

REYNOLDS BROTHERS LUMBER COMPANY, INC., a corporation,	:	IN THE CIRCUIT COURT
	:	OF BALDWIN COUNTY,
Plaintiff,	:	ALABAMA
vs.	:	
FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, and ROBERT R. DUNN, INC.,	:	
Defendants,	:	AT LAW
and	:	
AMERICAN FIRE AND CASUALTY COMPANY, a corporation, and BILLY C. OWEN, d/b/a OWEN CONSTRUCTION COMPANY,	:	
Third party defendants.	:	CASE NO. 8543

MOTION TO STRIKE


Comes now the defendant in the above-styled cause, American Fire and Casualty Company, and moves to strike the third party complaint filed herein, and as grounds therefor, says as follows:

1. That the matter complained of in the third party complaint does not fall within the provisions of the Third Party Practice Act in Alabama.

2. For that the presence of this third party defendant is not required for the granting of complete relief to the parties to the original action.

3. For that this third party complaint would unduly complicate the issue involved in the original action.

4. For that this third party complaint will cause prejudice and unnecessary hardship to the parties involved in this action.


Attorney for Defendant
American Fire and Casualty Company

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES AND JOHNSTON

VOL 63 PAGE 736

FILED

OCT 29 1969

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 24th
day of Oct, 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.

Hammis D. [Signature]

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON
Oct 27 4 43 PM '69
[Signature]
CLERK

REYNOLDS BROTHERS LUMBER	:	IN THE CIRCUIT COURT OF
COMPANY, INC., a corpora-		
tion,	:	BALDWIN COUNTY,
Plaintiff,		
vs.	:	ALABAMA
FIDELITY AND CASUALTY		
COMPANY OF NEW YORK, a	:	
corporation and ROBERT R.		
DUNN, INC.,	:	AT LAW
Defendants,		
and	:	
AMERICAN FIRE AND CASUALTY	:	
COMPANY, a corporation, and		
BILLY C. OWEN, d/b/a OWEN	:	
CONSTRUCTION COMPANY,		
Third Party Defendants.	:	CASE NO. 8543

DEMURRER

Comes now American Fire and Casualty Company, a corporation, one of the third party defendants in the above-styled cause, and demurs to each count of the third party complaint filed herein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

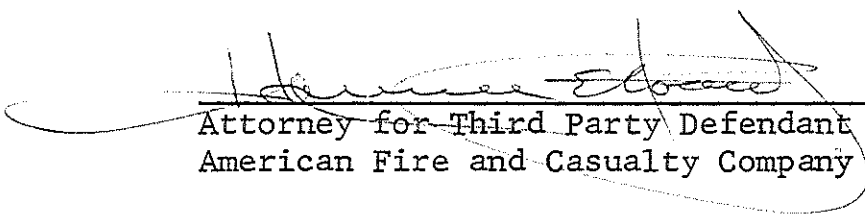
(1) That it does not state facts sufficient to constitute an action against this third party defendant.

(2) For that it appears from the third party complaint the costs of material sued for in the complaint against third party plaintiff, are not covered by the alleged agreement made on the 17th day of February, 1968.

(3) For aught that appears from the third party complaint, the costs of material sued for in the complaint against the third party plaintiff were not incurred in the execution of the sub-contract referred to in the third party complaint.

(4) For aught that appears from the third party complaint, this third party defendant did not agree to indemnify third party plaintiff against the matters sued for in the original complaint.

(5) For that it is not alleged that this third party defendant agreed to pay third party plaintiff for all of its attorney's fees and reasonable expenses incurred in the suit maintained by the plaintiff.


Attorney for Third Party Defendant
American Fire and Casualty Company

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30
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.

FILED

FEB 3 1970

ALICE J. DUCK CLERK
REGISTER

REYNOLDS BROTHERS LUMBER COMPANY, INC., a corpora- tion,	:	IN THE CIRCUIT COURT
Plaintiff,	:	OF
vs.	:	BALDWIN COUNTY,
FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation and ROBERT R. DUNN, INC.,	:	ALABAMA
Defendants,	:	
and	:	AT LAW
AMERICAN FIRE AND CASUALTY COMPANY, a corporation, and BILLY C. OWEN, d/b/a OWEN CONSTRUCTION COMPANY,	:	
Third Party Defendants.	:	CASE NO. 8543

ANSWER TO THIRD PARTY COMPLAINT

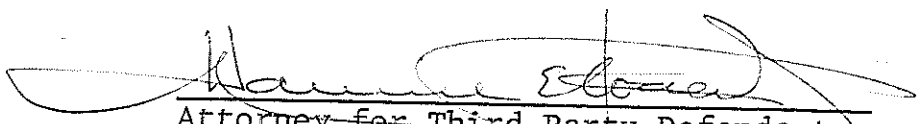
Comes now American Fire and Casualty Company, one of
the third party defendants in the above-styled cause, and
for answer to the third party complaint and each paragraph
thereof, sets down and assigns, separately and severally,
the following separate and several pleas:

PLEA ONE

Not guilty.

PLEA TWO

The material allegations thereof are untrue.


Attorney for Third Party Defendant
American Fire and Casualty Company

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

2-20-70 Filed
J. J. Madison
Judge

REYNOLDS BROTHERS LUMBER COMPANY,
Inc., a corporation,

Plaintiff,

vs.

FIDELITY AND CASUALTY COMPANY OF
NEW YORK, a corporation, and
ROBERT R. DUNN, INC.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

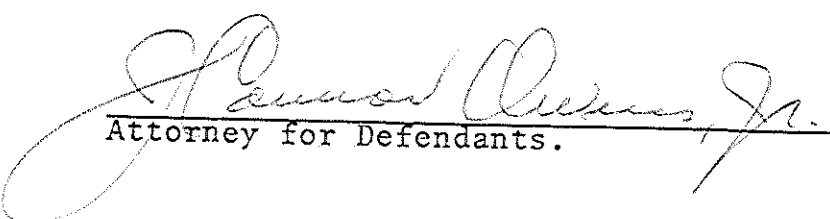
AT LAW.

NO. 8543

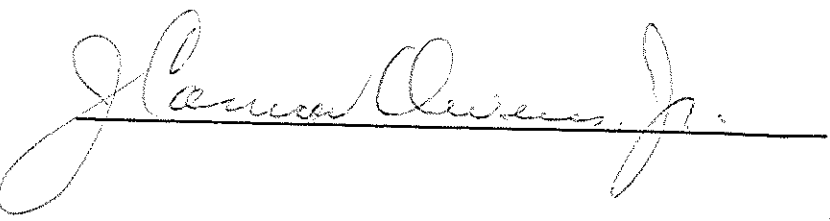
ANSWER:

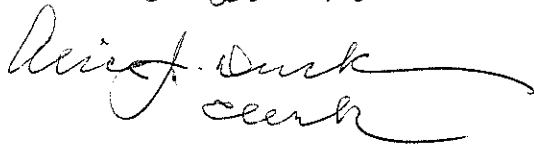
Now come the Defendants in the above styled cause, by and through their Attorney of Record and for answer to the complaint heretofore filed, says as follows:

1. Not guilty.
2. The allegations of the complaint are untrue.


Attorney for Defendants.

I, the undersigned attorney of record for the Defendants in the foregoing cause, do hereby certify that I have caused a copy of the foregoing Answer to be served on Norborne C. Stone, the attorney of record for the Plaintiff, by personally handing him a copy of the same this 18th day of February, 1970.


Filed 2-20-70


J. Samuel Owens, Jr.
Clerk

REYNOLDS BROTHERS LUMBER COMPANY,)
INC., a corporation,)

Plaintiff,)

vs.)

FIDELITY AND CASUALTY COMPANY OF)
NEW YORK, a corporation, and)
ROBERT R. DUNN, INC.,)

Defendants,)

and)

AMERICAN FIRE AND CASUALTY COMPANY,)
a corporation, and BILLY C. OWEN,)
d/b/a OWEN CONSTRUCTION COMPANY,)

Third Party Defendants.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 8543.

JUDGMENT:

This cause coming on to be heard by this Court and after hearing the evidence, it is considered and ordered by the Court, and it is the judgment of the Court that judgment be, and the same is hereby rendered in favor of the Plaintiff, REYNOLDS BROTHERS LUMBER COMPANY, INC., a corporation, against the Defendants, FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, and ROBERT R. DUNN, INC., for the sum of \$1968.86, together with a reasonable attorney's fee in the sum of \$550.00;

It is therefore, CONSIDERED, ORDERED AND ADJUDGED by the Court that the Plaintiff, Reynolds Brothers Lumber Company, Inc., a corporation, have and recover of the aforesaid Defendants, the sum of \$2518.86, together with the costs in its behalf expended, for all of which execution may issue;

And it further appearing to the Court from the evidence in this case and it is the judgment of this Court, that judgment be, and the same is hereby rendered in favor of the Defendants, FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, and ROBERT R. DUNN, INC., against the third party Defendants, AMERICAN FIRE AND CASUALTY COMPANY, a corporation, and BILLY C. OWEN, doing business as OWEN CONSTRUCTION COMPANY, for the sum of \$1968.86, together with a reasonable attorney's fee in the sum of \$550.00;

It is, therefore, CONSIDERED, ORDERED AND ADJUDGED by the Court that the Defendants, Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., have and recover of the third party Defendants, the sum of \$2518.86, together with the costs in its behalf expended, for all of which execution may issue.

It is further ORDERED, ADJUDGED AND DECREED by the Court that should the third party Defendants, American Fire and Casualty Company, and Billy C. Owen, doing business as Owen Construction Company, pay to the Clerk of this Court such judgment as herein rendered against them in this cause, then such Clerk may, in satisfaction of the judgment herein rendered against the Defendants, Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., remit the same to Reynolds Brothers Lumber Company, Inc., in full satisfaction of the judgment rendered against Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., primary Defendants in this cause.

DONE at Bay Minette, Alabama, this 20th day of February, 1970.

Reginald J. Wadsworth
Circuit Judge.

REYNOLDS BROTHERS LUMBER
COMPANY, INC., a corpora- IN THE CIRCUIT COURT
tion, ::

Plaintiff, :: OF

vs. BALDWIN COUNTY,

FIDELITY AND CASUALTY COM- ::
PANY OF NEW YORK, a cor-
poration, and ROBERT R. ALABAMA
DUNN, INC., ::

Defendants,, ::

and AT LAW


AMERICAN FIRE AND CASUALTY ::
COMPANY, a corporation, and
BILLY C. OWEN, d/b/a OWEN ::
CONSTRUCTION COMPANY,

Third Party Defendants. :: CASE NO. 8543

NOTICE OF APPEALS

Comes now American Fire and Casualty Company, one of
the third party defendants in the above-styled cause,
by and through its attorney of record, Harwell E. Coale,
Jr., and gives notice of appeal to the Court of Civil
Appeals of Alabama from the judgment of the Circuit Court
of Baldwin County, Alabama, rendered in favor of the third
party plaintiffs, Fidelity and Casualty Company of New York,
a corporation, and Robert R. Dunn, Inc., and against said
third party defendant, American Fire and Casualty Company, a
corporation, for the sum of \$1,968.86, together with a
reasonable attorney's fee in the sum of \$550.00, on the
20th day of February, 1970.

Signed this the 9th day of April, 1970.


Attorney of Record for Third Party Defendant
American Fire and Casualty Company

OF COUNSEL:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

FILED

APR 10 1970

F VOL

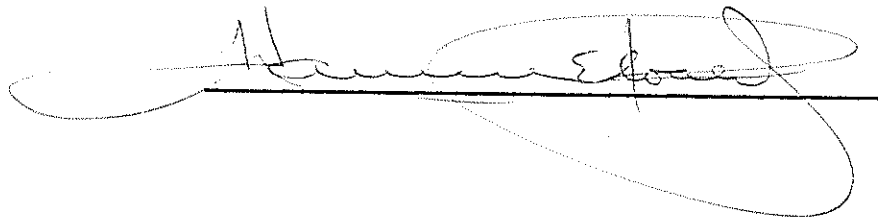
63 PAGE 743

ALICE J. DUCK

CLERK
REGISTER

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and correct copy of the foregoing pleading to Robert J. O'Conner and Norborne Stone, at their offices in Baldwin County, Alabama, postage prepaid, on this the 9th day of April, 1970.

A handwritten signature in cursive script, written in dark ink, positioned above a horizontal line. The signature appears to be "H. J. O'Conner".

REYNOLDS BROTHER LUMBER
COMPANY, INC., a
Corporation,

Plaintiff

VS

FIDELITY AND CASUALTY
COMPANY OF NEW YORK, a
Corporation, and ROBERT R.
DUNN, INC.,

Defendants

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. 8543

DEMURRER

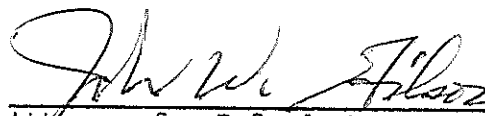
Comes now the defendant, Fidelity and Casualty Company of New York,
a Corporation, and demurs to the complaint, and as grounds therefor says:

1. The complaint states no cause of action.
2. No cause of action is stated.
3. There is a non-joinder of parties defendant.



Attorney for Defendant,
Fidelity and Casualty Company of New York,
a Corporation

Copy of the foregoing mailed to Messrs. Chason, Stone and Chason,
Attorneys of record for plaintiff, on this the 28th day of February, 1969,
postage prepaid.



Attorney for Defendant,
Fidelity and Casualty Company of New York,
a Corporation

FILE

FEB 28 1969

ALICE J. DUNN REGISTER

REYNOLDS BROTHERS LUMBER COMPANY, INC., a Corporation,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	
)	
vs.	)	BALDWIN COUNTY, ALABAMA
)	
FIDELITY AND CASUALTY COMPANY OF NEW YORK, a Corporation, and)	
ROBERT R. DUNN, INC.,	)	AT LAW. NO. 8543
)	
Defendants.)	

MOTION FOR ORDER BRINGING IN ADDITIONAL DEFENDANTS:

Now comes Robert R. Dunn, Inc., a Corporation and Fidelity and Casualty Company of New York, a Corporation, pursuant to the provisions of Act No. 854, Regular Session, 1965, and Title 7, Section 259(1) et seq, and moves the Court to order that BILLY C. OWEN, doing business as Owen Construction Company, and AMERICAN FIRE AND CASUALTY COMPANY, a Corporation, be brought in this cause by causing summons, complaint and other documents necessary to be served upon the said Billy C. Owen, doing business as Owen Construction Company and American Fire and Casualty Company, a Corporation, as additional parties, and in support thereof, represents and shows unto this Court as follows:

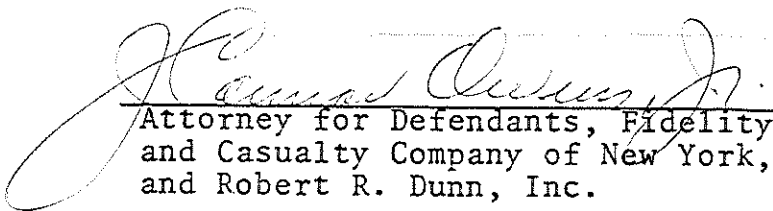
1. That the said Robert R. Dunn, Inc., a Corporation, was the prime contractor on the job mentioned in the original complaint.
2. That the said Fidelity and Casualty Company of New York, a Corporation, was the surety for the contractor.
3. That the said Billy C. Owen, doing business as Owen Construction Company, was a sub-contractor on the said project described in the complaint and that on February 17, 1968, the said Billy C. Owen, doing business as Owen Construction Company, and American Fire and Casualty Company, a Corporation, executed an agreement by the terms of which Billy C. Owen, doing business as Owen Construction Company and American Fire and Casualty Company, a corporation, idemnified and agreed to hold the said Robert R. Dunn, Inc. harmless from any and all costs, expenses and indebted-

ness for materials, labor and the cost of rental equipment incurred and used in the execution of Owen sub-contract prior to February 17, 1968.

4. That the inclusion of the said Billy C. Owen, doing business as Owen Construction Company, and American Fire and Casualty Company, a corporation, as third party defendants, will prevent a multiplicity of suits and will determine the issues as between all the parties.

5. That the Act set forth above is here applicable, and the Court is empowered thereunder to grant the relief herein sought.

WHEREFORE, the premises considered, Defendants pray that this Court will grant this motion and that the said Billy C. Owen, doing business as Owen Construction Company, and American Fire and Casualty Company, a corporation, be made parties hereto in order that all the issues may be determined.


Attorney for Defendants, Fidelity
and Casualty Company of New York,
and Robert R. Dunn, Inc.

I, the undersigned Attorney of Record for the Defendants, Fidelity and Casualty Company of New York, and Robert R. Dunn, Inc., do hereby certify that I have this day caused a copy of the foregoing motion to be served on Chason, Stone & Chason, the Attorneys of Record for the Plaintiff, by placing a copy of the same in the United States Mail, properly addressed with postage prepaid, this 5 day of August, 1969.


FILED

AUG 6 1969

CITATION OF APPEAL

Moore Printing Company, Bay Minette, Alabama

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 20th day of February, 1970 Monday in 19....., in a certain cause in said Court wherein REYNOLDS BROTHERS LUMBER CO., INC., A CORP.,

Plaintiff, and FIDELITY & CASUALTY CO. OF NEW YORK, A Corp. & Robert R. Dunn, Inc., Defendants, and AMERICAN FIRE & CASUALTY CO., A Corp. & BILLY C. OWEN, d/b/a OWEN CONSTRUCTION CO, Third Party Defendants, a judgement was rendered against said Fidelity & Casualty Company of New York, a corporation and Robert R. Dunn, Inc., to reverse which Judgment, the said Fidelity & Casualty Company of New York, a corp., & Robert R. Dunn, Inc., Defendants

applied for and obtained from this office an APPEAL, returnable to the next Term of our Court of Civil Appeals, Court of the State of Alabama, to be held at Montgomery, on the day of 19..... next, and the necessary bond

having been given by the said FIDELITY & CASUALTY COMPANY OF NEW YORK, A Corp. & ROBERT R. DUNN, Inc., with Firemen's Insurance Company of Newark, New Jersey by Joanne H. Ward, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Reynolds Brothers Lumber Co., Inc., a corp. / Plaintiff, & American Fire & Casualty Company, a corp. & Billy C. Owen, d/b/a Owen Construction Co., Third Party Defendants, or Norborne C. Stone, Attorney for Plaintiff & Harwell E. Coale, Jr., attorney for third party Defendant and Billy C. Owen, d/b/a Owen Construction Co., attorney, to appear at the next Term of our Court of Civil Appeals, said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 14th day of May, A. D., 1970

Attest:

Alice J. Duck Clerk.

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 8543

THE STATE OF ALABAMA

Baldwin County.

I, Alice L. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein REYNOLDS BROTHERS LUMBER COMPANY, INC., A CORP.,

was plaintiff, and FIDELITY & CASUALTY COMPANY OF NEW YORK, A Corp. & ROBERT R. DUNN, INC., Defendants and AMERICAN FIRE & CASUALTY COMPANY, A Corp., & BILLY C. OWEN, d/b/a OWEN CONSTRUCTION COMPANY, Third Party Defendants,

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said Defendants did on the 14th day of May, 19 70, pray for and obtain an appeal from the judgment of said Court to the Civil Court of Appeals

_____ of Alabama to reverse said judgment of said Court upon entering into bond with FIDELITY & CASUALTY COMPANY OF NEW YORK, A Corp. & ROBERT R. DUNN, Inc., a Corp., as Principal & Firemen's Insurance of Newark, New Jersey _____ as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of _____ Baldwin County is hereto affixed, this the 14th day of May, 19 70

Alice L. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama.

(Code 1940, Title 7, Sec. 767)

REYNOLDS BROTHERS LUMBER COMPANY,)	
INC., a corporation,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.)	
	)	BALDWIN COUNTY, ALABAMA
FIDELITY AND CASUALTY COMPANY OF)	
NEW YORK, a corporation, and)	
ROBERT R. DUNN, INC., a Corpo-)	
ration,	)	AT LAW. NO. 8543.
Defendants,)	
and)	
)	
AMERICAN FIRE AND CASUALTY COMPANY,)	
a Corporation, and BILLY C. OWEN,)	
d/b/a OWEN CONSTRUCTION COMPANY,)	
Third Party Defendants.)	

SUPERSEDEAS BOND

KNOW ALL MEN BY THESE PRESENTS: That we, FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, and ROBERT R. DUNN, INC., a corporation, as principal, and the undersigned as surety, are held and firmly bound unto Reynolds Brothers Lumber Company, Inc., a corporation, in the just and full sum of FIFTY FIVE HUNDRED DOLLARS (\$5500.00), for the payment of which, well and truly to be made and done, we bind ourselves, and each of us, our and each of our successors and assigns, jointly and severally, firmly by these presents.

SEALED with our seals and dated this 30th day of April, 1970.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that WHEREAS, Reynolds Brothers Lumber Company, Inc., a Corporation, obtained a judgment in the above styled cause in the Circuit Court of Baldwin County, Alabama, Law Side, on the 20th day of February, 1970, from which judgment the said Fidelity and Casualty Company of New York, a Corporation, and Robert R. Dunn, Inc., a corporation, have obtained an appeal returnable to the next term of the Court of Civil Appeals of the State of Alabama.

NOW, THEREFORE, if the said Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., a corporation,

shall prosecute the said appeal to effect, and satisfy such judgment as may be rendered against Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., a corporation, in said cause by the Court of Civil Appeals, then this obligation is to be null and void, otherwise to remain in full force and effect.

WITNESS our hands and seals this 30th day of April, 1970.

FIDELITY AND CASUALTY COMPANY OF
NEW YORK, a corporation. (SEAL)

By: Jed E. Patterson
Jed E. Patterson

ROBERT R. DUNN, INC.,
A Corporation. (SEAL)

By: Robert R. Dunn
Robert R. Dunn

President.

AS PRINCIPAL.

~~The Fidelity and Casualty Company of New York~~
Firemen's Insurance Company of Newark, New
Jersey

AS SURETY.

Joanne H. Ward
Joanne H. Ward, Attorney

Taken and approved on this the

14 day of May, 1970.

Prince J. Duck
Clerk of the Circuit Court of
Baldwin County, Alabama.

FIREMEN'S INSURANCE COMPANY

OF NEWARK, NEW JERSEY

80 Maiden Lane, New York, New York 10038

GENERAL POWER OF ATTORNEY

Know all men by these Presents, That the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY has made, constituted and appointed, and by these presents does make, constitute and appoint

Joanne H. Ward of Birmingham, Alabama

its true and lawful attorney for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

all obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of Two Hundred Fifty Thousand (\$250,000.) Dollars.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY at a meeting duly called and held on the 22nd day of December, 1961:

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or any Vice President of the Company, be, and that each or any of them hereby is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY, bonds, undertakings and all contracts of suretyship; and that any Secretary or any Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

In Witness Whereof, the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Secretaries this 31st day of March, 1969.

FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY

Attest:

Edward D. Bersano
Secretary



By

Carroll R. Young
Vice-President

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

On this 31st day of March, 1969, before me personally came Carroll R. Young, to me known, who being by me duly sworn, did depose and say: that he resides in Springfield, in the County of Union, State of New Jersey, at 66 Spring Brook Road; that he is a Vice-President of the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

Lillian Bryson

LILLIAN BRYSON
Notary Public, State of New York
No. 41-0474050
Qualified in Queens County
Certificate Filed in New York County
Term Expires March 30, 1971

I, the undersigned, a Secretary of the FIREMEN'S INSURANCE COMPANY OF NEWARK, NEW JERSEY, a New Jersey corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the City of New York. Dated the 30th day of April, 1970.



Eugene P. Dougherty
Secretary

extra copy

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 Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., 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 Reynolds Brothers Lumber Company, Inc., a corporation.

Witness my hand this 27 day of June, 1969.

David Wick
Clerk

REYNOLDS BROTHERS LUMBER
COMPANY, INC., a
Corporation,

X

X

Plaintiff,

X

vs.

X

X

FIDELITY AND CASUALTY
COMPANY OF NEW YORK, a
corporation, and ROBERT
R. DUNN, INC.,

X

X

X

Defendants.

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 854

COUNT ONE:

The Plaintiff claims of the Defendants One Thousand Eight Hundred Eleven Dollars and Eighty-seven Cents (\$1,811.87) with interest thereon from the 17th day of February, 1968, for the breach of a bond for payment of labor, materials, feed-stuffs or

supplies, made and entered into by the Defendant, Fidelity and Casualty Company of New York, a corporation organized under the laws of the State of New York, as surety for the Defendant, Robert R. Dunn, Inc., as principal, on the 18th day of November, 1966, payable to the State of Alabama in the sum of One Million Thirty-five Dollars and Sixty-eight Cents (\$1,000,035.68), with obligation that the Defendant Robert R. Dunn, Inc., having on that date entered into a contract with the State of Alabama for the building of 9.923 miles of road in Baldwin County, Alabama, known as Federal Aid Interstate Project No. I-10-1(25)44 located on I-10 from North of Loxley East to Wilcox Road, should promptly make payment to all persons supplying said Defendant, Robert R. Dunn, Inc., with labor, materials, feed-stuff or supplies for or in the prosecution of the work provided for in said contract and for the payment of reasonable attorney's fees incurred by successful claimants or plaintiffs in suits on said bond.

And the Plaintiff further alleges that the condition of said bond has been broken by said Defendant, Robert R. Dunn, Inc., in that the Plaintiff, during the period of time between July 1, 1967 and February 17, 1968, both dates inclusive, furnished to Owen Construction Company, a subcontractor of the Defendant, Robert R. Dunn, Inc., at the request of the said Owen Construction Company, materials and supplies, viz: ready mixed concrete, tools, equipment and supplies for use in and about the construction of said road, and the payment for which has not been made. And the Plaintiff further alleges that written notice of the amount due it and the nature of the claim was given to the Defendant, Fidelity and Casualty Company of New York, on, to-wit: the 13th day of July, 1968, which date is more than forty-five (45) days prior to the commencement of this action. WHEREFORE, the Plaintiff claims of the Defendants damages in the aforesaid sum of One Thousand

CLERK
REGISTER

The State of Alabama, }
Mobile County

(APPEAL BOND)

Know all men by these Presents, That we

American Fire and Casualty Company and

SEABOARD SURETY COMPANY

are held and firmly bound unto Fidelity and Casualty Company of New York,
and Robert R. Dunn, Inc.

heirs, executors or administrators in the sum of FIVE THOUSAND, ONE HUNDRED AND
NO/100 (\$5,100.00) DOLLARS

Dollars, for the payment of which, we jointly and severally bind ourselves, and heirs, executors or ad-
ministrators, firmly by these Presents.

Sealed with our seals, and dated this 25th day of March A. D. 19 70

The Condition of the above Obligation is such, That whereas the above bounden
American Fire and Casualty Company

has this day applied for, and obtained an appeal returnable to the next
Court of Civil Appeals
Term, 19 70, of the ~~Supreme Court~~ of Alabama, to supersede and reverse a judgment recovered by
the said Fidelity and Casualty Company of New York and Robert R. Dunn,
Inc.

against the said American Fire and Casualty Company

on the 20th day of February 19 70, of the Circuit Court of ~~Mobile County~~ Baldwin for Baldwin
for Dollars, besides costs.

Now, if the said American Fire and Casualty Company
shall prosecute to effect its said suit in the Supreme Court of the State of Alabama, and
shall pay and satisfy such judgment, as the Supreme Court shall render in the premises, then this ob-
ligation to be null and void, otherwise to be and remain in full force and effect.

IN PRESENCE OF

AMERICAN FIRE AND CASUALTY COMPANY

By Charles E. Hager (SEAL)
as Pres.

SEABOARD SURETY COMPANY (SEAL)

William S. Stevens (SEAL)
Attorney-In-Fact

SEABOARD SURETY COMPANY
Thomas E. Page
Attorney-In-Fact

Mobile County, Alabama, I, JOHN E. Mandeville, Clerk of Circuit Court

Approved: would, if this bond was presented
to me, approve said bond.
This 9th day of April, 1969

Clerk, Circuit Court
Mobile County, Alabama

approved 4-16-76
Alice J. Duncan

SEABOARD SURETY COMPANY

No. 5180

HOME OFFICE

100 WILLIAM STREET, NEW YORK 38, N.Y.

Power of Attorney

Know all Men by these Presents: That SEABOARD SURETY COMPANY, a corporation of the State of New York, has made, constituted and appointed and by these presents does make, constitute and appoint Thomas E. Page,

of Mobile, Alabama,

its true and lawful Attorney-in-Fact, to make, execute and deliver, on its behalf as Surety, bonds, undertakings and other obligatory instruments of similar nature as follows: Without Limitations.

Such bonds, undertakings and obligatory instruments for said purposes, when duly executed by the afore-said Attorney-in-Fact, shall be binding upon the said Company as fully and to the same extent as if such bonds, undertakings and obligatory instruments were signed by the duly authorized officers of the Company and sealed with its corporate seal; and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed.

This appointment is made pursuant to the following By-Laws which were duly adopted by the Board of Directors of the said Company on December 8th, 1927, and are still in full force and effect:

ARTICLE VI, Paragraph 6.7:

"Attorneys-in-Fact may be appointed by the President or a Vice-President upon such terms and with such powers and duties as he may prescribe."

ARTICLE XI, Paragraph 11.1:

"All policies, bonds, recognizances, stipulations and all underwriting undertakings shall be valid:

(a) when signed by the President, or a Vice-President, or a Resident Vice-President, and by a Secretary, or an Assistant Secretary, or a Resident Assistant Secretary or other duly authorized official or agent of the Company; or

(b) when executed by an Attorney-in-Fact."

In Witness Whereof, SEABOARD SURETY COMPANY has caused these presents to be signed by its Vice-President, and its corporate seal to be hereunto affixed and duly attested by its Assistant Secretary, this 5th day of May, 1964

Attest:

SEABOARD SURETY COMPANY,
By

(Seal) Lillian Miller
Assistant Secretary

W. S. Wehrall
Vice-President

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

On this 5th day of May, 1964, before me personally appeared W. S. Wehrall Vice-President of SEABOARD SURETY COMPANY, with whom I am personally acquainted, who, being by me duly sworn, said that he resides in the State of New Jersey; that he is Vice-President of SEABOARD SURETY COMPANY, the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of the said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto as Vice-President of said Company by like authority.

(Seal)

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

I, Lillian Miller
SEABOARD SURETY COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a power of attorney executed by said SEABOARD SURETY COMPANY, which is still in full force and effect.

Betty G. Dale
State of New York Notary Public
No. 03-8611400 Qualified in Bronx County
Certificate filed in New York County
Commission Expires March 30, 1965.

In Witness Whereof, I have signed this certificate at New York, New York, this 25th day of March, 1970



Lillian Miller
Assistant Secretary

THE STATE OF ALABAMA
Baldwin County - Circuit Court

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 20th day of February, 1970 Monday, 1970, in a certain cause in said Court wherein Reynolds Brothers Lumber Company, Inc., a corp., Plaintiff, and Fidelity & Casualty Company of New York, a corp. and ROBERT R. DUNN, INC., Defendants and AMERICAN FIRE & CASUALTY CO., A CORP. & BILLY C. OWEN, d/b/a OWEN CONSTRUCTION CO., Third Party Defendants a judgement was rendered against said American Fire and Casualty Company, a corp., to reverse which Judgment, the said American Fire and Casualty Company, a corp., applied for and obtained from this office an APPEAL, returnable to the next Term of our Court of Civil Appeals Court of the State of Alabama, to be held at Montgomery, on the day of 1970 next, and the necessary bond having been given by the said American Fire and Casualty Company, by Charles E. Hager with Seaboard Surety Co., William S. Stevens, Attorney in Fact & Thomas E. Page, Attorney in Fact, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Reynolds Brothers Lumber Co., Inc., a corp., Fidelity & Casualty Company of New York, a corp. & Robert R. Dunn, Inc., Billy C. Owen, d/b/a Owen Construction Co. or Chason, Stone & Chason, J. Connor Owens & John W. Gibson, attorney, to appear at the next Term of our Court of Civil Appeals said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 10th day of April, A. D., 1970

Attest:

Alice J. Duck, Clerk.

DIV. NO. _____

CERTIFICATE OF APPEAL. (Civil Cases.)

No. 8543

THE STATE OF ALABAMA

BALDWIN County.

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said State and County, hereby certify that the foregoing pages numbered from one to _____, both inclusive, contain a full, true and complete transcript of the record and proceedings of said Court in a certain cause lately therein pending wherein REYNOLDS BROTHERS LUMBER CO., INC., A CORP.

was plaintiff, and FIDELITY & CASUALTY COMPANY OF NEW YORK A CORP. & ROBERT R. DUNN, INC., Defendants,
AND: AMERICAN FIRE & CASUALTY CO., A CORP. & BILLY C. OWEN, d/b/a OWEN CONSTRUCTION, Third Party Defendants,

was Defendant, as fully and completely as the same appears of record in said Court.

And I further certify that the said American Fire & Casualty Co., a corp. did on the 10th day of April, 1970, pray for and obtain an appeal from the judgment of said Court to the Court of Civil Appeals of Alabama to reverse said judgment of said Court upon entering into bond with American Fire & Casualty Co. by Charles E. Hagar & Seaboard Surety Co., by William S. Stevens & Thomas E. Page, Attorneys- in fact, as surety thereon, which said bond has been approved by me.

Witness my hand and the seal of said Circuit Court of Baldwin County is hereto affixed, this the 10th day of April, 1970

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

(Code 1940, Title 7, Sec. 767)

REYNOLDS BROTHERS LUMBER COMPANY, INC., a corporation,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.)	
	)	BALDWIN COUNTY, ALABAMA
FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, and)	
ROBERT R. DUNN, INC.,	)	AT LAW.
Defendants,)	
-and-	)	CASE NUMBER 8543
)	
AMERICAN FIRE AND CASUALTY COMPANY, a corporation, and BILLY C. OWEN, d/b/a OWEN CONSTRUCTION COMPANY,)	
)	
Third Party Defendants.)	

NOTICE OF APPEAL

Come now FIDELITY AND CASUALTY COMPANY OF NEW YORK, a corporation, and ROBERT R. DUNN, INC., a corporation, Defendants in the above styled cause, by and through its attorney of record, J. Connor Owens, Jr., and gives notice of appeal to the Court of Civil Appeals of Alabama, from the judgment of the Circuit Court of Baldwin County, Alabama, rendered in favor of the Plaintiff, Reynolds Brothers Lumber Company, Inc., a corporation, and against the Defendants, Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., for the sum of \$1968.86, together with a reasonable attorney's fee in the sum of \$550.00 on the 20th day of February, 1970.

DATED this 13th day of May, 1970.

FILED

MAY 14 1970

ALICE J. DUCK CLERK
REGISTER

J. Connor Owens, Jr.
Attorney of Record for Defendants,
Fidelity and Casualty Company of New York,
a corporation, and Robert R. Dunn, Inc.

I, the undersigned, attorney of record for the Defendants in the foregoing cause, do hereby certify that I have this day caused a copy of the foregoing notice of appeal to be served on Norborne C. Stone, the attorney of record for the plaintiff, and Harwell E. Coale, Jr., the attorney of record for American Fire and Casualty Company, third party Defendant, and Billy C. Owen, d/b/a Owen Construction Company, third party Defendant, by placing the same in the United States Mail, properly addressed, with postage prepaid, this 13th day of May, 1970.


J. Connor Owens, Jr.

FILED

MAY 14 1970

ALICE J. DUCK CLERK
REGISTER

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE COURT OF CIVIL APPEALS OF ALABAMA

October Term 19 70-71

1 Div. No. 29

Fidelity and Casualty Company of New York, a Corporation and
Robert R. Dunn, Inc. and
(American Fire and Casualty Company, a Corporation -Third Party Defendant)
Appellant

v.

Reynolds Brothers Lumber Company, Inc., a Corporation

Appellee

On appeal from Baldwin Circuit Court

To the Clerk ~~Register~~ of the foregoing stated Court, Greeting:

Whereas, the record and proceedings of the Court below, in the above cause, were brought before the Court of Civil Appeals by appeal taken pursuant to law,

Now, it is hereby certified that upon consideration thereof the Court of Civil Appeals of Alabama, on the 16th day of November, 1970, dismissed said appeal on motion
of appellants

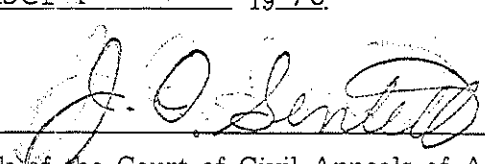
and ordered that appellant American Fire and Casualty Company

and Seaboard Surety Company

sureties for the costs of appeal, pay the costs of appeal in this Court and in the Court below ,
for which costs let execution issue.

~~And it appearing that said parties have waived their rights of exemption under the laws of~~
~~Alabama, it was ordered that execution issue accordingly.~~

Witness, J. O. Sentell, Clerk of the Court of Civil Appeals of Alabama, at the Judicial Department Building, this the 16th day of November 19 70.


Clerk of the Court of Civil Appeals of Alabama.

THE COURT OF CIVIL APPEALS
OF ALABAMA

October Term, 1970-71

1 Div., No. 29

Fidelity and Casualty Company
of New York, a Corp. and Robert
R. Dunn, Inc and
(American Fire and Casualty
Company, a Corp. Appellant,
Third Party Defendant)
v.

Reynolds Brothers Lumber

Company, Inc., a Corp.

Appellee.

From Baldwin Circuit Court.

No. 8543

CERTIFICATE OF DISMISSAL

The State of Alabama,

County.

} Filed

this FILED day of NOV, 1970

NOV 18 1970

ALICE J. DUCK CLERK
REGISTER

BROWN PRINTING CO., MONTGOMERY

REYNOLDS BROTHERS LUMBER COMPANY,)	
INC., a Corporation,)	
)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
)	
vs.)	
)	
FIDELITY AND CASUALTY COMPANY OF	)	BALDWIN COUNTY, ALABAMA
NEW YORK, a Corporation, and)	
ROBERT R. DUNN, INC.,)	
)	
Defendants,	)	AT LAW. NO. 8543.
)	
-and-)	
)	
AMERICAN FIRE AND CASUALTY COMPANY,)	
a Corporation, and BILLY C. OWEN,)	
doing business as OWEN CON-)	
STRUCTION COMPANY,)	
)	
Third Party Defendants.)	

THIRD PARTY COMPLAINT:

Comes the Defendant, ROBERT R. DUNN, INC., a Corporation, and files this its third party complaint against AMERICAN FIRE AND CASUALTY COMPANY, a Corporation, and BILLY C. OWEN, doing business as Owen Construction Company, and respectfully represents and shows unto this Court in support thereof, the following:

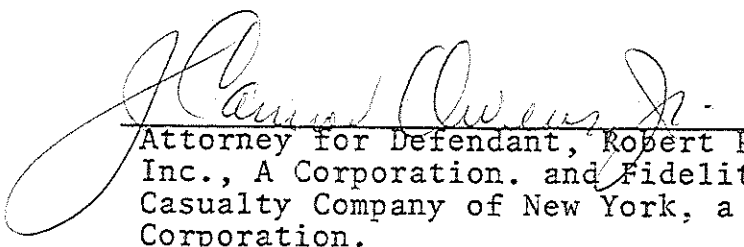
1. That the Plaintiff, Reynolds Brothers Lumber Company, Inc., a corporation, has filed against this Defendant, Robert R. Dunn, Inc., a Corporation, and against another Defendant, Fidelity and Casualty Company of New York, a corporation, a complaint, a copy of which is attached hereto and marked Exhibit "A".

2. That said complaint filed by the Plaintiff asserts a right to recover of the Defendant, Robert R. Dunn, Inc., a Corporation and of Fidelity and Causualty Company of New York, a Corporation, for the costs of materials prior to February 17, 1968, provided to Billy C. Owen, doing business as Owen Construction Complaint, together with a reasonable attorney's fee, which said materials were utilized in a construction project in which the said Robert R. Dunn, Inc., a Corporation, was prime contractor and the said Billy C. Owen, doing business as Owen Construction Company, was a sub-contractor.

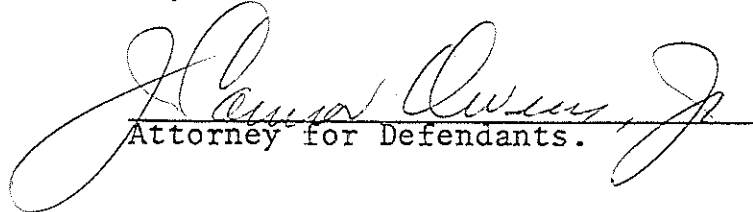
3. That in connection with said sub-contract which existed between the said Robert R. Dunn, Inc., a Corporation, and Billy C. Owen, doing business as Owen Construction Company, there was a default on behalf of Billy C. Owen, doing business as Owen Construction Company, and an agreement made on the 17th day of February, 1968, by and between the said Robert R. Dunn, Inc., a Corporation, and the American Fire and Casualty Company, a Corporation, and Billy C. Owen, doing business as Owen Construction Company, wherein and whereby the said Billy C. Owen, doing business as Owen Construction Company, and the American Fire and Casualty Company, a corporation, indemnified and agreed to hold harmless the said Robert R. Dunn, Inc., a Corporation, from any and all costs, expenses and indebtedness incurred and used in the execution of said sub-contract prior to February 17, 1968.

4. That in the instant case, the Plaintiff, Reynolds Brothers Lumber Company, Inc., a Corporation, alleges facts showing that the Plaintiff furnished to Billy C. Owen, doing business as Owen Construction Company, materials and supplies during the period of time between July 1, 1967, and February 17, 1968, for which payment has not been made and in the event of the proof of such, the said American Fire and Casualty Company, a Corporation, and Billy C. Owen, doing business as Owen Construction Company, are primarily liable for the payment of any judgment which might be rendered against the Defendants by the Plaintiff in this suit.

WHEREFORE, Robert R. Dunn, Inc., a corporation, demands judgment against the third party Defendants, Billy C. Owen, doing business as Owen Construction Company, and the American Fire and Casualty Company, a Corporation, for such judgment as might be rendered against them in the Plaintiff's suit and for all of its attorneys' fees and reasonable expenses incurred with its defense of the suit maintained by the Plaintiff.


Attorney for Defendant, Robert R. Dunn, Inc., A Corporation. and Fidelity and Casualty Company of New York, a Corporation.

I, the undersigned, attorney of record for Defendants in the foregoing cause, do hereby certify that I have caused a copy of the foregoing third party complaint to be served on Norborne C. Stone, the attorney of record for the plaintiff, by placing a copy of the same in the United States Mail, properly addressed with postage prepaid, this ²⁵18th day of August, 1969.


Attorney for Defendants.

FILED

AUG 25 1969

ALICE J. LEEK CLERK
REGISTER

EXHIBIT "A"

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 Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., 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 Reynolds Brothers Lumber Company, Inc., a corporation.

Witness my hand this 27 day of June, 1969.

Dee J. Smith
Clerk

REYNOLDS BROTHERS LUMBER
COMPANY, INC., a
Corporation,

Plaintiff,

vs.

FIDELITY AND CASUALTY
COMPANY OF NEW YORK, a
corporation, and ROBERT
R. DUNN, INC.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 8544

COUNT ONE:

The Plaintiff claims of the Defendants One Thousand Eight Hundred Eleven Dollars and Eighty-seven Cents (\$1,811.87) with interest thereon from the 17th day of February, 1968, for the breach of a bond for payment of labor, materials, feed-stuffs or

supplies, made and entered into by the Defendant, Fidelity and Casualty Company of New York, a corporation organized under the laws of the State of New York, as surety for the Defendant, Robert R. Dunn, Inc., as principal, on the 18th day of November, 1966, payable to the State of Alabama in the sum of One Million Thirty-five Dollars and Sixty-eight Cents (\$1,000,035.68), with obligation that the Defendant Robert R. Dunn, Inc., having on that date entered into a contract with the State of Alabama for the building of 9.923 miles of road in Baldwin County, Alabama, known as Federal Aid Interstate Project No. X-10-1(25)44 located on I-10 from North of Loxley East to Wilcox Road, should promptly make payment to all persons supplying said Defendant, Robert R. Dunn, Inc., with labor, materials, feed-stuff or supplies for or in the prosecution of the work provided for in said contract and for the payment of reasonable attorney's fees incurred by successful claimants or plaintiffs in suits on said bond.

And the Plaintiff further alleges that the condition of said bond has been broken by said Defendant, Robert R. Dunn, Inc., in that the Plaintiff, during the period of time between July 1, 1967 and February 17, 1968, both dates inclusive, furnished to Owen Construction Company, a subcontractor of the Defendant, Robert R. Dunn, Inc., at the request of the said Owen Construction Company, materials and supplies, viz: ready mixed concrete, tools, equipment and supplies for use in and about the construction of said road, and the payment for which has not been made. And the Plaintiff further alleges that written notice of the amount due it and the nature of the claim was given to the Defendant, Fidelity and Casualty Company of New York, on, to-wit: the 13th day of July, 1968, which date is more than forty-five (45) days prior to the commencement of this action. WHEREFORE, the Plaintiff claims of the Defendants damages in the aforesaid sum of One Thousand

Eight Hundred Eleven Dollars and Eighty-seven Cents (\$1,611.87)
 together with interest thereon from February 17, 1968; and the
 Plaintiffs claims of the Defendants the further sum of Six Hundred
 Dollars (\$600.00) as a reasonable attorney's fee to be paid it's
 attorneys for legal services rendered in this cause.

Respectfully submitted,
 CARSON, STONE & CARSON
 ATTORNEYS AT LAW
 1000 W. 10TH AVENUE
 DENVER, COLORADO 80202
 BY: _____
 IN THE DISTRICT COURT OF
 THE STATE OF COLORADO
 COUNTY OF _____
 DOUGLASS COUNTY
 JUDGE ROBERT E. DUNN, JUDGE
 OF NEW YORK & COMPANY
 FIDELITY AND CASUALTY COMPANY
 BY: _____
 BUSINESS
 COMPANY, INC. & COMPANY
 DENVER, COLORADO 80202

FILED

JAN 27 1969

ALICE J. DUCK 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 24th day of February, 196 9, I sent by registered mail in an envelope as follows:

Fidelity & Casualty Company of New York
80 Maiden Lane
New York, New York 10038

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:

Reynolds Brother Lumber Company, Inc., Plaintiff

in the Circuit Court of Baldwin County

VERSUS

Fidelity and Casualty Company of New York, Defendant
(Name of Court)

And that on the 27th day of February, 196 9, I received the return card showing receipt by the designated addressee of said envelope on the 25th day of February, 196 9.

Witness my hand and official seal this the 4th day of March, 196 9.



R. Frank Usery
SUPERINTENDENT OF INSURANCE

FILED

FEB 28 1969

EVOL

63 PAGE 725

CLERK REGISTER

REYNOLDS BROTHERS LUMBER
COMPANY, INC., a
Corporation,

Plaintiff

VS

FIDELITY AND CASUALTY
COMPANY OF NEW YORK, a
Corporation, and Robert
R. Dunn, Inc.,

Defendants

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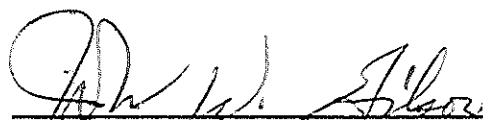
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO. 8543


DEMURRER

Comes now the defendant, Robert R. Dunn, Inc., and demurs to the complaint,
and as grounds therefor says:

1. The complaint states no cause of action.
2. No cause of action is stated.
3. There is a nonjoinder of parties defendant.


Attorney for Defendant
Robert R. Dunn, Inc.

Copy of the foregoing mailed to Messrs. Chason, Stone and Chason,
Attorneys of record for plaintiff, on this the 28th day of February, 1969,
postage prepaid.


Attorney for Defendant,
Robert R. Dunn, Inc.

FILED

FEB 28 1969

ALICE J. DICK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8543

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon AMERICAN FIRE AND CASUALTY COMPANY, a Corporation, and BILLY C. OWEN, doing business as Owen Construction Company

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

American Fire & Casualty Company, et al., third party Defendant.

by Robert R. Dunn, Inc., a corporation, Defendant in Cause #8543,

filed by Reynolds Brothers Lumber Company, Inc., a corporation Plaintiff.

Witness my hand this 25 day of August 19 69

Amie Duck Clerk

249-17-69

VOL

63 PAGE 734

No. 8543

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

REYNOLDS BROTHERS LUMBER CO.,
INC., a corporation,

Plaintiffs

vs.

FIDELITY AND CASUALTY COMPANY OF
NEW YORK, ET AL

-and- 1786-

AMERICAN FIRE AND CASUALTY COMPANY,
ET AL., Third Party Defendants

SUMMONS AND COMPLAINT

Filed 8-25-19.....

Clerk

REGISTER

J. Connor Owens
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Oct. 2
Aug. 26 19.69

Walter Wilkins) Sheriff

I have executed this summons

this Sept 17 19.69

by leaving a copy with

Billy C. Owens, ind. and
Billy C. Owens, as agent
for American Fire
and Casualty Co.

Roy W. Bridges, Sheriff

J. Thomas, Deputy Sheriff

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 Fidelity and Casualty Company of New York, a corporation, and Robert R. Dunn, Inc., 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 Reynolds Brothers Lumber Company, Inc., a corporation.

Witness my hand this 27 day of Jan,
1969.

Rebecca L. Marshall
Clerk

REYNOLDS BROTHERS LUMBER X
COMPANY, INC., a X
Corporation, X

Plaintiff, X

vs. X

FIDELITY AND CASUALTY X
COMPANY OF NEW YORK, a X
corporation, and ROBERT X
R. DUNN, INC., X

Defendants. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 8543

COUNT ONE:

The Plaintiff claims of the Defendants One Thousand Eight Hundred Eleven Dollars and Eighty-seven Cents (\$1,811.87) with interest thereon from the 17th day of February, 1968, for the breach of a bond for payment of labor, materials, feed-stuffs or

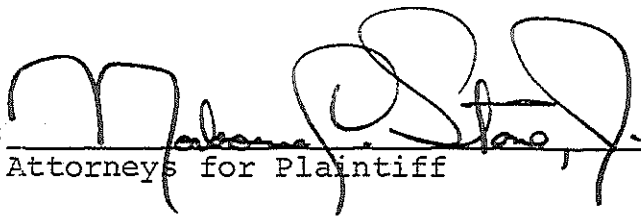
supplies, made and entered into by the Defendant, Fidelity and Casualty Company of New York, a corporation organized under the laws of the State of New York, as surety for the Defendant, Robert R. Dunn, Inc., as principal, on the 18th day of November, 1966, payable to the State of Alabama in the sum of One Million Thirty-five Dollars and Sixty-eight Cents (\$1,000,035.68), with obligation that the Defendant Robert R. Dunn, Inc., having on that date entered into a contract with the State of Alabama for the building of 9.923 miles of road in Baldwin County, Alabama, known as Federal Aid Interstate Project No. I-10-1(25)44 located on I-10 from North of Loxley East to Wilcox Road, should promptly made payment to all persons supplying said Defendant, Robert R. Dunn, Inc., with labor, materials, feed-stuff or supplies for or in the prosecution of the work provided for in said contract and for the payment of reasonable attorney's fees incurred by successful claimants or plaintiffs in suits on said bond.

And the Plaintiff further alleges that the condition of said bond has been broken by said Defendant, Robert R. Dunn, Inc., in that the Plaintiff, during the period of time between July 1, 1967 and February 17, 1968, both dates inclusive, furnished to Owen Construction Company, a subcontractor of the Defendant, Robert R. Dunn, Inc., at the request of the said Owen Construction Company, materials and supplies, viz: ready mixed concrete, tools, equipment and supplies for use in and about the construction of said road, and the payment for which has not been made. And the Plaintiff further alleges that written notice of the amount due it and the nature of the claim was given to the Defendant, Fidelity and Casualty Company of New York, on, to-wit: the 13th day of July, 1968, which date is more than forty-five (45) days prior to the commencement of this action. WHEREFORE, the Plaintiff claims of the Defendants damages in the aforesaid sum of One Thousand

Eight Hundred Eleven Dollars and Eighty-seven Cents (\$1,811.87) together with interest thereon from February 17, 1968; and the Plaintiff claims of the Defendants the further sum of Six Hundred Dollars (\$600.00) as a reasonable attorney's fee to be paid it's attorneys for legal services rendered in this cause.

Respectfully submitted,

CHASON, STONE & CHASON

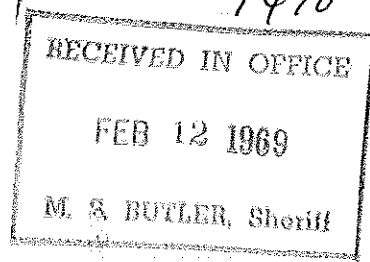
By: 
Attorneys for Plaintiff

FILED

JAN 2 1969

ALICE J. DUNN CLERK
REGISTER

ORIGINAL



RECEIVED

FEB 21 1969

RECEIVED

Executed by serving 2 copies of
the within on Frank Moser
Superintendent
of Insurance, State of Alabama
This The 24 day of Feb 1969
Sheriff of Montgomery County
M. S. Butler,
By W. J. Moore D. S.

M. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 each for
serving 1 process(es) and \$1.00
travel expense on each of 1
process(es) or a total of \$2.50

W. J. Moore Deputy Sheriff

ORIGINAL

710. 4543

REYNOLDS BROTHERS LUMBER COMPANY,
INC., a Corporation,

Plaintiff,

vs.

FIDELITY AND CASUALTY COMPANY OF
NEW YORK, a corporation, and
ROBERT R. DUNN, INC.,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

FILED

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

ALICE J. DUCK

CLERK
REGISTER

RECEIVED

JAN 27 1969

RECEIVED

EXECUTED THIS 30th DAY OF JANUARY
BY SERVING A COPY OF THE
WITHIN ON JIMMY FLOYD, BOOKKEEPER
ROBERT R. DUNN INC.

PRESLEY DAVIS
Presley Davis
SHERIFF, PIKE COUNTY

REYNOLDS BROTHERS LUMBER COMPANY)		
INC., a Corporation,)		
Plaintiff,)	IN THE CIRCUIT COURT OF	
vs.)		
FIDELITY AND CASUALTY COMPANY OF)	BALDWIN COUNTY, ALABAMA	
NEW YORK, a Corporation, and)		
ROBERT R. DUNN, INC.,)	AT LAW.	NO. 8543.
Defendants.)		

ORDER:

This cause coming on to be heard on the agreement of the parties in this cause that said motion should be granted, it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that BILLY C. OWEN, doing business as Owen Construction Company, and AMERICAN FIRE AND CASUALTY COMPANY, a Corporation, be added as parties hereto pursuant to the provisions of Act No. 854, Regular Session, 1965, and Title 7, Section 259(1) et seq., and that summons, complaint and other documents necessary to be served upon said parties be issued.

DATED at Bay Minette, Alabama, this 14th day of August, 1969.

Fair J. Maslison
Circuit Judge.

FILED

AUG 14 1969

ALICE J. DUCK 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 8th day of October, 1969, I sent by registered mail in/an envelope as follows:

American Fire & Casualty Company
American Building
Orlando, Florida 32802

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:

Reynolds Brothers Lumber Company, Inc., Plaintiff

in the Circuit Court of Baldwin County

VERSUS

Fidelity and Casualty Company of New York,
a corp., and Robert R. Dunn, Inc., Defendants, _____
American Fire and Casualty Company, a corp. and _____ (Name of Court)
Billy C. Owen, Third Party Defendants, Defendant

And that on the 14th day of October, 1969, I received the return card showing receipt by the designated addressee of said envelope on the 10th day of October, 1969.

Witness my hand and official seal this the 14th day of October, 1969.

R. Frank Usery

SUPERINTENDENT OF INSURANCE

FILED

OCT 1 1969

ALICE J. DUCK CLERK
REGISTER

1-22-70 -
Motion denied

2-20-70
Memorandum overruled
see D.S.

Conner says he'll
fix up papers for
Service when he
acquires the addresses
necessary

MOORE PRINTING COMPANY
COMMERCIAL PRINTING

Office Supplies—Legal Forms

TELEPHONE 937-7171

P. O. BOX 36

Bay Minette, Alabama

5-16-69

Demurre

Overruled