

MARY STEWART,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
CITY OF BAY MINETTE,	)	AT LAW
a municipal corporation,	)	CASE NO. 8554
Defendant.	)	

Comes now the Plaintiff in the above styled cause and amends her Complaint heretofore filed in this cause by adding the Utilities Board of the City of Bay Minette, Alabama, as a party respondent and amends her Bill of Complaint to read as follows:

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MARY STEWART,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
CITY OF BAY MINETTE, a	)	AT LAW
municipal corporation, and	)	CASE NO. 8554
THE UTILITIES BOARD OF THE	)	
CITY OF BAY MINETTE,	)	
Defendants.	)	

The Plaintiff claims of the Defendants the sum of TEN THOUSAND (\$10,000.00) DOLLARS, damages for that, heretofore, to-wit: the 16th day of December, 1968, while the Plaintiff was walking along or upon a public sidewalk in the City of Bay Minette, Alabama, at a place on the Courthouse Square between Lambert's Drug Store, Page's Furniture Store, Builder's Hardware and Supply Company and U. S. Highway #31, while walking along said sidewalk, the Plaintiff fell into a defect in said street consisting of a break or hole in said sidewalk.

As a direct and proximate consequence of said defect, the Plaintiff was injured as follows: Her right arm was broken and chipped. Her glasses were broken. Her face was skinned and she was rendered unconscious for a long time. She suffered great physical pain, mental anguish, inconvenience and annoyance and was caused to expend or become liable for a large sum of money for medical treatment in an attempt to heal and cure her said injuries. She was caused to lose monies because of her inability to work. Plaintiff avers that all of her injuries and damages were proximately caused by the negligence of the Defendants in that the Defendants negligently caused or negligently allowed said defect to be and remain in said sidewalk sufficiently long to be discovered and remedied by exercise of due care.

Plaintiff avers that, on to-wit: January 7, 1969, and more than ten (10) days before the filing of this suit, and within ninety (90) days after the receipt of said injuries, she caused to be filed with the City Clerk of the City of Bay Minette, Alabama, a sworn statement verified by her oath stating substantially the manner in which said injuries were received and the date and place where the accident occurred, and the damages claimed, the nature and character of the injuries received and the Plaintiffs place of residence.

WILTERS & BRANTLEY

BY: Sallie M. Brantley

The Plaintiff demands a trial by jury.

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 22 day of May, 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

BY: Sallie M. Brantley

WILTERS & BRANTLEY

BY: Sallie M. Brantley

Attorneys for Plaintiff

[illegible]

MARY STEWART,	Ø	
	Ø	
Plaintiff,	Ø	IN THE CIRCUIT COURT OF
VS.	Ø	
	Ø	BALDWIN COUNTY, ALABAMA
	Ø	
CITY OF BAY MINETTE,	Ø	AT LAW
a Municipal Corporation,	Ø	NO. 8554
	Ø	
Defendant.	Ø	

# DEMURRER TO ORIGINAL COMPLAINT

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

1. It does not state a cause of action.
2. The allegations of the complaint are vague, indefinite and uncertain.
3. The allegations of the complaint are conclusions of the pleader.
4. The allegations of the complaint are vague, indefinite and uncertain in that it does not allege with sufficient certainty the place where plaintiff's alleged injuries occurred.
5. The allegations of the complaint are conclusions of the pleader, and no facts are alleged to show what salary or wages were lost by the plaintiff because of her alleged injuries.
6. The allegations of the complaint are vague, indefinite and uncertain in that plaintiff's alleged injuries are not described with sufficient certainty.
7. No facts are alleged to show that the plaintiff has complied with the provisions of Title 37, Section 504 of the Code of Alabama.
8. No facts are alleged to show why the plaintiff has not complied with the provisions of Section 37, Section 504 of the Code of Alabama.

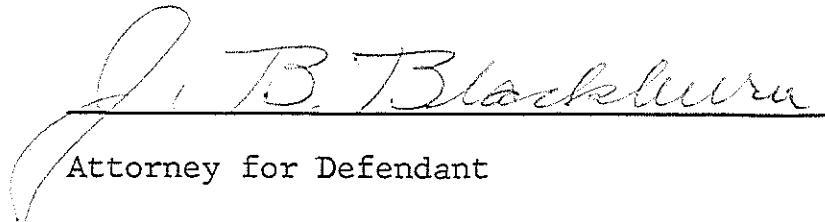
9. It affirmatively appears that the plaintiff has not complied with the provisions of Title 37, Section 503 of the Code of Alabama.

10. No facts are alleged to show why the plaintiff has not complied with the provisions of Title 37, Section 503 of the Code of Alabama.

11. The allegations of the complaint are conclusions of the pleader, and no facts are alleged to show the period or length of time in which the alleged defect had existed prior to plaintiff's alleged injuries.

12. No facts are alleged to show that the plaintiff's injury was done or suffered through the neglect, carelessness or unskillfulness of some agent, officer or employee of the defendant engaged in work therefor and while acting within the line of his duty.

13. No facts are alleged to show that plaintiff's alleged injuries were suffered through the neglect, carelessness or failure of the defendant to remedy some defect in its streets, alleys or public ways after the same had been called to the attention of its Council, or after the same had existed for such unreasonable length of time as to raise a presumption of knowledge of such defect on the part of its Council.

  
Attorney for Defendant

I hereby certify that I mailed a copy of the foregoing demurrer to Tolbert M. Brantley, Esquire, attorney for the plaintiff, by first class mail, postage prepaid and properly addressed to him

at Bay Minette, Alabama, on this the 24th day of February, 1969.

*J. B. Blackburn*  
Attorney for Defendant

FILED

FEB 24 1969

ALICE J. DUCK CLERK  
REGISTER

# ORIGINAL

MARY STEWART, )  
Plaintiff, ) IN THE CIRCUIT COURT OF  
VS. ) BALDWIN COUNTY, ALABAMA  
CITY OF BAY MINETTE, ) AT LAW  
a municipal corporation, ) CASE NO. 8554  
Defendant. )

The Plaintiff claims of the Defendant, a municipal corporation, the sum of TEN THOUSAND (\$10,000.00) DOLLARS, damages for that, heretofore, to-wit: the 16th day of December, 1968, while the Plaintiff was walking along or upon a public sidewalk in the City of Bay Minette, Alabama, at a place on the Courthouse Square between Lambert's Drug Store, Page's Furniture Store, Builder's Hardware and Supply Company and U. S. Highway #31, while walking along said sidewalk, the Plaintiff fell into a defect in said street consisting of a break or hole in said sidewalk. As a direct and proximate consequence of said defect, the Plaintiff was injured as follows: Her right arm was broken and chipped. Her glasses were broken. Her face was skinned and she was rendered unconscious for a long time. She suffered great physical pain, mental anguish, inconvenience and annoyance and was caused to expend or become liable for a large sum of money for medical treatment in an attempt to heal and cure her said injuries. She was caused to lose monies because of her inability to work. Plaintiff avers that all of her injuries and damages were proximately caused by the negligence of the Defendant in that the Defendant negligently caused or negligently allowed said defect to be and remain in said sidewalk sufficiently long to be discovered and remedied by exercise of due care.

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and more than ten (10) days before the filing of this suit  
and within ninety (90) days after the receipt of said injuries,  
she caused to be filed with the City Clerk of the City of  
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stating substantially the manner in which said injuries were  
received and the date and place where the accident occurred,  
and the damages claimed, the nature and character of the injuries  
received and the Plaintiff's place of residence.

WILTERS & BRANTLEY

BY: Tolbert M. Brantley  
Tolbert M. Brantley  
Attorney for Plaintiff

The Plaintiff demands a trial by jury.

WILTERS & BRANTLEY

BY: Tolbert M. Brantley  
Tolbert M. Brantley  
Attorney for Plaintiff

FILED

JAN 29 1969

ALICE J. DUCK CLERK  
REGISTER



SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 8554

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CITY OF BAY MINETTE, A Municipal Corporation,

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.....

CITY OF BAY MINETTE, A Municipal Corporation Defendant.....

by MARY STEWART

Plaintiff.....

Witness my hand this 29th day of January 1969

Alice J. Black Clerk

**ORIGINAL**

No. 8554

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MARY STEWART

Plaintiffs

vs.

CITY OF BAY MINETTE, A Municipal

Corp.

Defendants

SUMMONS AND COMPLAINT

Filed Jan. 29, 19. 69

Alice J. Duck

Clerk

Wilters & Brantley

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

**RECEIVED**

JAN 29 1969

19.....

Sheriff

I have executed this summons

this Jan 29 19. 69

by leaving a copy with

*City of Bay Minette*

*Clyde Steele*

TAYLOR WILKINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, CLAIMS \$1.50 EACH  
FOR SERVING 1.50 PROCESS(ES) AND  
TRAVEL EXPENSE ON EACH OF \$ 2  
PROCESS(ES) OR A TOTAL OF \$ 1.50

*Taylor Wilkins* Sheriff

*A. A. Talley* Deputy Sheriff