

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Sullivan, Long & Hagerty, Inc., a Corporation, 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 Charles R. Larrimore.

Witness my hand, this the 11 day of April, 1969.

Alice J. Duck
Alice J. Duck, Clerk

CHARLES R. LARRIMORE,

Plaintiff,

vs.

SULLIVAN, LONG & HAGERTY,
INC., a Corporation.

Defendant.

X

X

X

X

X

X

1.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8655

The Plaintiff claims of the Defendant the sum of SEVEN THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, damages for a trespass by the Defendant, its agents, servants or employees, while acting in the line and scope of their authority as such agents, servants or employees on the following described tract of land located in Baldwin County, Alabama, to-wit:

Lot 2, Block 3, Venitian Isle Subdivision,
Gulf Shores, Alabama.

belonging to the Plaintiff and for the loss of food in a deep-freeze, cutting and destroying trees, destroying a fence and bulk-head, pumping mulk and pouring oil on the land, parking equipment and stacking brick on the property, all of which has been done from the 15th day of February, 1969, and the same has continued through the date of filing this Bill of Complaint.

2.

The Plaintiff claims of the Defendant the sum of SEVEN

THOUSAND FIVE HUNDRED (\$7,500.00) DOLLARS, damages for a trespass by the Defendant while acting through its agents, servants or employees while they were acting within the line of their duty, and scope of their authority as such agents, servants or employees wantonly, willfully and with open disregard for the rights of others, trespassed upon the following described lands located in Baldwin County, Alabama, to-wit:

Lot 2, Block 3, Venitian Isle Subdivision,
Gulf Shores, Alabama.

belonging to the Plaintiff and for the loss of food in a deep-freeze, cutting and destroying trees, destroying a fence and bulk-head, pumping mulk and pouring oil on the land, parking equipment and stacking brick on the property, all of which has been done from the 15th day of February, 1969, and the same has continued through the date of filing this Bill of Complaint.

WILTERS & BRANTLEY

BY: 

Defendant may be served upon
his superintendent located at
Gulf Shores, Alabama.

FILED

APR 11 1969

ALICE J. DUCK CLERK
REGISTER

Received 11 day of April 1969
 and on 12 day of April 1969
 I served a copy of the within B.C.
 Sullivan, Long & Hagerty
 By Service on Don Justice
 Deputy Sheriff
 TAYLOR WILKINS, Sheriff
 By Court Clerk
 By [Signature]

Sheriff claims 100 dollars at
 Ten Cents per mile Total \$10.00
 TAYLOR WILKINS, Sheriff
 BY Children
 DEPUTY SHERIFF

70.8655

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO.

CHARLES R. LARRIMORE,

Plaintiff,

vs.

SULLIVAN, LONG & HAGERTY,
 INC., a Corporation.

Defendant.

SUMMONS & COMPLAINT

WILTERS & BRANTLEY
 Attorneys at Law
 Bay Minette, Alabama

FILED

APR 11 1969

ALICE J. DUCK CLERK
 REGISTER

CHARLES R. LARRIMORE,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF
vs.	*	BALDWIN COUNTY, ALABAMA
SULLIVAN, LONG & HAGERTY,	*	AT LAW
INC., a Corporation,	*	
Defendant.		CASE NUMBER 8655

DEMURRER

Come now the Defendants, Sullivan, Long & Hagerty, Inc., a corporation, separately and severally, in the above styled cause and demurs to each Count of Plaintiff's Complaint, and for separate and several grounds of demurrer, sets down and assigns separately the following:

1. Sufficient facts are not alleged therein to state a cause of action against the Defendant.
2. Said Count is vague and indefinite.
3. Said Count states no cause of action against the Defendants.
4. The averments of trespass are merely the conclusion of the Plaintiff with no facts alleged in support thereof.
5. For aught that appears the Plaintiff has no right to recover for loss of personal property set forth in said Count.
6. For aught that appears the Plaintiff did not own the personal property alleged to have been destroyed in said Count.
7. For aught that appears the Plaintiff fails to allege sufficiently facts to support a trespass for loss of food.
8. For aught that appears said Count does not properly apprise the Defendant of what he is called upon to defend.
9. For it is not alleged with sufficient certainty how the Defendant trespassed upon Plaintiff's land.
10. For aught that appears there is no connection between the trespass on said property described in said Count and the other property described in said Count.

11. For aught that appears the time of the trespass is not alleged with sufficient certainty.

12. No facts are alleged to show the Defendant owed Plaintiff any duty not to trespass on said property at said time.

13. For aught that appears the Defendants own the personal property alleged to have been destroyed in said Count.

FOREMAN, BROWN AND HUDGENS
Attorneys for Defendants

By John D. Richardson ccc
John D. Richardson, III

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th
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.

John D. Richardson ccc

FILED

MAY 13 1969

ALICE J. DUCK CLERK
REGISTER

LAW OFFICES OF
HUEY, STONE & PATTON
SUITE 414 REALTY BUILDING
BESSEMER, ALABAMA 35020

W. GERALD STONE
J. WILLIAM PATTON, JR.
THOS. T. HUEY (1869-1961)
ASSOCIATE
JAMES B. KIERCE, JR.

POST OFFICE BOX 237
TELEPHONE 425-1634

September 20, 1971

Mrs. Eunice Blackmon, Circuit Clerk
Baldwin County Courthouse
Bay Minette, Alabama 36507

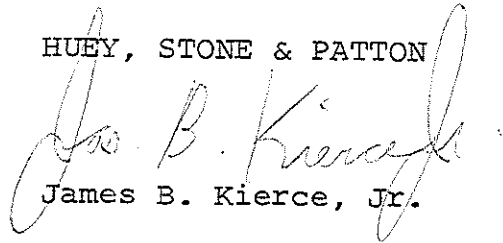
Re: Charles Larrimore vs.
Sullivan, Long & Hagerty
Case No. 8655

Dear Mrs. Blackmon:

The above case has been settled and has or will shortly be dismissed by the plaintiff. After the court costs have been paid, I will appreciate it if you will sign the enclosed "disposition letter" and return the same to me in the enclosed, stamped and self-addressed envelope.

With best wishes,

HUEY, STONE & PATTON


James B. Kierce, Jr.

JBK/jva

Enclosure

CHARLES R. LARRIMORE, * IN THE CIRCUIT COURT
Plaintiff, * OF
vs. * BALDWIN COUNTY, ALABAMA
SULLIVAN, LONG & HAGERTY, * AT LAW
INC., a Corporation, *
Defendant. * CASE NUMBER 8655

DEMURRER

Come now the Defendants, Sullivan, Long & Hagerty, Inc., a corporation, separately and severally, in the above styled cause and demurs to each Count of Plaintiff's Complaint and for additional grounds of demurrer sets down and assigns the following separate and several grounds of demurrer:

14. For aught that appears separate and distinct torts are joined in said Count and do not arise out of the same transaction.

15. For it is not alleged with sufficient certainty whether the language in said Count is mere descriptive of one cause of action or whether said Count is actually seeking to recover damages for more than one cause of action of a different nature in said Count.

16. For aught that appears the trespass alleged in said Count alleges distinct and separate causes of action not of the same form and not arising out of the same transaction.

17. For aught that appears said Count contains an action for trespass and an action for trespass on the case not arising out of the same transaction.

18. For aught that appears said Count is vague, indefinite and does not properly apprise the Defendant of whether there was more than one transaction out of which said cause of action arose.

FOREMAN, BROWN AND HUDGENS
Attorneys for Defendants

By John D. Richardson, III
John D. Richardson, III

FILED
MAY 20 1969
ALICE J. DUCK
CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 19th
day of May, 1968, 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.

John D. Ruland

FOREMAN, BROWN & HUDGENS

ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

ALEXANDER FOREMAN, JR. (1914-1966)
ALTON R. BROWN, JR.
A. NEIL HUDGENS
PETER V. SINTZ
JOHN D. RICHARDSON, III
CLAUDE D. HARRELL
J. GEORGE WHITFIELD, JR.

AREA CODE 205
432-2792

May
28th
1971

Honorable Harry J. Wilters, Jr.
Attorney at Law
Wilters & Brantley
Post Office Box 969
Bay Minette, Alabama 36507

Re: Larrimore vs. Sullivan, Long & Hagerty, Inc.
Our File Number : 69-5699-AB

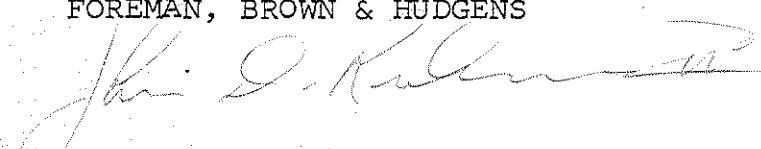
Dear Harry:

This will confirm our conversation of May 27, 1971, whereby you advised that you would have the above styled case taken out of the call due to my commitment to trial on the scheduled date of trial for this case, June 14, 1971, in the Circuit Court of Baldwin County.

I certainly appreciate your consideration in the matter.

Sincerely yours,

FOREMAN, BROWN & HUDGENS


John D. Richardson, III

J
D
R
/
kb

cc: Clerk - Baldwin County Circuit Court

Note: Case Number 8655

FILED

MAY 31 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

FOREMAN, BROWN & HUDGENS
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

ALEXANDER FOREMAN, JR. (1914-1966)
ALTON R. BROWN, JR.
A. NEIL HUDGENS
PETER V. SINTZ
JOHN D. RICHARDSON

AREA CODE 205
432-2792

July
24th
1970

Hon. Harry J. Wilters
Wilters and Brantley
Attorneys at Law
Courthouse Square
P. O. Box 968
Bay Minette, Alabama 36507

Re: Charles R. Larrimore vs. Sullivan, Long & Hagerty, Inc.
Our File Number - 69-5699-AB

8655-

Dear Mr. Wilters:

This will acknowledge our recent conversation of July 22, 1970 whereby we agreed to pass the above styled cause which is set for trial on July 29, 1970 to a later date. The passage of this case to a later trial setting is due to the fact that I am committed to trial on other cases here in Mobile on that day.

Thanking you for your consideration in this matter, we remain

Sincerely,

FOREMAN, BROWN AND HUDGENS.

John D. Richardson, III

J
D
R
/
cb

CC: Clerk
Circuit Court
Baldwin County, Alabama