64 PAGE 707

ALICE J. DUCK CLERK  
 REGISTER

KENDALL  
Johnston, Johnston & ~~Kendall~~

Attorneys

810 Van Antwerp Building

Mobile, Alabama 36601

Telephone 432-1811

Samuel M. Johnston  
William E. Johnston  
Samuel M. Johnston, Jr.  
~~XXXXXXXX~~

Mailing Address  
P. O. Box 550  
Mobile, Alabama

Robert G. Kendall, III

November 13, 1969

Mrs. Alice J. Duck  
Circuit Clerk  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Re: Mrs. J. C. Callaway vs.  
Home Specialty Pest  
Control, Inc., et al  
Case No. 8435

Dear Mrs. Duck:

I am enclosing an appearance to be filed in  
your Court. I would thank you to file the same  
for me.

Yours very truly,

JOHNSTON, JOHNSTON & KENDALL

By William E. Johnston  
William E. Johnston

WEJ:cl

Enclosure

ORIGINAL

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Home Specialty Pest Control, Inc.; The Glens Falls Insurance Company; United States Fidelity and Guaranty Company; The Employers' Liability Assurance Corporation, Limited; Aetna Casualty & Surety Company and Hardware Mutual Casualty Company 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 Mrs. J. C. Callaway.

WITNESS my hand this 25 day of November, 1968.

*Alice D. Duck*  
Clerk

The defendant, Home Specialty Pest Control, Inc., can be served at 1800 Warrior Road, Birmingham, Alabama.

The other defendants may be served by service of a copy of the summons and complaint on the Superintendent of Insurance for the State of Alabama, Montgomery, Alabama.

\* \* \* \* \*

MRS. J. C. CALLAWAY,  
Plaintiff,

VS.

HOME SPECIALTY PEST CONTROL, INC.;  
THE GLENS FALLS INSURANCE COMPANY;  
UNITED STATES FIDELITY AND GUARANTY  
COMPANY; THE EMPLOYERS' LIABILITY  
ASSURANCE CORPORATION, LIMITED;  
AETNA CASUALTY & SURETY COMPANY and  
HARDWARE MUTUAL CASUALTY COMPANY,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

8435

C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendants the sum of Twenty Thousand Dollars (\$20,000.00) for that heretofore on to-wit, June 23, 1960, the defendant, Home Specialty Pest Control, Inc., made and entered into a bond whereby the said defendant agreed to clean all loose wood and rubbish from underneath the building of

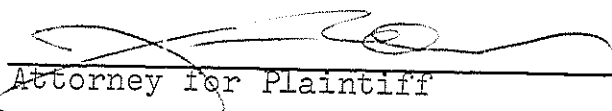
the plaintiff and to thoroughly spray and treat underneath the said dwelling house, freeing same of all subterranean termites and further agreeing to do said work and inspect same once a year from completion of said treatment for termites and within said time, or as long as renewal of the said bond is paid and in force, and agreed to replace at the said defendant's own expense any damaged timbers, damaged after the original treatment, where active subterranean termites were found and seen by a representative of the said company. Plaintiff further avers that she has renewed the said bond annually since June 23, 1960, and that the said bond is on the date of the filing of this complaint still in full force and effect; that since June 23, 1960, her said dwelling house, which is situated in Baldwin County, Alabama, has been damaged to such an extent by active subterranean termites as to be completely destroyed, all to her damages aforesaid, hence this suit. Plaintiff avers that said Home Specialty Pest Control, Inc., a corporation, was bonded by the defendant, United States Fidelity and Guaranty Company, from June 23, 1960, to February 27, 1963; that the defendant, Home Specialty Pest Control, Inc., was bonded by the defendant, The Employers' Liability Assurance Corporation from February 19, 1963, to February 20, 1964; that the defendant, Home Specialty Pest Control, Inc., was bonded by the defendant, Aetna Casualty & Surety Company, from February 24, 1964, to March 21, 1968; that the defendant, Home Specialty Pest Control, Inc., was bonded by the defendant, Hardware Mutual Casualty Company, from August 5, 1966, to March 24, 1968, and that the defendant, Home Specialty Pest Control, Inc., has been bonded by the defendant, The Glens Falls Insurance Company, from October 12, 1967, up to the date of the filing of this complaint.

**FILED**

NOV 15 1968

**Alice J. Duck**

CLERK  
REGISTER

  
Attorney for Plaintiff

RECEIVED

NOV 15 1968

WILLIAMS  
"WILLIAMS"

Executed by service of 10 copies of

the Mary Smith

as Agent for Sheriff

of Montgomery County

on 6 Dec 68

at Montgomery County

By W. L. Moore D. S.

Baldwin  
8435

Mrs. J. C. Callaway  
Pkg.

vs.

Home Specialty Pest  
Control, Inc. et al.  
Def.

1800 WARRIOR RD

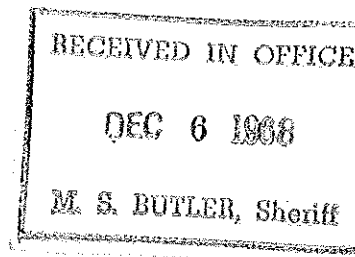
FILED

NOV 15 1968

ALICE J. DUCK

CLERK  
REGISTER

James R. Allen  
2 Atty



NOV 20 1968

Secured this the day of 196

Home Specialty Pest  
Control, Inc.

Mr. O'Dell (at)

of and to  
M. S. BUTLER, Sheriff  
Jefferson County, Alabama

M. S. Butler, Sheriff of Montgomery  
County, Alabama, Claim \$1.50 each for

serving Sheriff for process(es) and \$1.00  
Jefferson County, Alabama,  
claims \$1.50 each for serving each of  
process(es) and \$1.00  
travel expense on each of  
process(es) or a total of

\$ 25.00 W. L. Moore Deputy Sheriff  
Montgomery County, Alabama

MRS. J. C. CALLAWAY,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
vs.	X		
HOME SPECIALTY PEST CONTROL, INC., ET AL.,	X	BALDWIN COUNTY, ALABAMA	
Defendants.	X	AT LAW	NO. 8435
	X		

ANSWERS TO INTERROGATORIES

Now comes the Defendant, Home Specialty Pest Control, Inc., and answers the Interrogatories heretofore propounded by the Plaintiff in the above styled cause:

1. Home Specialty Pest Control Co., Inc.
2. Yes.
3. (See Attached Exhibit).
4. No. This bond was cancelled June, 1965, for failure of Mrs. Callaway to pay her bond renewal premium. It was subsequently re-instated and a bond was in effect on the date the suit was filed.
5. Yes.
6. This property was inspected by Mr. Roger L. Kirkland, Jr., on June 6 and 12, 1968. By Mr. M. D. Harman on May 26, 1966, and on December 8, 1965. Various agents have made numerous other trips to discuss the matter with Mrs. Callaway and investigate her complaints.
7. Yes.
8. Yes.
9. Yes.
10. Yes.
11. Yes.

HOME SPECIALTY PEST CONTROL CO., INC.

By: Lloyd L. Odell  
Jms

STATE OF ALABAMA

*Jefferson*  
~~MOBILE~~ COUNTY

Before me, the undersigned authority, personally appeared  
Lloyd L. O'Dell, Jr., who first being duly and legal-  
ly sworn deposes and says: That he is President  
of Home Specialty Pest Control Co., Inc., and that he has read the  
foregoing Answers to Interrogatories and the same are true and  
correct.

Sworn to and subscribed before me on

this the 8 day of January, 1970  
~~December, 1969.~~

*My Commission expires 12/31/71*

Nancy C. Buckman  
Notary Public, ~~Mobile County~~, Alabama

*Jefferson Co*

**FILED**

JAN 12 1970

**ALICE J. BUCK** CLERK  
NOTARY



MRS. J. C. CALLAWAY, X  
Plaintiff, X IN THE CIRCUIT COURT OF  
VS. X BALDWIN COUNTY, ALABAMA  
HOME SPECIALTY PEST CONTROL, X AT LAW NO. 8435  
INC.; ET AL, X  
Defendants. X

ANSWER TO INTERROGATORIES

Now comes the Defendants, Hardware Mutual Casualty Company, and answers the Interrogatories heretofore propounded by the Plaintiff in the above styled cause:

1. Yes
2. (See Attachment)

HARDWARE MUTUAL CASUALTY COMPANY

\*By: Myron Walker

STATE OF Georgia  
De Kalb COUNTY

Before me, the undersigned authority, personally appeared Myron Walker, who first being duly and legally sworn deposes and says: That he is Chief Examiner of the Hardware Mutual Casualty Company and that he has read the foregoing Answer to Interrogatories and the same are true and correct.

Myron Walker Nancy K. Ashburne  
Sworn to and subscribed before me  
on this the 17<sup>th</sup> day of Nov., 1969.

Notary Public, Georgia State at Large  
My Commission Expires Jan. 3, 1973

Nancy K. Ashburne  
Notary Public,

Notary Public, Georgia State at Large  
My Commission Expires Jan. 3, 1973

FILED

DEC 16 1969

ALICE J. DUCK CLERK  
REGISTER

ATLANTA B. O. CLAIMS

NOV 17 1969

RECEIVED

SALES CODE  
1707

BOND TO PERFORM SUBTERRANEAN TERMITE  
ERADICATION AND CONTROL WORK

No. 01 04993 06

KNOW ALL MEN BY THESE PRESENTS:

That we, HOME SPECIALTY PEST CONTROL CO INC  
as Principal, and Hardware Mutual Casualty Co  
as Surety, are held and firmly bound unto the State of Alabama in the maximum  
aggregate penal sum of Two Thousand Five Hundred Dollars (\$2,500.00), lawful  
money of the United States of America, for the payment of which, well and truly  
to be made, we bind ourselves, our heirs, executors, administrators, successors,  
and assigns, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that whereas the  
undersigned Home Specialty Pest Control Co Inc  
has been granted a permit to engage in Subterranean Termite eradication and  
control work, as defined in Chapter 7 of Title 2 of the Code of Alabama of  
1940, as amended.

NOW, if the said principal shall well and truly conduct said work,  
business or profession, while licensed under the aforementioned Chapter, as  
amended, as required by law and the rules and regulations of the State De-  
partment of Agriculture and Industries, then this obligation shall be null  
and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER,

1. That the Surety may cancel this bond by written notice served upon, or sent by registered mail to the Oblige (State Department of Agriculture and Industries) specifying therein the effective date of said cancellation. Such date shall not be less than fifteen (15) days after such service, or if sent by registered mail, not less than fifteen (15) days after the date borne by the sender's registry receipt.
2. That irrespective of the number of claims that may be filed on this bond, the surety's liability shall not exceed the penalty thereof and the surety shall pay such valid claims in the order presented until the penalty of this bond is exhausted.
3. That any person as may be established having a right of action under this bond shall file a claim therefor with the surety within five years from the date of contract on which claim is based.

IN WITNESS WHEREOF, we have hereto set our hands and seals this  
day of 5TH AUGUST, 19 66

HOME SPECIALTY PEST CONTROL Principal  
By MC

HARDWARE MUTUAL CASUALTY CO Surety  
By \_\_\_\_\_

1940, as amended.

NOW, if the said principal shall well and truly conduct said work, business or profession, while licensed under the aforementioned Chapter, as amended, as required by law and the rules and regulations of the State Department of Agriculture and Industries, then this obligation shall be null and void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER,

1. That the Surety may cancel this bond by written notice served upon, or sent by registered mail to the Obligee (State Department of Agriculture and Industries) specifying therein the effective date of said cancellation. Such date shall not be less than fifteen (15) days after such service, or if sent by registered mail, not less than fifteen (15) days after the date borne by the sender's registry receipt.
2. That irrespective of the number of claims that may be filed on this bond, the surety's liability shall not exceed the penalty thereof and the surety shall pay such valid claims in the order presented until the penalty of this bond is exhausted.
3. That any person as may be established having a right of action under this bond shall file a claim therefor with the surety within five years from the date of contract on which claim is based.

IN WITNESS WHEREOF, we have hereto set our hands and seals this

5TH day of AUGUST, 1966

Principal  
HOME SPECIALTY PEST CONTROL  
By MC

Surety  
HARDWARE MUTUAL CASUALTY CO  
By

Taken, approved, and filed this the 19th day of

COMMISSIONER OF AGRICULTURE AND  
INDUSTRIES, STATE OF ALABAMA

Cub 8

MRS. J. C. CALLAWAY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA
HOME SPECIALTY PEST CONTROL,	X	AT LAW NO. 8435
INC.; ET AL,	X	
Defendants.	X	

ANSWER TO INTERROGATORIES

Now comes the Defendants, Employers' Liability Assurance Corporation, and answers the Interrogatories heretofore propounded by the Plaintiff in the above styled cause:

1. Yes
2. (See Attachment)

THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION

BY: Edward W. Gregory

STATE OF GEORGIA

FULTON COUNTY

Before me, the undersigned authority, personally appeared Edward W. Gregory, who first being duly and legally sworn deposes and says: That he is Claim Supervisor of the Employers' Liability Assurance Corporation and that he has read the foregoing Answer to Interrogatories and the same are true and correct.

Edward W. Gregory

Sworn to and subscribed before me on this the 10th day of November, 1969.

W. E. Johnson  
Notary Public,

Notary Public, Georgia State at Large  
My Commission Expires Aug. 21, 1972

**FILED**

DEC 16 1969

**ALICE J. DUCK** CLERK REGISTER

BOND TO PERFORM SUBTERRANEAN TERMITE  
ERADICATION AND CONTROL WORK

No. SV-108024

KNOW ALL MEN BY THESE PRESENTS:

That we, Home Specialty Pest Control Company, Inc.

as Principal, and THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION, LTD.  
as Surety, are held and firmly bound unto the State of Alabama in the maximum  
aggregate penal sum of Two Thousand Five Hundred Dollars (\$2,500.00), lawful  
money of the United States of America, for the payment of which, well and truly  
to be made, we bind ourselves, our heirs, executors, administrators, successors,  
and assigns, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that whereas the  
undersigned Home Specialty Pest Control Company, Inc.  
has been granted a permit to engage in subterranean termite eradication and  
control work, as defined in Chapter 7 of Title 2 of the Code of Alabama of  
1940, as amended.

NOW, if the said Principal shall well and truly conduct said work,  
business or profession, while licensed under the aforementioned Chapter, as  
amended, as required by law and the rules and regulations of the State Depart-  
ment of Agriculture and Industries, then this obligation shall be null and  
void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER,

1. That the Surety may cancel this bond by written notice served  
upon, or sent by registered mail to the Obligee (State Depart-  
ment of Agriculture and Industries) specifying therein the  
effective date of said cancellation. Such date shall not be  
less than fifteen (15) days after such service, or if sent by  
registered mail, not less than fifteen (15) days after the  
date borne by the sender's registry receipt.
2. Any person having a right of action against the principal  
because of the breach of the condition of this bond may bring  
suit against the principal and surety for the recovery of  
any losses sustained by reason of such violation of the con-  
dition of this bond; provided, however, that the aggregate  
liability of the surety for all losses shall in no event  
exceed the penal sum of this bond.

IN WITNESS WHEREOF, we have hereto set our hands and seals this 19th  
day of February, 19 63.

HOME SPECIALTY PEST CONTROL COMPANY, INC  
Principal

By \_\_\_\_\_  
THE EMPLOYERS' LIABILITY ASSURANCE CORPORATION, LTD  
Surety

By \_\_\_\_\_  
R. M. Welsh, Attorney-In-Fact

Taken, approved, and filed this the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Commissioner of Agriculture & Industries  
State of Alabama

MRS. J. C. CALLAWAY, X  
Plaintiff, X IN THE CIRCUIT COURT OF  
VS. X BALDWIN COUNTY, ALABAMA  
HOME SPECIALTY PEST CONTROL, X AT LAW NO. 8435  
INC.; ET AL, X  
Defendants. X

ANSWER TO INTERROGATORIES

Now comes the Defendants, United States Fidelity and Guaranty Company, and answers the Interrogatories heretofore propounded by the Plaintiff in the above styled cause:

1. Yes
2. (See Attachment)

UNITED STATES FIDELITY AND  
GUARANTY COMPANY

By: *John F. Wood*  
Attorney-In-Fact

STATE OF

Mobile COUNTY

Before me, the undersigned authority, personally appeared John F Wood, who first being duly and legally sworn deposes and says: That he is SPECIAL Agent & ATTORNEY-IN-FACT of the United States Fidelity and Guaranty Company and that he has read the foregoing Answer to Interrogatories and the same are true and correct.

Sworn to and subscribed before me  
on this the 31 day of Oct,  
1969.

*Thomas E. Elliott*  
Notary Public,

My Commission Expires March 31, 1972

**FILED**

DEC 16 1969

**ALICE J. DUCK** CLERK  
REGISTER

MRS. J. C. CALLAWAY, X  
Plaintiff, X IN THE CIRCUIT COURT OF  
VS. X BALDWIN COUNTY, ALABAMA  
HOME SPECIALTY PEST CONTROL, X AT LAW NO. 8435  
INC.; ET AL, X  
Defendants. X

ANSWER TO INTERROGATORIES

Now comes the Defendants, Aetna Casualty & Surety Company, and answers the Interrogatories heretofore propounded by the Plaintiff in the above styled cause:

1. Yes
2. (See Attachment)

AETNA CASUALTY & SURETY COMPANY

By: Charles E. Witherington

STATE OF Alabama  
Jefferson COUNTY

Before me, the undersigned authority, personally appeared Charles E. Witherington who first being duly and legally sworn deposes and says: That he is Bona Representative of Aetna Casualty & Surety Company and that he has read the foregoing Answer to Interrogatories and the same is true and correct.

Richard H. Smith

Sworn to and subscribed before me on  
this the 31 day of October, 1969.

Richard H. Smith  
Notary Public,

MY COMMISSION EXPIRES MAY 14, 1970

FILED

DEC 16 1969

ALICE J. DUCK CLERK  
REGISTER

MRS. J. C. CALLAWAY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA
HOME SPECIALTY PEST CONTROL,	X	AT LAW NO. 8435
INC.; ET AL,	X	
Defendants.	X	

ANSWER TO INTERROGATORIES

Now comes the Defendants, The Glens Falls Insurance Company, and answers the Interrogatories heretofore propounded by the Plaintiff in the above styled cause:

1. Yes
2. (See Attachment)

THE GLENS FALLS INSURANCE  
COMPANY

By: *James Skilling*

STATE OF *Alabama*  
*Jefferson* COUNTY

Before me, the undersigned authority, personally appeared *James Skilling*, who first being duly and legally sworn deposes and says: That he is *Chris Mays* of The Glens Falls Insurance Company and that he has read the foregoing Answer to Interrogatories and the same are true and correct.

Sworn to and subscribed before me  
on this the *30<sup>th</sup>* day of *October*,  
1969.

*Lorene C. Linton*  
Notary Public, My Commission Expires July 5, 1970

**FILED**

DEC 16 1969

**ALICE J. DUCK** CLERK  
REGISTER



MRS. J. C. CALLAWAY,  
Plaintiff,

VS.


HOME SPECIALTY PEST CONTROL,  
INC.; ET AL,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 8435

INTERROGATORIES

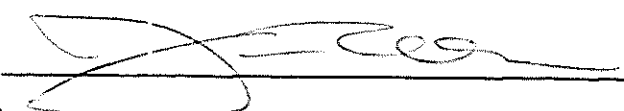
Now comes the plaintiff in the above styled cause and propounds the following interrogatories to Hardware Mutual Casualty Company, one of the defendants in the said cause:

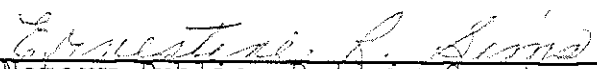
1. Please state whether or not Home Specialty Pest Control, Inc., was bonded by your company from August 5, 1966, to March 24, 1968.
2. If your answer to the foregoing interrogatory is yes, please attach a copy of said bond to your answer to these interrogatories.

  
Attorney for Plaintiff.

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the above and foregoing interrogatories, if truly made, will be material evidence for the plaintiff in the trial of this cause.

  
Sworn to and subscribed before me on  
this the 27th day of October, 1969.

  
Notary Public, Baldwin County, Alabama

*Service is accepted by me as attorney this  
27 Oct. 1969. John E. Chason*

FILED

OCT 27 1969

CLERK  
REGISTER  
ALICE J. DICK

MRS. J. C. CALLAWAY,  
Plaintiff,

VS.


HOME SPECIALTY PEST CONTROL,  
INC.; ET AL,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 8435

### INTERROGATORIES


Now comes the plaintiff in the above styled cause and propounds the following interrogatories to Aetna Casualty & Surety Company, one of the defendants in the said cause:


1. Please state whether or not Home Specialty Pest Control, Inc., was bonded by your company from February 24, 1964, to March 21, 1968.
2. If your answer to the foregoing interrogatory is yes, please attach a copy of said bond to your answer to these interrogatories.

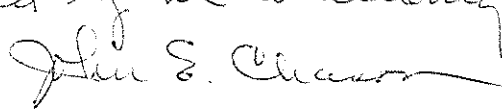
  
Attorney for Plaintiff

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the above and foregoing interrogatories, if truly made, will be material evidence for the plaintiff in the trial of this cause.

  
Sworn to and subscribed before me on  
this the 27th day of October, 1969.

  
Notary Public, Baldwin County, Alabama

Service is accepted by me as attorney  
this 27 Oct. 1969. 

FILED

OCT 27 1969

CLERK  
REGISTER  
ALICE J. DUCK


MRS. J. C. CALLAWAY,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
HOME SPECIALTY PEST CONTROL,	)	AT LAW
INC.; ET AL,	)	NO. 8435
	)	
Defendants.	)	

INTERROGATORIES

Now comes the plaintiff in the above styled cause and propounds the following interrogatories to The Glens Falls Insurance Company, one of the defendants in the said cause:


1. Please state whether or not Home Specialty Pest Control, Inc., was bonded by your company from October 12, 1967, up to the date of the filing of the complaint in this cause in November, 1968.

2. If your answer to the foregoing interrogatory is yes, please attach a copy of said bond to your answer to these interrogatories.

  
Attorney for Plaintiff

STATE OF ALABAMA   )  
                              \*  
BALDWIN COUNTY    )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the above and foregoing interrogatories, if truly made, will be material evidence for the plaintiff in the trial of this cause.

  
Sworn to and subscribed before me on this the 27th day of October, 1969.

  
Notary Public, Baldwin County, Alabama.

*Service is accepted by me as attorney this 27 Oct 1969. John E. Chason*

FILED

OCT 27 1969


ALICE J. DUCK CLERK REGISTER

MRS. J. C. CALLAWAY,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
HOME SPECIALTY PEST CONTROL,	)	AT LAW
INC.; ET AL,	)	NO. 8435
Defendants.	)	

INTERROGATORIES


Now comes the plaintiff in the above styled cause and propounds the following interrogatories to Employers' Liability Assurance Corporation, one of the defendants in the said cause:

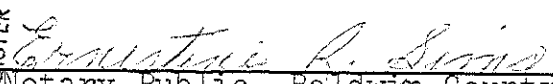
1. Please state whether or not Home Specialty Pest Control, Inc., was bonded by your company from February 19, 1963, to February 20, 1964.
2. If your answer to the foregoing interrogatory is yes, please attach a copy of said bond to your answer to these interrogatories.

  
Attorney for Plaintiff

STATE OF ALABAMA   )  
                                  \*  
BALDWIN COUNTY    )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the above and foregoing interrogatories, if truly made, will be material evidence for the plaintiff in the trial of this cause.

  
Sworn to and subscribed before me on this the 27th day of October, 1969.

  
Notary Public, Baldwin County, Alabama.

FILED

OCT 27 1969

ALICE J. DUCK  
CLERK  
REGISTER

*Service is accepted by me as attorney this  
27 Oct. 1969. John S. Chason*

FILED

OCT 27 1969

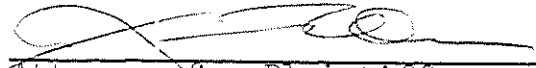
ALICE J. DUCK  
CLERK  
REGISTER

MRS. J. C. CALLAWAY,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
HOME SPECIALTY PEST CONTROL,	)	AT LAW
INC.; ET AL,	)	NO. 8435
Defendants.	)	

INTERROGATORIES


Now comes the plaintiff in the above styled cause and propounds the following interrogatories to United States Fidelity and Guaranty Company, one of the defendants in the said cause:

- 1. Please state whether or not Home Specialty Pest Control, Inc., was bonded by your company from January 23, 1960, to February 27, 1963.
- 2. If your answer to the foregoing interrogatory is yes, please attach a copy of said bond to your answer to these interrogatories.

  
Attorney for Plaintiff

STATE OF ALABAMA    )  
                              \*  
BALDWIN COUNTY     )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the above and foregoing interrogatories, if truly made, will be material evidence for the plaintiff in the trial of this cause.



Sworn to and subscribed before me on this the 27th day of October, 1969.

  
Notary Public, Baldwin County, Alabama

*Servise is accepted by me this 27 oct 1969 as  
Attorney - John E. Chason*

MRS. J. C. CALLAWAY,	)	
	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
HOME SPECIALTY PEST CONTROL, INC.;	)	AT LAW
ET AL,	)	NO. 8435
	)	
Defendants.	)	

INTERROGATORIES  
TO DEFENDANT, HOME SPECIALTY PEST CONTROL, INC.

Now comes the plaintiff in the above styled cause and propounds the following interrogatories to the defendant, Home Specialty Pest Control, Inc.:

1. Please state the correct name of your corporation and the principal place of business thereof.
2. Please state whether or not you made and entered into a bond with Mrs. J. C. Callaway on or about June 23, 1960, by which you agreed to clean all loose wood and rubbish from underneath the building of Mrs. J. C. Callaway and to thoroughly spray and treat underneath the said dwelling house, freeing same of all subterranean termites and further agreeing to do said work and inspect same once a year from completion of said treatment for termites and within said time for as long as renewal of the said bond is paid and in force, and also agreed to replace at your own expense any damaged timbers, damaged after the original treatment, where active subterranean termites were found and seen by a representative of your company.
3. If the answer to the foregoing interrogatory is yes, please attach a copy of said bond to your answer to these interrogatories.
4. Please state whether or not Mrs. J. C. Callaway has renewed the said bond annually since June 23, 1960, and whether or not the said bond was in full force and effect on the date this suit was filed in November, 1968.
5. Please state whether or not you or any of your agents,

servants or employees have inspected the dwelling house of the plaintiff, Mrs. J. C. Callaway, at any time since June 23, 1960.

6. If your answer to the foregoing interrogatory is yes, please state the dates of said inspections and the names of your agents, servants or employees making such inspections.

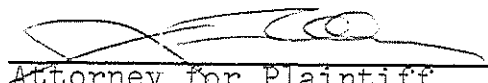
7. Please state whether or not you were bonded by the defendant, United States Fidelity and Guaranty Company from June 23, 1960, to February 27, 1963, and if so, attach a copy of said bond to your answer to these interrogatories.

8. Please state whether or not you were bonded by the defendant, The Employers' Liability Assurance Corporation from February 19, 1963, to February 20, 1964, and if so, attach a copy of said bond to your answer to these interrogatories.

9. State whether or not you were bonded by the defendant, Aetna Casualty & Surety Company from February 24, 1964, to March 21, 1968, and if so, attach a copy of said bond to your answers to these interrogatories.

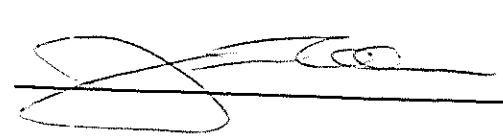
10. State whether or not you were bonded by the defendant, Hardware Mutual Casualty Company from August 5, 1966, to March 24, 1968, and if so, attach a copy of the said bond to your answer to these interrogatories.

11. State whether or not you were bonded by the defendant, The Glens Falls Insurance Company, from October 12, 1967, up to the date of the filing of the complaint in this cause and if so, attach a copy of said bond to your answer to these interrogatories.

  
Attorney for Plaintiff

STATE OF ALABAMA    )  
                              \*  
BALDWIN COUNTY     )

Before me, the undersigned authority, personally appeared James R. Owen, who first being duly and legally sworn deposes and says: That he is the attorney for the plaintiff in the above styled cause; that the answers to the above and foregoing interrogatories, if truly made, will be material evidence for the plaintiff in the trial of this cause.



Sworn to and subscribed before me on  
this the 27th day of October, 1969.

Ernestine R. Lewis  
Notary Public, Baldwin County, Alabama

**FILED**

OCT 27 1969

**ALICE J. DUCK** CLERK  
REGISTER

Service is accepted by me as attorney  
this 27<sup>th</sup> Oct. 1969. John S. Chason