

3769

GAY NELL McELHANEY,

Complainant,

VS.

LEGAL MUTUAL INSURANCE COMPANY,
a Corporation, formerly LAWYERS
MUTUAL INSURANCE COMPANY, a
CORPORATION, and HERTIS D. BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

ORDER

It is hereby ordered that this cause be and it hereby
is set for hearing on August 28, 1956, at 2:00 o'clock P. M.

ORDERED, ADJUDGED AND DECREED on this the 10 day of
August, 1956.

Hubert M. Wallace

Judge.

ORDER *m*

GAY NELL McELHANEY,

Complainant,

VS.

LEGAL MUTUAL INSURANCE COMPANY,
a Corporation, formerly LAWYERS
MUTUAL INSURANCE COMPANY, a
CORPORATION, and HERTIS D.
BAGGETT,

Respondents,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

FILED

AUG 10 1956

ALICE J. DUCK, Register

GAY NELL McELHANEY,

Complainant,

VS.

LAWYERS MUTUAL INSURANCE COMPANY,
a Corporation, and HERTIS D.
BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

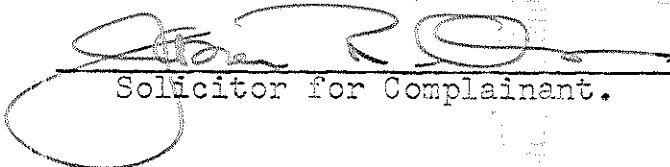
MOTION FOR DECREE PRO CONFESSO

Now comes the Complainant, by her solicitor, and shows unto the Register that a summons duly issued out of this court on April 16, 1956, together with a copy of the Bill of Complaint in this cause was served upon the Respondent, Hertis D. Baggett, on April 17, 1956, which said summons commanded the said Respondent to appear within thirty days from the service of said writ in the Circuit Court and answer the said complaint; that more than thirty days has expired since the service of said summons and complaint upon the said Respondent and he has failed to the date hereof to appear and answer the said Bill of Complaint.

Wherefore, Complainant moves the court to enter a decree pro confesso against the said Respondent, Hertis D. Baggett.

Dated this the 1st day of June, 1956.

Filed
June 1, 1956
Alice J. Cook,
Register


Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

GAY NELL McELHANEY,

Complainant,

VS.

LAWYERS MUTUAL INSURANCE COMPANY,
a Corporation, and HERTIS D.
BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

FILED

JUN 1 1956

ALICE J. DUK, Register

GAY NELL McELHANEY,

Complainant,

VS.

LAWYERS MUTUAL INSURANCE COMPANY,
a Corporation, and HERTIS D.
BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

DECREE PRO CONFESSO

In this cause it appears to the Register that a summons issued out of this court on April 16, 1956, together with a copy of the Bill of Complaint in this cause was served upon the Respondent, Hertis D. Baggett, on April 17, 1956, which said summons commanded the said Respondent to appear within thirty days from the service of said writ in the Circuit Court and answer the said complaint; that more than thirty days has expired since the service of said summons and complaint upon the said Respondent and he has failed to the date hereof to appear and answer the said Bill of Complaint.

It is, therefore, on motion of the solicitor for the Complainant ordered and decreed that the said Bill of Complaint be and it hereby is taken as confessed in all things by the Respondent, Hertis D. Baggett.

Dated this 1st day of June, 1956.

Wince J. Duck
Register.

DECREE PRO CONFESSO

GAY NELL McELHANEY,

Complainant,

VS.

LAWYERS MUTUAL INSURANCE COMPANY,
a Corporation, and HERTIS D.
BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

FILED

JUN 1 1956

ALICE A. DUCK, Register

GAY NELL McELHANEY
Complainant

VS

LEGAL MUTUAL INSURANCE COMPANY,
A CORPORATION, FORMERLY LAWYERS
MUTUAL INSURANCE COMPANY, A
CORPORATION and HERTIS DOYLE
BAGGETT

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER: 3769

.....
DEMURRER

Comes now the ^{Respondent} ~~Complainant~~ in the above styled cause and demurrers
to the Complainant's complaint and to every aspect thereof and sound as grounds
as follows:

1. There is no equity in the bill.

Filed
June 21, 1956
Alice J. Duck
Register

W. L. Hays
Solicitor for Respondents

GAY NELL McELHANEY
Complainant

VS

LEGAL MUTUAL INSURANCE COMPANY,
A CORPORATION, FORMERLY LAWYERS
MUTUAL INSURANCE COMPANY, A
CORPORATION and HERTIS DOYLE
BAGGETT

Respondents

IN EQUITY

NUMBER: 3769

DEMURRER

FILED

JUN 21 1956

ALICE J. DUCK, Register

GAY NELL McELHANEY,

Complainant,

vs.

LEGAL MUTUAL INSURANCE COMPANY,
a Corporation, formerly LAWYERS
MUTUAL INSURANCE COMPANY, a
Corporation, and HERTIS D.
BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3769

ORDER OF CONTINUANCE

This cause coming on to be heard on this day and it appearing to the Court that the parties hereto desire a continuance, it is, therefore,

ORDERED, ADJUDGED AND DECREED that this cause be, and it hereby is, continued until September 18th, 1956, at 9:00 o'clock A. M.

ORDERED, ADJUDGED AND DECREED this 28th day of August, 1956.

Robert W. Jolly
Judge

3769

ORDER OF CONTINUANCE

GAY NELL McELHANEY,

Complainant,

vs.

LEGAL MUTUAL INSURANCE COMPANY,
A Corporation, formerly LAWYERS
MUTUAL INSURANCE COMPANY, a
Corporation, and HERTIS D.
BAGGETT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. 3769

Filed this 28th day of August,
1956.

Alice J. Duck
Alice J. Duck, Register.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, 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 amended complaint of Gay Nell McElhaney.

WITNESS my hand, this 15th day of June, 1956.

Alice J. Decker
Register. *W*

TO THE SHERIFF OF MONTGOMERY COUNTY:

Please execute the within summons and bill of complaint upon the president, secretary, cashier, or managing agent of Legal Mutual Insurance Company, a Corporation, Montgomery, Alabama.

* * * * *

GAY NELL McELHANEY,)	
Complainant,)	
VS.)	IN THE CIRCUIT COURT OF
LAWYERS MUTUAL INSURANCE COMPANY,)	BALDWIN COUNTY, ALABAMA
a Corporation, and HERTIS D.)	IN EQUITY NO. 3769
BAGGETT,)	
Respondents.)	

AMENDED BILL OF COMPLAINT

Now comes the Complainant, by her solicitor, and amends the original Bill of Complaint in this cause so that as amended the said Bill of Complaint will read as follows:

"GAY NELL McELHANEY,)	
Complainant,)	
VS.)	IN THE CIRCUIT COURT OF
LEGAL MUTUAL INSURANCE COMPANY,)	BALDWIN COUNTY, ALABAMA
A Corporation, formerly Lawyers)	IN EQUITY NO. 3769
Mutual Insurance Company, a)	
Corporation, and HERTIS D. BAGGETT,)	
Respondents.)	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

The Complainant, Gay Nell McElhaney, respectfully shows unto the court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondent, Hertis D. Baggett, is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondent, Legal Mutual Insurance Company, A Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, is a corporation organized under the laws of the State of Alabama and doing business within the State of Alabama.

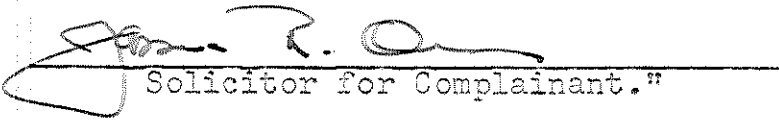
2. The Complainant filed a suit on the Law side of the Circuit Court of Baldwin County, Alabama, against the Respondent, Hertis D. Baggett, claiming damages for personal injuries and property damage received by Complainant on account of the negligent operation by the Respondent, Hertis D. Baggett, of an automobile upon a public highway in Baldwin County, Alabama, on, to-wit, the 26th day of April, 1955; that upon the trial of said cause on, to-wit, the 15th day of March, 1956, a judgment was rendered in said cause in favor of Complainant against the Respondent, Hertis D. Baggett, for the sum of Three Thousand Dollars (\$3,000.00); that said judgment is final and that although rendered more than thirty days ago, it remains wholly unsatisfied; that on, to-wit, the 16th day of April, 1955, when the right of action arose, the Respondent, Hertis D. Baggett, was insured by the Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, against loss or damage for which he should be responsible, caused by the reason of the use of said automobile of the said Respondent, Hertis D. Baggett, and further than on, to-wit, the 16th day of April, 1955, when the right of action arose, the Respondent, Hertis D. Baggett, was insured by the Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, against loss or damage on account of property damage to the property of any person, for which damage he should be responsible, caused by reason of the use

of said automobile of the said Respondent, Hertis D. Baggett; that the said automobile which the said Hertis D. Baggett was operating or using at the time of the injury and damage for which said judgment was recovered and by reason of the operation or use of said Complainant's injuries and damages were caused, was the automobile above described and covered by said policy.

*W
V
P
P*

The premises considered, your Complainant makes parties respondent to her Bill of Complaint the said Hertis D. Baggett and the said Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, and prays that service be had upon them and each of them in the manner prescribed by law, and that upon a final hearing of this cause your Complainant prays that the insurance money provided for in the contract of insurance with the said Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, be applied to the satisfaction of the said judgment; and that a judgment or decree may be rendered in this cause in favor of Complainant and against the Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, as well as the Respondent, Hertis D. Baggett, for the sum of Three Thousand Dollars (\$3,000.00) with interest and costs. Complainant prays that she may have such other, further, or different relief as in equity she may be entitled to.

*Order
of
Court
in
Equity
Case
No.
123*


Solicitor for Complainant."

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, 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 amended complaint of Gay Nell McElhaney.

WITNESS my hand, this 1st day of June, 1956.

Alice J. Deaky
Register. *AD*

TO THE SHERIFF OF MONTGOMERY COUNTY:

Please execute the within summons and bill of complaint upon the president, secretary, cashier, or managing agent of Legal Mutual Insurance Company, a Corporation, Montgomery, Alabama.

* * * * *

GAY NELL McELHANEY,
Complainant,
VS.
LAWYERS MUTUAL INSURANCE COMPANY,
a Corporation, and HERTIS D.
BAGGETT,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

AMENDED BILL OF COMPLAINT

Now comes the Complainant, by her solicitor, and amends the original Bill of Complaint in this cause so that as amended the said Bill of Complaint will read as follows:

"GAY NELL McELHANEY,
Complainant,
VS.
LEGAL MUTUAL INSURANCE COMPANY,
a Corporation, formerly Lawyers
Mutual Insurance Company, a
Corporation, and HERTIS D. BAGGETT,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3769

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:


The Complainant, Gay Nell McElhaney, respectfully shows unto the court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondent, Hertis D. Baggett, is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, is a corporation organized under the laws of the State of Alabama and doing business within the State of Alabama.

2. The Complainant filed a suit on the Law side of the Circuit Court of Baldwin County, Alabama, against the Respondent, Hertis D. Baggett, claiming damages for personal injuries and property damage received by Complainant on account of the negligent operation by the Respondent, Hertis D. Baggett, of an automobile upon a public highway in Baldwin County, Alabama, on, to-wit, the 26th day of April, 1955; that upon the trial of said cause on, to-wit, the 15th day of March, 1956, a judgment was rendered in said cause in favor of Complainant against the Respondent, Hertis D. Baggett, for the sum of Three Thousand Dollars (\$3,000.00); that said judgment is final and that although rendered more than thirty days ago, it remains wholly unsatisfied; that on, to-wit, the 16th day of April, 1955, when the right of action arose, the Respondent, Hertis D. Baggett, was insured by the Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, against loss or damage for which he should be responsible, caused by the reason of the use of said automobile of the said Respondent, Hertis D. Baggett, and further than on, to-wit, the 16th day of April, 1955, when the right of action arose, the Respondent, Hertis D. Baggett, was insured by the Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, against loss or damage on account of property damage to the property of any person, for which damage he should be responsible, caused by reason of the use

of said automobile of the said Respondent, Hertis D. Baggett; that the said automobile which the said Hertis D. Baggett was operating or using at the time of the injury and damage for which said judgment was recovered and by reason of the operation or use of said Complainant's injuries and damages were caused, was the automobile above described and covered by said policy.

The premises considered, your Complainant makes parties respondent to her Bill of Complaint the said Hertis D. Baggett and the said Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, and prays that service be had upon them and each of them in the manner prescribed law, and that upon a final hearing of this cause your Complainant prays that the insurance money provided for in the contract of insurance with the said Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, be applied to the satisfaction of the said judgment; and that a judgment or decree may be rendered in this cause in favor of Complainant and against the Respondent, Legal Mutual Insurance Company, a Corporation, formerly Lawyers Mutual Insurance Company, a Corporation, as well as the Respondent, Hertis D. Baggett, for the sum of Three Thousand Dollars (\$3,000.00) with interest and costs. Complainant prays that she may have such other, further, or different relief as in equity she may be entitled.


Solicitor for Complainant."

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Hertis D. Baggett and Lawyers Mutual Insurance Company, 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 Gay Nell McElhaney.

WITNESS my hand, this 16 day of April, 1956.

Ex. April 17, 1956

Alice J. Stuckey
Register

* * * * *

GAY NELL McELHANEY,)
Complainant,)
VS.)
HERTIS D. BAGGETT AND LAWYERS)
MUTUAL INSURANCE COMPANY, A)
CORPORATION,)
Respondents.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BILL OF COMPLAINT

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

The Complainant, Gay Nell McElhaney, respectfully shows unto the Court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondent, Hertis D. Baggett, is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondent, Lawyers Mutual Insurance Company, a Corporation, is a corporation organized under the Laws of the State of Alabama and doing business within the State of Alabama.

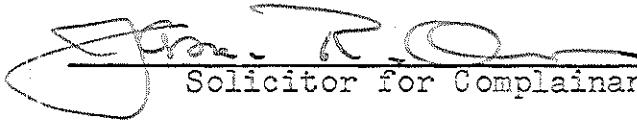
2. The Complainant filed a suit on the Law side of the Circuit Court of Baldwin County, Alabama, against the Respondent, Hertis D. Baggett, claiming damages for personal injuries and

property damage received by Complainant on account of the negligent operation by the Respondent, Hertis D. Baggett, of an automobile upon a public highway in Baldwin County, Alabama, on, to-wit, the 26th day of April, 1955; that upon the trial of said cause on, to-wit, the 15th day of March, 1956, a judgment was rendered in said cause in favor of Complainant against the Respondent, Hertis D. Baggett, for the sum of Three Thousand Dollars (\$3000.00); that said judgment is final and that although rendered more than thirty days ago, it remains wholly unsatisfied; that on, to-wit, the 16th day of April, 1955, when the right of action arose, the Respondent, Hertis D. Baggett, was insured by the Respondent, Lawyers Mutual Insurance Company, a Corporation, against loss or damage he should be responsible, caused by reason of the use of said automobile of the said Respondent, Hertis D. Baggett, and further that on, to-wit, the 16th day of April, 1955, when the right of action arose, the Respondent, Hertis D. Baggett, was insured by the Respondent, Lawyers Mutual Insurance Company, a Corporation, against loss or damage on account of property damage to the property of any person, for which damage he should be responsible, caused by reason of the use of said automobile of the said Respondent, Hertis D. Baggett; that the said automobile which the said Hertis D. Baggett was operating or using at the time of the injury and damage for which said judgment was recovered and by reason of the operation or use of said Complainant's injuries and damages were caused, was the automobile above described and covered by said policy.

The premises considered, your Complainant makes parties respondent to her Bill of Complaint the said Hertis D. Baggett and the said Lawyers Mutual Insurance Company, a Corporation, and prays that service be had upon them and each of them in the manner prescribed by law, and that upon a final hearing of this cause your Complainant prays that the insurance money provided for in the contract of insurance with the said Lawyers Mutual Insurance Company, a Corporation, be applied to the said satisfaction of said judgment; and that

a judgment or decree may be rendered in this cause in favor of the Complainant and against the Respondent, Lawyers Mutual Insurance Company, a Corporation, as well as the Respondent, Hertis D. Baggett, for the sum of Three Thousand Dollars (\$3000.00) with interest and cost. Complainant prays that she may have such other, further, or different relief as in equity she may be entitled.

Filed
April 16, 1956


Solicitor for Complainant.