

CHRISTINE R. CLARK,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
JOSEPH EUGENE BARFIELD,	X	AT LAW
Defendant.	X	NO: 8762

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That said Count does not allege any duty owing by the Defendant to the Plaintiff.
3. That said Count does not sufficiently set out the place where the accident occurred.
4. That said Count does not allege in what manner the Plaintiff was permanently injured.
5. That said Count claims speculative damages.
6. That Count Two does not allege that the Defendant wantonly injured the Plaintiff.
7. That Count Two does not allege that the Defendant wilfully injured the Plaintiff.

CHASON, STONE & CHASON

CERTIFICATE OF SERVICE

By: *John Chason*
Attorneys for Defendant

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 11 day of August, 1969.

John Chason

FILED

AUG 11 1969

ALICE J. DUCK CLERK REGISTER

CHRISTINE R. CLARK,
Plaintiff,

vs.

JOSEPH EUGENE BARFIELD,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW NO: 8762

* * * * *

DEMURRER

* * * * *

FILED

AUG 11 1969

ALICE J. DUCK CLERK
REGISTER



MABEL AMOS
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

July 14, 1969

Honorable William Walker, Sheriff
Dale County
Ozark, Alabama 36360

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

3.90
Dear Sir:

RE: CHRISTINE R. CLARK, Plaintiff VS
JOSEPH EUGENE BARFIELD, Defendant

Enclosed is my notice, together with copies of summons and complaint in duplicate in the suit against Joseph Eugene Barfield, now pending in the Circuit Court of Baldwin County, Alabama.

Title 7, Section 199(1) of the 1940 Code of Alabama provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, Marshal or Deputy Marshal or any other duly constituted public official within the jurisdiction of the defendant's residence. This statute further provides a fee of \$2 for each service by said official. I am enclosing a check in the amount of \$2 forwarded to me by the attorney for the plaintiff. If there are any additional charges by you, you will please contact said attorney, who will give same his prompt attention.

I shall greatly appreciate your efforts to complete this service upon the said defendant by serving upon him the original notice with the copy of the summons and complaint attached and making your return to the Clerk of the Court, who is named below, on the copy.

Yours very truly,

Mabel S. Amos
Secretary of State

fc
Enclosures

CC: Honorable Taylor D. Wilkins, Jr.
P. O. Box 61
Bay Minette, Alabama 36507

Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama 36507



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104
July 14, 1969

Mabel S. Amos
Secretary of State

Joseph Eugene Barfield
Airfield Company CMRf
Fort Rucker, Alabama 36304

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on July 14, 1969 the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint
and affidavit in a case entitled CHRISTINE R. CLARK

_____, Plaintiff vs. JOSEPH EUGENE BARFIELD

_____, Defendant in the CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA AT LAW Case No. 8762

a true copy of which summons and complaint and affidavit are attached hereto and the said service
upon me as Secretary of State of the State of Alabama has the force and effect of personal service
upon you, being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and
Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 14th day of
July, 1969

Mabel S. Amos
Mabel S. Amos
Secretary of State

Encl. 2 Copy Summons and Complaint and Affidavit
CC: Honorable Taylor D. Wilkins, Jr.
P. O. Box 61
Bay Minette, Alabama 36507

CHRISTINE R. CLARK, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
VS. : AT LAW
JOSEPH EUGENE BARFIELD, :
Defendant. : NUMBER: 8762

* * * * *

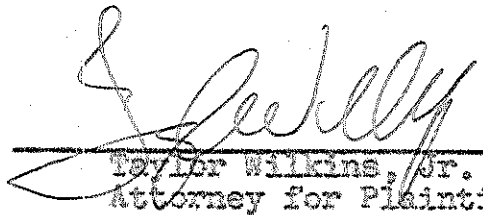
COUNT ONE

Plaintiff claims of the defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore and on, to-wit, October 11, 1968, Joseph Eugene Barfield, defendant, so negligently operated an automobile on U. S. Highway 31, a public road in the County of Baldwin, State of Alabama, at a point to-wit, approximately two (2) miles northeast of the intersection of said U. S. Highway 31 and U. S. Highway 90, a public road in said County and said State, that the said automobile then and there collided with the plaintiff who was then and there operating her automobile on said U. S. Highway 31, and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered multiple trauma, she received contusions and abrasions and suffered severe sprain and strain to the muscles, tendons and ligaments in her neck, she suffered headaches, vertigo and black-out spells, she was caused to be hospitalized and pay large sums of money for doctor bills, medical and drug costs, and plaintiff was permanently injured, for all of which the plaintiff brings this suit.

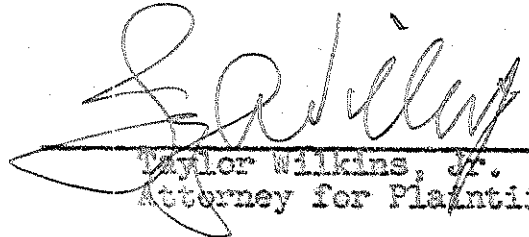
COUNT TWO

Plaintiff claims of the defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore and on, to-wit, October 11, 1968, Joseph Eugene Barfield, defendant, so wantonly operated an automobile on U. S. Highway 31, a public road in the County of Baldwin, State of Alabama, at a point, to-

wit, approximately two (2) miles northeast of the intersection of said U. S. Highway 31 and U. S. Highway 90, a public road in said County and said State, that the said automobile then and there collided with the plaintiff who was then and there operating her automobile on said U. S. Highway 31, and as a proximate result of the wanton conduct of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered multiple trauma, she received contusions and abrasions and suffered severe sprain and strain to the muscles, tendons and ligaments in her neck, she suffered headaches, vertigo and black-out spells, she was caused to be hospitalized and pay large sums of money for doctor bills, medical and drug costs, and plaintiff was permanently injured, for all of which the plaintiff brings this suit.


Taylor Wilkins, Jr.
Attorney for Plaintiff

Plaintiff respectively demands a trial of this cause by jury.


Taylor Wilkins, Jr.
Attorney for Plaintiff

FILED

JUN 18 1969

ALICE J. DUCK CLERK
REGISTER

CHRISTINE R. CLARK,
Plaintiff,

VS.

JOSEPH EUGENE BARFIELD,
Defendant.

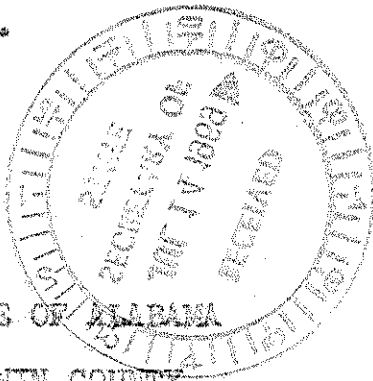
: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA
:
: AT LAW
:
: NUMBER: _____

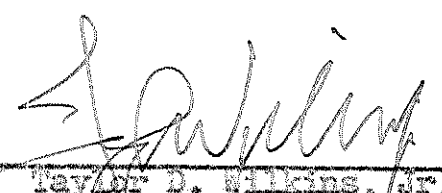
AFFIDAVIT

Comes now Taylor D. Wilkins, Jr., attorney for Christine R. Clark, in the above style cause and makes the following statement under oath:

The defendant, Joseph Eugene Barfield, to the best of my knowledge is a nonresident of the State of Alabama, and is presently in the Armed Services of the United States, and his last known post office address is Airfield Company CMRL, Fort Rucker, Alabama 36304.

The above affidavit is made upon the information and belief of Taylor D. Wilkins, Jr., attorney of record for Christine R. Clark, plaintiff, in the above style case, and plaintiff desires to perfect service upon the defendant under the provisions of Title 7, Section 199 (1), Code of Alabama 1940 as recodified in 1958.




Taylor D. Wilkins, Jr.
Attorney for Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY


I, Amelia G. Perkins, a Notary Public, in and for said County, in said State, hereby certify that Taylor D. Wilkins, Jr., whose name is signed to the foregoing affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the affidavit, he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND AND SEAL on this the 18th day of June, 1969.

FILED

JUN 18 1969

ALICE J. DUCK CLERK
REGISTER


Notary Public, Baldwin Co.,
Ala.

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 8762

.....TERM, 1969..

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~JOSEPH EUGENE BARFIELD~~.....

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.....

~~JOSEPH EUGENE BARFIELD~~....., Defendant.....

by ~~CHRISTINE R. CLARK~~.....

....., Plaintiff.....

Witness my hand this 18 day of June 1969

Alice J. Luck Clerk

24-7-23-69

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

CHRISTINE R. CLARK

Plaintiffs

vs.

JOSEPH EUGENE BARFIELD

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Taylor D. Wilkins, Jr.

Plaintiff's Attorney

Defendant's Attorney

Service Cost paid out
monetary of 3.90
R. J. Walker

Defendant lives at

Airfield Company CMR4
Fort Rucker, Alabama 36304

Received In Office

19.....

Sheriff

I have executed this summons

this July 23 1969

by leaving a copy with

Joseph Eugene Barfield

THE SHERIFF CLAIMS 24 MILES
AT 106 PER MILE FOR A TOTAL OF
240

W. Walker
By WILLIAM WALKER, Sheriff

Deputy Sheriff

W. Walker Sheriff

C. F. Shipman Deputy Sheriff

Wade Co.

CHRISTINE R. CLARK, : IN THE CIRCUIT COURT OF
Plaintiff, : BALDWIN COUNTY, ALABAMA
VS. : AT LAW
JOSEPH EUGENE BARFIELD, :
Defendant. : NUMBER: 8762

* * * * *

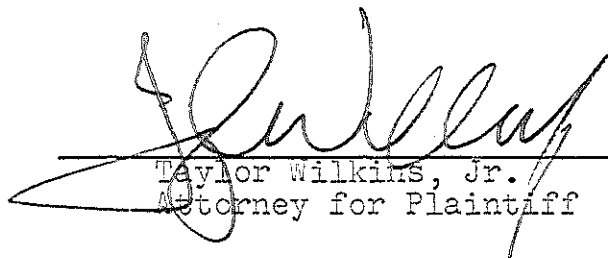
COUNT ONE

Plaintiff claims of the defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore and on, to-wit, October 11, 1968, Joseph Eugene Barfield, defendant, so negligently operated an automobile on U. S. Highway 31, a public road in the County of Baldwin, State of Alabama, at a point to-wit, approximately two (2) miles northeast of the intersection of said U. S. Highway 31 and U. S. Highway 90, a public road in said County and said State, that the said automobile then and there collided with the plaintiff who was then and there operating her automobile on said U. S. Highway 31, and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered multiple trauma, she received contusions and abrasions and suffered severe sprain and strain to the muscles, tendons and ligaments in her neck, she suffered headaches, vertigo and black-out spells, she was caused to be hospitalized and pay large sums of money for doctor bills, medical and drug costs, and plaintiff was permanently injured, for all of which the plaintiff brings this suit.

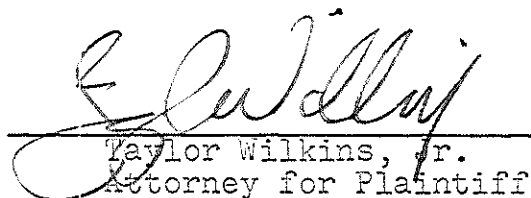
COUNT TWO

Plaintiff claims of the defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore and on, to-wit, October 11, 1968, Joseph Eugene Barfield, defendant, so wantonly operated an automobile on U. S. Highway 31, a public road in the County of Baldwin, State of Alabama, at a point, to-

wit, approximately two (2) miles northeast of the intersection of said U. S. Highway 31 and U. S. Highway 90, a public road in said County and said State, that the said automobile then and there collided with the plaintiff who was then and there operating her automobile on said U. S. Highway 31, and as a proximate result of the wanton conduct of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered multiple trauma, she received contusions and abrasions and suffered severe sprain and strain to the muscles, tendons and ligaments in her neck, she suffered headaches, vertigo and black-out spells, she was caused to be hospitalized and pay large sums of money for doctor bills, medical and drug costs, and plaintiff was permanently injured, for all of which the plaintiff brings this suit.


Taylor Wilkins, Jr.
Attorney for Plaintiff

Plaintiff respectively demands a trial of this cause by jury.


Taylor Wilkins, Jr.
Attorney for Plaintiff

FILED

JUN 18 1969

ALICE J. DUCK CLERK
REGISTER

CHRISTINE R. CLARK,
Plaintiff,
VS.
JOSEPH EUGENE BARFIELD,
Defendant.

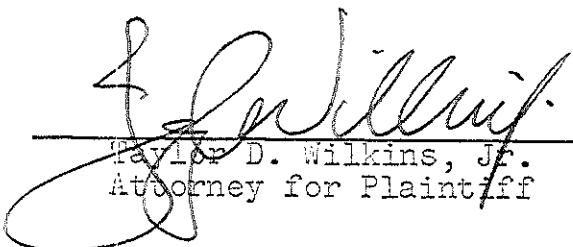
: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA
: AT LAW
:
: NUMBER: _____

AFFIDAVIT

Comes now Taylor D. Wilkins, Jr., attorney for Christine R. Clark, in the above style cause and makes the following statement under oath:

The defendant, Joseph Eugene Barfield, to the best of my knowledge is a nonresident of the State of Alabama, and is presently in the Armed Services of the United States, and his last known post office address is Airfield Company CMR4, Fort Rucker, Alabama 36304.

The above affidavit is made upon the information and belief of Taylor D. Wilkins, Jr., attorney of record for Christine R. Clark, plaintiff, in the above style case, and plaintiff desires to perfect service upon the defendant under the provisions of Title 7, Section 199 (1), Code of Alabama 1940 as recompiled in 1958.


Taylor D. Wilkins, Jr.
Attorney for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

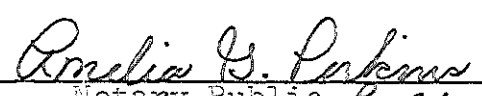
I, Amelia G. Perkins, a Notary Public, in and for said County, in said State, hereby certify that Taylor D. Wilkins, Jr., whose name is signed to the foregoing affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the affidavit, he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND AND SEAL on this the 18th day of June, 1969.

FILED

JUN 18 1969


VOL 62 PAGE 347
ALICE J. DUCK REGISTER


Notary Public, Baldwin
County, Ala.

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 JOSEPH EUGENE BARFIELD

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.....

JOSEPH EUGENE BARFIELD

Defendant.....

by

CHRISTINE R. CLARK

Plaintiff.....

Witness my hand this.....

18

day of

June

1969

Alice J. Clark

Clerk

July 4 - 1969

VOL

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PAGE

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No. 8762

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

CHRISTINE R. CLARK

Plaintiffs

vs.

JOSEPH EUGENE BARFIELD

Defendants

SUMMONS AND COMPLAINT

FILED

Filed 19.....

JUN 18 1969

Clerk

Executed by serving ^{CLERK 3} copies of
the within on Mable Ann;
Secretary of State of The State of
Alabama.

This the 14 day of July 1969

Sheriff of Montgomery County

M. S. Butler,

Taylor D. Wilkins, Jr.

By D. S. [Signature] Plaintiff's Attorney

Defendant's Attorney

RECEIVED IN OFFICE
Defendant lives at

Airfield Company, MR4
Fort Rucker, Alabama 36304

RECEIVED Sheriff
Received in Office

JUN 13 1969 July 19 69

~~MISSISSIPPI~~ Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Returned 9 day of July 1969
Not found in my county after diligent search and
inquiry.

Taylor D. Wilkins, Sheriff

Deputy Sheriff

M. S. Butler, Sheriff of Montgomery
County, Alabama, claim \$1.50 each for

traveling 1 process (est) and \$1.00
travel expense on each of

process (est) or a total of \$2.50

Sheriff

Deputy Sheriff

Deputy Sheriff

CHRISTINE R. CLARK, : IN THE CIRCUIT COURT OF
PLAINTIFF, : BALDWIN COUNTY, ALABAMA
VS. : AT LAW
JOSEPH EUGENE BARFIELD, :
DEFENDANT. : CASE NO: 8762

A M E N D M E N T

Comes now the Plaintiff, Christine R. Clark, in the above styled cause and amends the original bill of complaint as follows:

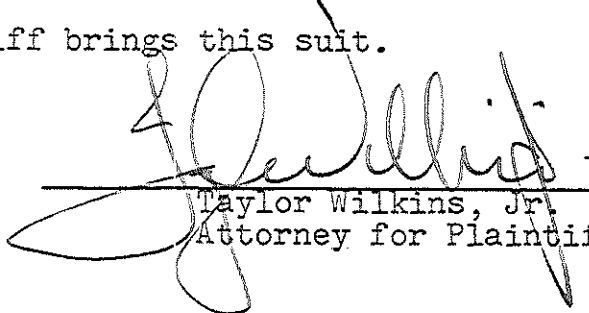
COUNT ONE

Plaintiff claims of the defendant the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS as damages for that heretofore and on, to-wit, October 11, 1968, Joseph Eugene Barfield, defendant, so negligently operated an automobile on U. S. Highway 31, a public road in the County of Baldwin, State of Alabama, at a point to-wit, approximately two (2) miles northeast of the intersection of said U. S. Highway 31 and U. S. Highway 90, a public road in said County and said State, that the said automobile then and there collided with the plaintiff's automobile which the plaintiff was then and there operating on said U. S. Highway 31, and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered multiple trauma, she received contusions and abrasions and suffered severe sprain and strain to the muscles, tendons and ligaments in her neck, she suffered headaches, vertigo and black-out spells, she was caused to be hospitalized and pay large sums of money for doctor bills, medical and drug costs, and plaintiff was permanently injured, for all of which the plaintiff brings this suit.

COUNT TWO

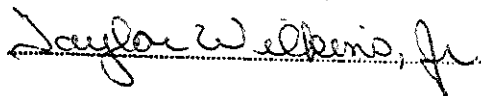
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wit, approximately two (2) miles northeast of the intersection of said U. S. Highway 31, and U. S. Highway 90, a public road in said County and said State, that the said automobile then and there collided with the plaintiff's automobile which the plaintiff was then and there operating on said U. S. Highway 31, and as a proximate result of the wanton conduct of the defendant as aforesaid, plaintiff was wantonly made sick, sore and lame, she suffered multiple trauma, she received contusions and abrasions and suffered severe sprain and strain to the muscles, tendons and ligaments in her neck, she suffered headaches, vertigo and black-out spells, she was caused to be hospitalized and pay large sums of money for doctor bills, medical and drug costs, and plaintiff was permanently injured, for all of which the plaintiff brings this suit.


Taylor Wilkins, Jr.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 2nd 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

SEP 2 1969

ALICE J. DUCK CLERK
REGISTER