

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Ellis 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 Andrew J. Peacock.

Witness my hand this 3 day of Jan, 1969.

David J. Smith
Clerk

ANDREW J. PEACOCK,

X

IN THE CIRCUIT COURT OF

Plaintiff,

X

vs.

BALDWIN COUNTY, ALABAMA

ROBERT ELLIS,

X

AT LAW

Defendant.

X

COUNT ONE

The Plaintiff claims of the Defendant the sum of Twenty-five Hundred Dollars (\$2500.00) as damages for that heretofore on, to-wit: the 7th day of June, 1968, at a point on U. S. Highway 31 at its intersection with Bell Street in Bay Minette, Baldwin County, Alabama the Defendant's agent, servant, or employee, Ezell Johnson, who was then and there acting within the line and scope of his authority as such agent, servant, or employee, so negligently operated a motor vehicle as to cause or allow the same to run into, upon, or against a vehicle belonging to the Plaintiff and as a proximate result of such negligence the Plaintiff was

personally injured in that he received a whiplash injury to his back and neck with nervous anxiety and musculoskeletal reaction all to the damage to the Plaintiff in the sum above mentioned, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Five Hundred Dollars (\$500.00) as damages for that heretofore on, to-wit: the 7th day of June, 1968, at a point on U. S. Highway 31 at its intersection with Bell Street in Bay Minette, Baldwin County, Alabama the Defendant's agent, servant, or employee, Ezell Johnson, who was then and there acting within the line and scope of his authority as such agent, servant, or employee, so negligently operated a motor vehicle as to cause or allow the same to run into, upon, or against a vehicle belonging to the Plaintiff and as a proximate result of such negligence the Plaintiff's automobile was totally destroyed to the damage of the Plaintiff in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By: John Earle Chason

The Plaintiff demands a trial of this cause by a jury.

CHASON, STONE & CHASON

By: John E. Chason

FILED

JAN 8 1969

ALICE J. BUCK REC.

RECEIVED

JAN 3 1969

Received 3 1969 Jan 17 day of Jan 1969

Served a copy of the within 40

in Robert Ellis

By service on Robert Ellis

TAYLOR WILKINS, Sheriff

By W. A. Garner D. S.

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY W. A. Garner
DEPUTY SHERIFF

8499

Oct 17 1969

ANDREW J. PEACOCK,

Plaintiff

vs.

ROBERT ELLIS,

LOXLEY, ALA.

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

FILED

JAN 3 1969

AUGIE J. BROWN, CLERK

CHASON, STONE & CHASON

ATTORNEYS AT LAW

P. O. Box 120

BAY MINETTE, ALABAMA

ANDREW J. PEACOCK,
Plaintiff,

vs.

ROBERT ELLIS,
Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8497

Comes now the Defendant, Robert Ellis, and for answer to Plaintiff's Bill of Complaint, and for each count thereof, separate and severally, says:

1.

That he is not guilty of the matters alleged therein.

2.

That at the time and place alleged in Counts 1 and 2 of Plaintiff's Bill of Complaint, the Plaintiff himself was guilty of negligence which contributed to the accident resulting in the damage to his person and property as alleged in that he failed to signal he was stopping or turning; further that the Plaintiff did not have any brake lights on his vehicle.

WILTERS & BRANTLEY

BY:

Larry J. Wilters
Attorneys for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 28th day of January, 1970, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By:

Larry J. Wilters

FILED

JAN 28 1970

ALICE J. DUCK

CLERK
REGISTER

62-211B

ANDREW J. PEACOCK,
Plaintiff,

vs.

ROBERT ELLIS,
Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8497

MOTION TO SET ASIDE

Comes now Harry J. Wilters, Jr., Attorney for the Defendant, Robert Ellis, and moves the Court to set aside the Judgment rendered on the 17th day of October, 1969, and for grounds thereof, says, that Robert Ellis brought the Summons and Complaint to him less than thirty days after service upon the Defendant, and that through his negligence, he failed to plea, answer or demur to the Complaint for the simple reason that he overlooked the matter until it was brought to his attention on the 13th day of November, 1969.



Harry J. Wilters, Jr., Attorney for
Robert Ellis

Sworn to and subscribed before me on this the 14th day
of November, 1969.



Notary Public, Baldwin County, Alabama

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 14 day of Nov
1969, served a copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same by United States
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

