

GEORGE DEMKO,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
VS.)	AT LAW
VANCE TURNER,)	CASE NO. <u>8838</u>
Defendant)	

ANSWER

Comes the defendant in the above styled cause for answer to the complaint heretofore filed in said cause and states as following:

1. Not guilty.
2. The plaintiff ought not to maintain this action as to when the action arose, the plaintiff and the defendant entered into an agreement, when to-wit July 23, 1969, whereby the plaintiff, having killed two valuable dogs owned by the defendant. Plaintiff agreed to waive his loss, and the defendant agreed to waive his loss, and therefore, an agreement was reached. As said forth in this suit.

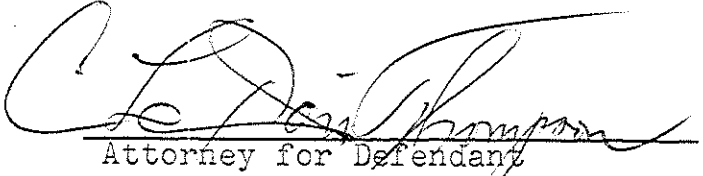
Comes the defendant and, without in any way confessing the plaintiff's claim or demand, as a defense to action of the plaintiff, says:

That at the time said action was commenced, the plaintiff was indebted to the defendant in the sum of \$500.00 for this: That the plaintiff unlawfully or maliciously killed two dogs, the property of the defendant, without good excuse. Which dogs were a value of \$250.00 each, for all of which said damages the plaintiff is indebted to the defendant in the sum of \$500.00 which the defendant hereby offers to set off against the claim of the plaintiff and he claims judgement for the excess.

Comes the defendant and, without in any way confessing the plaintiff's claim or demand, as a defense to action of the plaintiff, says:

That at the time said action was commenced, the plaintiff was indebted to the defendant in the sum of \$500.00, for this: That the plaintiff intentionally and illegally shot two valuable

dogs, property of the defendant, with a value of \$250.00 each, for all of which said damages the plaintiff is indebted to the defendant in the sum of \$500.00 which the defendant hereby offers to set off against the claim of the plaintiff and he claims judgement for the excess.


Attorney for Defendant

I, C. LeNoir Thompson, Attorney for Defendant, hereby certify that I have this day mailed a copy of the foregoing Answer to Attorneys Wilters and Brantley, Attorneys for Plaintiff in this cause, be depositing a copy of same in the United States Mail, properly addressed to their Bay Minette, Alabama, address, postage prepaid.

Done this 11 day of September, 1970.



FILED

SEP 11 1970

ALICE J. DUCK CLERK
REGISTER

Wamko vs Turner

JURY LIST - FALL SESSION, SEPTEMBER 14, 1970

1. Abarambio, Thomas V., Jr., Dry Cleaners, Robertsdale D⁷
2. Cabiness, Norvella, Laborer, Bay Minette D⁹
3. Childress, Julius, Farmer, Robertsdale P⁹
4. Cooper, Gilbert, Farmer, Rosinton P¹
5. Sarks, Sarah, Housewife, Bay Minette D²
6. McGill, C. E., Merchant, Perdido
7. Quinley, Lyman, Farmer, Bay Minette P³
8. Rhodes, Charles R., Farmer, Foley P⁴
9. Nester, Morace B., Fairhope
10. Higbee, Rita B., Housewife, Portforest
11. Flowers, Homer, Farmer, Foley P²
12. Foley, J. B., Industrialist, Foley D³
13. Franklin, Kenneth, Waiter, Foley
14. Garner, June A., School Teacher, Fairhope D¹⁰
15. Golden, Mrs. David, Housewife, Foley
16. Griffiths, Doyle, Foreman, Foley
17. Hagle, A. R., Employment Service, Foley
18. Doering, Richard, Tire Store Operator, Foley D¹³
19. Drinkard, Everette E., Farmer, Bay Minette D⁴
20. Dusek, Frank J., Jr., Civil Service, Lillian P¹⁶
21. Early, L. J., Jr., E. Irwin & Son, Foley
22. Roberson, Muir, Laborer, Robertsdale D¹²
23. Boesehen, Lawrence F., Farmer, Bay Minette D⁵
24. Boone, Annie E., Stockton P⁸
25. Byrd, Clifton H., Farmer, Perdido D¹
26. Batmann, Fred, Civil Service, Elberta D⁸
27. Bishop, Ernest E., Meat Packer, Fairhope
28. Blalock, Greene C., Carpenter, Fairhope
29. Hardy, Wendell B., Salesman, Bay Minette P¹⁵
30. Emmons, Isaac, Farmer, Silverhill
31. Amos, Roy A., Farmer, Foley P¹²
32. Armstead, George, Employee Fairhope Hardware, Daphne P¹¹
33. Mikkelsen, Einer, Farmer, Summerdale
34. Phillips, Mayben, Farmer, Little River P⁵
35. Pizotti, Anthony, Farmer, Fairhope D¹¹
36. Piovovich, Matthew, Reserve Fleet, Perdido P¹⁰
37. Meorer, Eunice, Courthouse, Bay Minette P¹⁶
38. Nelson, Martin, Cleaners, Fairhope D¹⁵
39. Orem, Harley, Brookley Field, Bay Minette P¹³
40. Packer, Thomas, Meat Cutter, Perdido P⁶
41. Lee, Cecil E., Farmer, Greenswood P⁷
42. Koehler, Frank, Farmer, Lillian
43. Gilbert, Jimmy, Insurance, Robertsdale
44. Hobbs, W. D., Farmer, Rosinton D¹⁴
45. Germany, Ruth, Saleslady, Foley D⁶
46. McLean, James K. Jr., Hotel Official, Fairhope
47. Anderson, Arthur, Machinist, Foley

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D XXXXX XXXXX XXXX

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GEORGE DEMKO,
Plaintiff,
VS.
VANCE TURNER,
Defendant.

)
) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) AT LAW
)
) CASE NO. 8838

COUNT I

The Plaintiff claims of the Defendant the sum of TWO HUNDRED FORTY (\$240.00) DOLLARS as damages for that, heretofore, on to-wit: the 23rd day of July, 1969, the Defendant allowed his dogs to go upon the property of the Plaintiff. The Plaintiff avers that, while the Defendant's dogs were on his property, they killed thirteen (13) goats and maimed three (3) other goats belonging to the Plaintiff, all to the loss of the Plaintiff in the aforesaid amount.

COUNT II

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED EIGHTY (\$480.00) DOLLARS as damages for that, heretofore, on to-wit: the 23rd day of July, 1969, the Defendant kept dogs known to worry or kill stock without being set upon the same; that these dogs on the aforesaid date, entered upon the Plaintiff's property and, while there, killed thirteen (13) goats and injured three (3) additional goats. The Plaintiff avers that the value of these sixteen (16) goats was TWO HUNDRED FORTY DOLLARS (\$240.00) and he now asks for double their value as is provided for in Section 1 of Title 3 of the Code of Alabama.

WILTERS & BRANTLEY

BY: Sooner M Brantley
Attorneys for Plaintiff

The Plaintiff demands a trial by jury.

FILED

AUG 8 1969

ALICE J. DUCK

CLERK
REGISTER

WILTERS & BRANTLEY

BY: Sooner M Brantley
Attorneys for Plaintiff

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GEORGE DEMKO,
Plaintiff,

VS.

VANCE TURNER,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW CASE NO. _____

* * * * *

SUMMONS AND COMPLAINT

* * * * *

Wilters & Brantley
Attorneys for Plaintiff

FILED

AUG 8 1969

ALICE J. DICK CLERK
REGISTER

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 Vance Turner

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.....

Vance Turner

....., Defendant.....

by

George Demko

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

Witness my hand this.....

.....day of.....

August

1969

Alice J. Week Clerk

24/8-8-69

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STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

George Demko

Plaintiffs

vs.

Vance Turner

Defendants

SUMMONS AND COMPLAINT

Filed FILED 19.....

AUG 8 1969

Clerk

ALICE J. DUCK CLERK
REGISTER

Wilters & Brantley

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Perdido, Alabama

RECEIVED
Received in Office

AUG 8 1969

19.....

WALTER WILKINS Sheriff

I have executed this summons

this Aug 8 1969

by leaving a copy with

Vance Turner

Sheriff claims 26 miles at

Ten Cents per mile Total \$ 2.60

TAYLOR WILKINS, Sheriff

BY W. A. Zeller
DEPUTY SHERIFF

Taylor Wilkins, Sheriff

W. A. Zeller Deputy Sheriff

Perdido ^{AL}

GEORGE DEMKO	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
VS	X	BALDWIN COUNTY, ALABAMA
VANCE TURNER	X	AT LAW
Defendant	X	NO. _____

Comes the defendant in the above styled cause and demurs to the complaint in said cause and for demurrer shows as follows:

1. Count One of said complaint fails to state of action.
2. That as to Count One of said complaint the complaint fails to describe said dogs alleged to belong to said defendant.
3. That Count One of said complaint plaintiff fails to allege that the damages charged constitute reasonable market value of said goats.
4. That Count One of said complaint fails to allege value of said goats individually.
5. That the allegations of Count One constitute conclusions of the pleader.
6. Defendant says as to Counts Two fails to state cause of action.
7. That the allegations that "the defendant keeps dogs known to worry or kill stock without being set upon the same" is a conclusion of the pleader.
8. The plaintiff fails to allege a description of dogs and the date the said dogs are allegedly known "to worry or kill stock without being set upon the same."
9. That the allegations of Count Two constitute conclusions of the pleader.


Attorney for defendant

FILED

AUG 19 1969

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