

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 Michael W. Baldwin, individually and doing business as Baldwin Supply Company, and James William Hileman 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, Alabama, At Law, by Amelia Helton.

Witness my hand this 30 day of July
1969.

Rebecca L. Duck
Clerk

AMELIA HELTON,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

MICHAEL W. BALDWIN,
individually and doing
business as BALDWIN SUPPLY
COMPANY, and JAMES WILLIAM
HILEMAN,

X

X

AT LAW

X

no. 8824

Defendants.

X

COUNT ONE:

The Plaintiff claims of the Defendants One Hundred Thousand Dollars (\$100,000.00) as damages for that on heretofore, to-wit: the 8th day of January, 1969, the Defendant, James William Hileman, the agent, servant or employee of the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, who was then and there acting within the line and scope of his agency and employment as such, so negligently operated a motor vehicle on Alabama Highway 182 at a point 7.7 miles East of the

center of Gulf Shores, Baldwin County, Alabama, as to cause or allow the same to swerve into the path of or in front of, an automobile in which the Plaintiff was a passenger, thereby forcing and causing the said car in which the Plaintiff was riding as a passenger to leave the roadway upon which it was traveling and to overturn, and as a proximate consequence and result of the negligence of the Defendant, James William Hileman, aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, the Plaintiff sustained serious personal injury in this, to-wit: her right arm and shoulder were broken and crushed, her right arm was permanently injured and damaged, her back was injured, she was caused to have and continues to have limited motion in her right arm and shoulder, she suffers severe headaches and discomfort, she was bruised, contused and lacerated over her entire body, she was made sick, sore and lame, she was caused to incur and will incur in the future medical, hospital and drug bills in and about the care and treatment of her injuries, she was made nervous, and she was caused great mental and physical pain and suffering all to her damage aforesaid, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendant One Hundred Thousand Dollars (\$100,000.00) as damages for that on heretofore, to-wit: the 8th day of January, 1969, on Alabama Highway 182 at a point 7.7 miles East of the center of Gulf Shores, Baldwin County, Alabama, the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, acting by and through its agent, servant or employee, the Defendant James William Hileman, who was then and there acting within the line and scope of his employment as such, wantonly injured the Plaintiff by then and there willfully and wantonly operating a motor vehicle so as to cause or allow the same

to swerve into the path of, or in front of, an automobile in which the Plaintiff was a passenger, thereby forcing and causing the said car in which the Plaintiff was riding as a passenger to leave the roadway upon which it was traveling and to overturn, and as a proximate consequence and result of the willful and wanton conduct of the Defendants aforesaid, the Plaintiff was injured in this, to-wit: her right arm and shoulder were broken and crushed, her right arm was permanently injured and damaged, her back was injured, she was caused to have and continues to have limited motion in her right arm and shoulder, she suffers severe headaches and discomfort, she was bruised, contused and lacerated over her entire body, she was made sick, sore and lame, she was caused to incur medical, hospital and drug bills in and about the care and treatment of her injuries, she was made nervous, and she was caused great mental and physical pain and suffering all to her damage aforesaid, hence this suit.

CHASON, STONE & CHASON

By: *Edward E Ball*
Attorneys for Plaintiff

The Plaintiff respectfully demands a trial of this cause by a jury.

CHASON, STONE & CHASON

By: *Edward E Ball*

DEFENDANTS MAY BE SERVED
AT ROBERTSDALE, ALABAMA.

AMELIA HELTON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
		BALDWIN COUNTY, ALABAMA
MICHAEL W. BALDWIN,	X	
individually and doing		
business as BALDWIN SUPPLY	X	AT LAW
COMPANY, and JAMES WILLIAM		
HILEMAN,	X	
Defendants.	X	

INTERROGATORIES PROPOUNDED BY
PLAINTIFF TO DEFENDANT

Comes now the Plaintiff in the above styled cause, an affidavit having been made by one of her attorneys as provided by law, and propounds the following interrogatories to the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company;

1. Please state whether Baldwin Supply Company was, on January 8, 1969, an individual proprietorship, a partnership or a corporation.

2. If you state that Baldwin Supply Company was, on January 8, 1969, an individual proprietorship, please state the name of the individual proprietor and his address.

3. If you state that Baldwin Supply Company was, on January 8, 1969, a partnership, please state the names of the partners and give their separate addresses.

4. If you state that Baldwin Supply Company was, on January 8, 1969, a corporation, please state the correct corporate name, the place where incorporated, the principal place of business and the name of the president and any other officer or agent residing in Baldwin County, Alabama.

5. Were you, on January 8, 1969, in the business of selling and delivering building materials and/or supplies in Baldwin County, Alabama, and surrounding areas?

6. Was James William Hileman employed by you on January 8, 1969?

7. If so, was James William Hileman, on January 8, 1969, driving a motor vehicle belonging to you which was involved in an automobile accident on the Gulf Shores-Alabama Point Highway (Alabama Highway 182) in Baldwin County, Alabama, at a point 7.7 miles East of the center of Gulf Shores, Alabama?

CHASON, STONE & CHASON

By: Eberhard E. Ball
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Eberhard E. Ball, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys for Amelia Helton, Plaintiff in the above styled cause, and the answers to the foregoing interrogatories propounded to the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, if well and truly made, will be material evidence for the Plaintiff in the above styled cause.

Eberhard E. Ball
Eberhard E. Ball

Sworn to and subscribed before me

this 29th day of July, 1969.

John Earle Chason
Notary Public, Baldwin County, Alabama

FILED

JUL 30 1969

ALICE J. DUCK

CLERK
REGISTER

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

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Witness my hand this 30 day of July, 1969.

Deirdre Huch
Clerk

AMELIA HELTON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
MICHAEL W. BALDWIN,	X	BALDWIN COUNTY, ALABAMA
individually and doing		
business as BALDWIN SUPPLY	X	AT LAW
COMPANY, and JAMES WILLIAM		
HILEMAN,	X	
Defendants.	X	

no. 8824

COUNT ONE:

The Plaintiff claims of the Defendants One Hundred Thousand Dollars (\$100,000.00) as damages for that on heretofore, to-wit: the 8th day of January, 1969, the Defendant, James William Hileman, the agent, servant or employee of the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, who was then and there acting within the line and scope of his agency and employment as such, so negligently operated a motor vehicle on Alabama Highway 182 at a point 7.7 miles East of the

center of Gulf Shores, Baldwin County, Alabama, as to cause or allow the same to swerve into the path of or in front of, an automobile in which the Plaintiff was a passenger, thereby forcing and causing the said car in which the Plaintiff was riding as a passenger to leave the roadway upon which it was traveling and to overturn, and as a proximate consequence and result of the negligence of the Defendant, James William Hileman, aforesaid, while acting within the line and scope of his employment as the agent, servant or employee of the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, the Plaintiff sustained serious personal injury in this, to-wit: her right arm and shoulder were broken and crushed, her right arm was permanently injured and damaged, her back was injured, she was caused to have and continues to have limited motion in her right arm and shoulder, she suffers severe headaches and discomfort, she was bruised, contused and lacerated over her entire body, she was made sick, sore and lame, she was caused to incur and will incur in the future medical, hospital and drug bills in and about the care and treatment of her injuries, she was made nervous, and she was caused great mental and physical pain and suffering all to her damage aforesaid, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendant One Hundred Thousand Dollars (\$100,000.00) as damages for that on heretofore, to-wit: the 8th day of January, 1969, on Alabama Highway 182 at a point 7.7 miles East of the center of Gulf Shores, Baldwin County, Alabama, the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, acting by and through its agent, servant or employee, the Defendant James William Hileman, who was then and there acting within the line and scope of his employment as such, wantonly injured the Plaintiff by then and there willfully and wantonly operating a motor vehicle so as to cause or allow the same

to swerve into the path of, or in front of, an automobile in which the Plaintiff was a passenger, thereby forcing and causing the said car in which the Plaintiff was riding as a passenger to leave the roadway upon which it was traveling and to overturn, and as a proximate consequence and result of the willful and wanton conduct of the Defendants aforesaid, the Plaintiff was injured in this, to-wit: her right arm and shoulder were broken and crushed, her right arm was permanently injured and damaged, her back was injured, she was caused to have and continues to have limited motion in her right arm and shoulder, she suffers severe headaches and discomfort, she was bruised, contused and lacerated over her entire body, she was made sick, sore and lame, she was caused to incur medical, hospital and drug bills in and about the care and treatment of her injuries, she was made nervous, and she was caused great mental and physical pain and suffering all to her damage aforesaid, hence this suit.

CHASON, STONE & CHASON

By: Edward E Ball
Attorneys for Plaintiff

The Plaintiff respectfully demands a trial of this cause by a jury.

CHASON, STONE & CHASON

By: Edward E Ball

DEFENDANTS MAY BE SERVED
AT ROBERTSDALE, ALABAMA.

AMELIA HELTON,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
		BALDWIN COUNTY, ALABAMA
MICHAEL W. BALDWIN,	X	
individually and doing		
business as BALDWIN SUPPLY	X	AT LAW
COMPANY, and JAMES WILLIAM		
HILEMAN,	X	
Defendants.	X	

INTERROGATORIES PROPOUNDED BY
PLAINTIFF TO DEFENDANT

Comes now the Plaintiff in the above styled cause, an affidavit having been made by one of her attorneys as provided by law, and propounds the following interrogatories to the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company;

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3. If you state that Baldwin Supply Company was, on January 8, 1969, a partnership, please state the names of the partners and give their separate addresses.
4. If you state that Baldwin Supply Company was, on January 8, 1969, a corporation, please state the correct corporate name, the place where incorporated, the principal place of business and the name of the president and any other officer or agent residing in Baldwin County, Alabama.
5. Were you, on January 8, 1969, in the business of selling and delivering building materials and/or supplies in Baldwin County, Alabama, and surrounding areas?

6. Was James William Hileman employed by you on January 8, 1969?

7. If so, was James William Hileman, on January 8, 1969, driving a motor vehicle belonging to you which was involved in an automobile accident on the Gulf Shores-Alabama Point Highway (Alabama Highway 182) in Baldwin County, Alabama, at a point 7.7 miles East of the center of Gulf Shores, Alabama?

CHASON, STONE & CHASON

By: Eberhard E. Ball
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Eberhard E. Ball, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That he is one of the attorneys for Amelia Helton, Plaintiff in the above styled cause, and the answers to the foregoing interrogatories propounded to the Defendant, Michael W. Baldwin, individually and doing business as Baldwin Supply Company, if well and truly made, will be material evidence for the Plaintiff in the above styled cause.

Eberhard E. Ball
Eberhard E. Ball

Sworn to and subscribed before me
this 29th day of July, 1969.

John Earle Chason
Notary Public, Baldwin County, Alabama

FILED

JUL 30 1969

ALICE J. DUCK CLERK
REGISTER

(\$2,250.00), as agreed compensation.

Count II.

The Plaintiff claims of the Defendant the sum of TWO THOUSAND TWO HUNDRED FIFTY (\$2,250.00) DOLLARS for that on, to-wit, the 5th day of September, 1968, the defendant executed an agreement which was accepted by the Plaintiff on the 15th day of September, 1968, a copy of which is attached hereto and marked "Exhibit A.", and made a part hereof, which contract provided that the Plaintiff shall have the exclusive right and authority to sell said property until the 1st day of March, 1969. That contract further provided that if the Defendant should sell said real estate during said time upon the terms set forth, at a price and terms and conditions acceptable to the Defendant, they agreed to pay as a commission, a sum equal to Five (5%) percent of the sum for which said property is sold or exchanged. That prior to the 1st of March, 1969, said property was sold by the Defendant to James W. Morgan and Pauline Ford Morgan on, to-wit, the 17th day of January, 1969, for FORTY-FIVE THOUSAND (\$45,000.00) DOLLARS, as shown by deed marked "Exhibit B", and made a part hereof.

That the Plaintiff had made attempts to sell said property and had embarked upon the duties required of him as a real estate dealer and stood ready, willing and able to perform his portion of said contract and that the Plaintiff did not give his consent to the defendant to be relieved from said contract and upon learning of said sale and on many occasions since, the Plaintiff has made demand on defendants for the commission in the sum of TWO THOUSAND TWO HUNDRED FIFTY (\$2,250.00) DOLLARS. That the Defendant has refused and still refuses to pay said sums or any sum whatsoever to the Plaintiff's damages in the sum aforesaid.

Count III.

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED FIFTY (\$450.00) DOLLARS for that in said contract, a copy of which is

Received 31 day of July 1969
and on 1st day of August 1969
I served a copy of the within by C. Horton
on Michael W. Baldwin & -1-69
James William Hileman
By service on _____

TAYLOR WILKINS, Sheriff

By Hall D. S.

Returned 4 day of August 1969
Not found in my county after diligent search and in-
quiry. as to James William Hileman

Taylor Wilkins, Sheriff

By Hall
Deputy Sheriff

Sheriff claims 50 miles at
Ten Cents per mile Total \$5.00
TAYLOR WILKINS, Sheriff
BY Hall
DEPUTY SHERIFF

NO. 8824

AMELIA HELTON,

Plaintiff,

vs.

MICHAEL W. BALDWIN, individually and
doing business as BALDWIN SUPPLY
COMPANY, and JAMES WILLIAM HILEMAN,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

FILED

JUL 30 1969

ALICE J. DICK
CLERK
REGISTER

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