

|                            |   |                         |
|----------------------------|---|-------------------------|
| THOMAS ALVA BUSH,          | X |                         |
|                            |   | IN THE CIRCUIT COURT OF |
| Plaintiff,                 | X |                         |
| vs.                        | X | BALDWIN COUNTY, ALABAMA |
| FRANKLIN LEVI BUZBEE, JR., | X |                         |
|                            |   | AT LAW CASE NO.8743     |
| Defendant.                 | X |                         |

PLEAS

Comes now the Defendant, Franklin Levi Buzbee, Jr., and files the following pleas to the Plaintiff's complaint and to each count thereof separately and severally:

FIRST:

That he is not guilty of the matters alleged therein.

SECOND:

That on the 5th day of December, 1968, on Alabama Highway Number 59 at or near a point approximately, to-wit: 0.9 miles South of the intersection of U. S. Highway Number 31 and Alabama Highway Number 59, Baldwin County, Alabama, the Plaintiff, Thomas Alva Bush, was guilty of negligence which proximately contributed to the accident resulting in damage to his automobile which he was then and there operating.

THIRD:

The Defendant, Franklin Levi Buzbee, Jr., claims of the Plaintiff, Thomas Alva Bush, by way of recoupment, the sum of Twenty-five Hundred Dollars (\$2500.00) damages for that heretofore, on to-wit, December 5, 1968, at a point on Alabama Highway Number 59 approximately 0.9 miles South of the intersection of U. S. Highway Number 31 and Alabama Highway Number 59 in Baldwin County, Alabama, and at the same time and place referred to in the Plaintiff's complaint, the said Plaintiff, Thomas Alva Bush, so negligently operated his automobile as to cause the Defendant's

automobile to collide with it and as a proximate consequence of said negligence the Defendant's automobile was damaged as follows: the Defendant's automobile was bent, smashed, broken and the market value thereof was permanently depreciated, the front bumper, radiator and engine were severely damaged, the frame was bent and warped and the front axle was severely and permanently damaged.

CHASON, STONE & CHASON

By: Edward E Ball

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 11th day

of Sept, 1969.

Edward E Ball

**FILED**

SEP 4 1969

**ALICE J. DUCK** CLERK  
REGISTRAR

We the jury agree rule in favor of  
the Plaintiff Mrs Bush, to <sup>receive</sup> ~~pay~~ the sum  
of \$1625.00

(Eldoris)  
Mrs W. A. Shnell

5468

no. 8743  
Thomas Alva Bush  
vs Franklin L. Byhre

JURY LIST - JUNE 15, 1970

1. Anderson, Raymond, Farmer, Summerdale
2. Baggett, M. H., Civil Service, Stapleton
3. Barbarow, Cecil E., Retired, Bay Minette
- ~~4. Beasley, Wilson C., Store Owner, Bay Minette~~
5. Broughton, Joe N., Merchant, Cross Roads
6. Floyd, Bung, Merchant, Fairhope
7. Clopton, Eddie, Janitor, Bay Minette
8. Cox, Y. A., Jr., Stockton
9. Fell, Neal J., Farmer, Lillian
10. Flowers, Elvin A., Farmer, Robertsdale
11. Hardy, Frank, Janitor, Bay Minette
12. Head, Mary Lou, Stapleton
13. Johnson, Ralph R., Minister, Bay Minette
14. Lazzari, Joe, Jr., Farmer, Belforest
15. Leatherwood, L. J. Teacher, Bay Minette
16. Leatherwood, Ruby, Teacher, Bay Minette
17. Lynd, Joe E., Plumber, Bay Minette
18. Manning, Wesley W., Civil Service, Foley
19. Means, Vera, Teacher, Bay Minette
20. Morse, Wilson W., Civil Service, Foley
21. Palmer, James J., Farmer, Robertsdale
22. Roberts, Howard, Civil Service, Stapleton
23. Rockwell, Oliver M., Fairhope
24. Ruple, Leroy, Engineer, Bay Minette
25. Valrie, William, Daphne Pottery, Daphne
26. Whidbee, Ellis, Shipyard Worker, Perdido
27. Whidbee, Melzie, Shipyard Worker, Perdido
28. Wright, Justice D., Forester, Bay Minette
29. Brabner, Martin J., Jr., South Central Bell, Bay Minette
30. Calloway, John, Fisherman, Gulf Shores
31. Chestang, Jas. Paper Mill, Bay Minette
32. Day, Bernice, Stockton
33. Fackler, Paul, W., Mechanic, Loxley
34. Friel, W.E., Retired, Bay Minette
35. Gilbert, Annie Ree, Housewife, Bay Minette
36. Hudson, Ethel, Maid, Bay Minette
37. Myrick, T.C., Fairhope
38. Smith, Columbus, Retired, Stockton
39. Therrell, E. L. Doris, Housewife, Daphne
40. Frawick, Emma D., Stockton
41. Ward, John, International Paper Spanish Fort
42. Whitten, Lewis S. Electrician, Fairhope
43. Woolf, Burnette K., Housewife, Stockton
44. Wrenn, Walter P., Retired, Bay Minette
45. Wrenn, Wynona Housewife, Bay Minette
46. Stacey, William B., Operator Union Carbide, Bay Minette

46  
3  
143  
12  
31  
12  
19

P XXXXX XXXXX

D XXXXX XXXXX

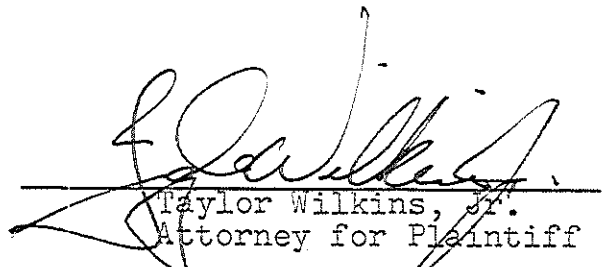
THOMAS ALVA BUSH, : IN THE CIRCUIT COURT OF  
PLAINTIFF, : BALDWIN COUNTY, ALABAMA  
VS. : AT LAW  
FRANKLIN LEVI BUZBEE, :  
DEFENDANT. : CASE NO. 8743

ANSWER

Comes now the plaintiff, Thomas Alva Bush, and files this  
his answer to the defendant's pleas and to each count thereof  
separately and severally:

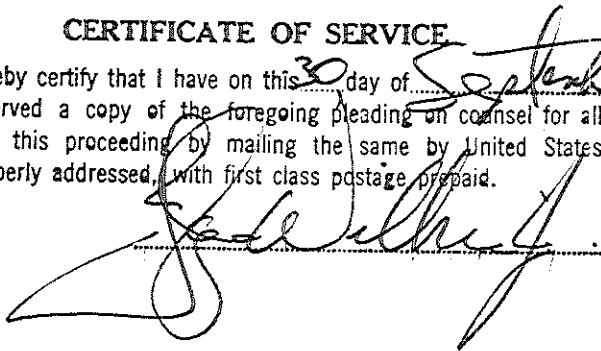
ONE

1. Not guilty.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30 day of September  
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, with first class postage prepaid.



FILED

OCT 2 1969

ALICE J. DUCK CLERK  
REGISTER

|                           |   |                         |
|---------------------------|---|-------------------------|
| THOMAS ALVA BUSH,         | X |                         |
|                           |   | IN THE CIRCUIT COURT OF |
| Plaintiff,                | X |                         |
| vs.                       | X | BALDWIN COUNTY, ALABAMA |
| FRANKLIN LEVI BUZBEE, Jr. | X |                         |
|                           |   | AT LAW CASE NO.8743     |
| Defendant.                | X |                         |

DEMURRER

Comes now the Defendant in the above styled cause and demurs to the Complaint filed therein and to each count thereof separately and severally and assigns the following grounds separately and severally:

1. The facts alleged fail to state a cause of action.
2. The allegations are vague, uncertain and indefinite.
3. The allegations are mere conclusions of the pleader.
4. The facts alleged fail to state a wanton injury to the Plaintiff.
5. For aught that appears, the Plaintiff suffered no damages as a result of the alleged negligence of the Defendant.
6. The allegations contained in said Complaint are duplicitous.
7. For aught that appears the Plaintiff suffered no damages as a result of the alleged wanton misconduct of the Defendant.

CHASON, STONE & CHASON

By: *Charles E. Ball*

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 9TH day of July, 1969.

*Charles E. Ball*

**FILED**

JUL 9 1969

ALICE J. PETERSON CLERK  
REGISTERED

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| THOMAS ALVA BUSH,                 | : | IN THE CIRCUIT COURT OF |
| Plaintiff,                        | : | BALDWIN COUNTY, ALABAMA |
| VS.                               | : | AT LAW                  |
| FRANKLIN LEVI BUZBEE, <i>TL</i> . | : |                         |
| Defendant.                        | : | CASE NO. <u>8743</u>    |

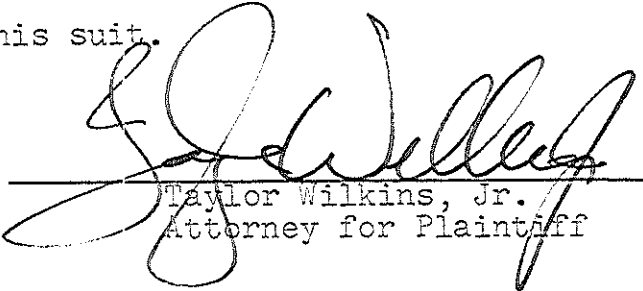
COUNT ONE

Plaintiff claims of the defendant, the sum of, TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS as damages for that heretofore and on, to-wit, December 5, 1968, defendant Franklin Levi Buzbee *TL* so negligently operated an automobile on Alabama State Highway No. 59, a public road in the County of Baldwin, State of Alabama at or near a point approximately, to-wit, 0.9 miles south of the intersection of U. S. Highway No. 31 and Alabama State Highway No. 59, that the said automobile then and there collided with the plaintiff who was then and there operating his automobile on said Alabama State Highway No. 59, and as a proximate result of the negligence of the defendant as aforesaid, the plaintiff's automobile was bent, broken, smashed and rendered less valuable, the back bumper and back end of the automobile was damaged, the frame was severely damaged, his automobile was knocked out of line, and plaintiff lost time from his employment, for all of which the plaintiff brings this suit.

COUNT TWO

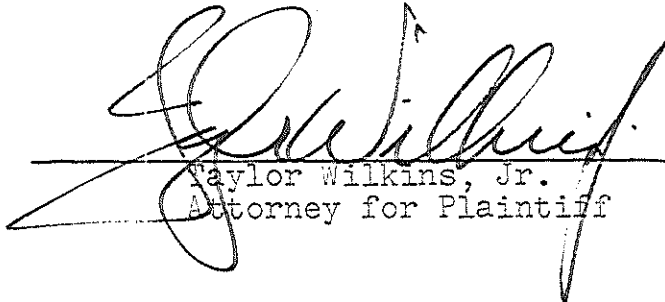
Plaintiff claims of the defendant, the sum of, TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS as damages for that on, to-wit, December 5, 1968, defendant Franklin Levi Buzbee, *TL* wantonly damaged the plaintiff by wantonly driving an automobile into and against the plaintiff's automobile; plaintiff avers that at the time and place complained the vehicle operated by defendant Franklin Levi Buzbee *TL* was being operated on Alabama State Highway No. 59, a public road in the County of Baldwin, State of Alabama at or near a point approximately, to-wit, 0.9 miles south of the

intersection of U. S. Highway No. 31 and Alabama State Highway No. 59, that the said automobile then and there collided with the plaintiff who was then and there operating his automobile on said Alabama State Highway No. 59, and as a proximate result of the wanton conduct of the defendant as aforesaid, the plaintiff's automobile was bent, broken, smashed and rendered less valuable, the back bumper and back end of the automobile was damaged, the frame was severely damaged, his automobile was knocked out of line, and plaintiff lost time from his employment, for all of which the plaintiff brings this suit.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

Defendant may be served at  
Spanish Fort, Alabama

Plaintiff respectively demands a trial of this cause by  
jury.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff



SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No.....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Franklin Levi Buzbee, Jr.

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.....

Franklin Levi Buzbee, Jr. Defendant.....

by Thomas Alva Bush

Plaintiff.....

Witness my hand this 4 day of June 19 69

Alice J. Duck Clerk

432-6131

No. 8743

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

THOMAS ALVA BUSH

Plaintiffs

vs.

FRANKLIN LEVI BUZBEE, Jr.

Defendants

SUMMONS AND COMPLAINT

FILED

Filed ..... 19.....

JUN 4 1969

Clerk

ALICE J. DUCK

CLERK  
REGISTER

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Spanish Fort, Alabama

Received In Office

JUL 14 1969

19.....

Sheriff

I have executed this summons

this 12-9-69 19.....

by leaving a copy with

Franklin Levi Buzbee Jr.  
Sp Fort

Sheriff claims 44 miles at

Ten Cents per mile Total \$ 4.40

TAYLOR, WILKINS, Sheriff

BY Randall  
DEPUTY SHERIFF

Sheriff

Deputy Sheriff