

CLAUDE WALBRINK,

Plaintiff,

vs.

PETER PLUSCHT, Sr, et al,

Defendants.

IN THE CIRCUIT COURT OF
BALEWIN COUNTY, ALABAMA

DEMURRERS TO REPLICATIONS

Come Now the Defendants and demur to the replications of the Plaintiff numbered First, Second, Third and Fourth and to each of such replications separately and severally, and as grounds for such demurrer, defendants say:

1. Said replication neither denies nor confesses and avoids the averments of defendants plea.
2. That said replication avers no facts in answer to defendants plea.
3. That said replication is not an answer to said plea, for the reason that the same sets out no facts, but is a mere conclusion of the pleader.

Admarius

Attorney for Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CLAUDE WALBRINK,

Plaintiff,

vs.

PETER PLUSCHT, Sr., et al,

Defendants.

C O P Y
DEMURRERS TO REPLICATIONS

Filed Feb 25-1937
R. A. Magney

LLOYD A. MAGNEY
Attorney,
Foley, Alabama.

CLAUDE WALBRINK,
Plaintiff,

-vs-

PETER PLUSCHT, Sr., and
PETER PLUSCHT, Jr.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SEPARATE ANSWER OF PETER
PLUSCHT, Sr.

Comes now this answering Defendant and for answer to the Complaint and each and every Count thereof, separately and severally says:


1. That he is not guilty of the matters and things alleged in the Complaint.

2. For further answer to Count One (1) of the Complaint this answering Defendant says, that the damage to the Plaintiff, if any, was the proximate result of the carelessness and negligence of the Plaintiff, in this: That upon the day of the collision between the automobile driven by the Plaintiff and the automobile of the Defendant, the Plaintiff was driving said automobile upon a public highway of Baldwin County, Alabama, at a point approximately three (3) miles east of the Town of Foley, on the Foley-Elberta Highway, traveling thereon in a westerly direction towards the Town of Foley. At the same time the automobile of this Defendant was being driven by his son, Peter Pluscht, Jr., upon the same highway and in the same direction behind the automobile driven by the Plaintiff, both of said cars proceeding along said highway at a speed of thirty-five (35) or forty (40) miles per hour, when the Plaintiff, without any warning whatsoever and without any sign or signal of his intentions so to do, suddenly stopped the automobile he was driving, upon the travelled section of said public highway and directly in front of the automobile of the Defendant and at a point upon said highway which did not leave room for the automobile

of the Defendant to pass around the car being driven by the Plaintiff, so that the Defendant's son was wholly unable to stop Defendant's automobile in time to avoid the automobile driven by the Plaintiff, and Defendant's automobile ran in to and against the back of the automobile driven by the Plaintiff, and that such collision between said automobiles, and any damage to the Plaintiff which may have resulted therefrom, was solely and proximately caused by the carelessness and negligence of the Plaintiff in suddenly stopping said automobile upon the highway without warning as aforesaid.

WHEREFORE, this answering Defendant says that the Plaintiff ought to take nothing by this action.

3. This answering Defendant for further answer to Count three (3) of the Complaint adopts and repeats the averments of Plea two (2) hereof.


Attorney for Defendant

Such
RECORDED

7-576

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CLAUDE WALBRINK,

Plaintiff,

-VS-

PETER PLUSCHT, Sr., and
PETER PLUSCHT, Jr.,

Defendants.

SEPARATE ANSWER OF PETER
PLUSCHT, Sr.,

Filed August 13/96
Robert Clark

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

CLAUDE WALBRINK,
Plaintiff,

-vs-

PETER PLUSCHT, Sr., and
PETER PLUSCHT, Jr.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SEPARATE ANSWER OF PETER
PLUSCHT, JR.

Comes now this answering Defendant and for answer to the Complaint and each and every Count thereof, separately and severally says:-


1. That he is not guilty of the matters and things alleged in the Complaint.

2. For further answer to Count two (2) of the Complaint, this answering Defendant says, that the loss and damage of the Plaintiff, if any, was the proximate result of the carelessness and the negligence of the Plaintiff, in this: That at the time of the collision between the automobile driven by the Plaintiff and the automobile driven by this Defendant, the Plaintiff was driving an automobile along the public highway in Baldwin County, Alabama, at a point approximately three (3) miles east of the Town of Foley, on the Foley-Elberta Highway; that this Defendant was driving the automobile belonging to his father along the said highway behind the automobile driven by the Plaintiff and both of said cars were traveling at approximately the same rate of speed and about thirty-five (35) to forty (40) miles per hour; that suddenly and without any warning or signal whatsoever to this Defendant of his intention to do so, the Plaintiff suddenly stopped the automobile which he was driving immediately in front of the car being driven by this Defendant, so that this Defendant was wholly unable to stop his automobile in time to avoid striking the automobile driven by the Plaintiff. The Plaintiff stopped said car, as aforesaid, at a point on the travelled part of the highway so that

there was not room on said highway for this Defendant to guide his automobile around that driven by the Plaintiff and as a direct result of Plaintiff's careless and negligent act in stopping said car so suddenly and without any warning and at such a place, this Defendant was unable to avoid a collision with said car and this Defendant's automobile struck the rear end of the automobile driven by the Plaintiff and Defendant avers that the carelessness and negligence of the Plaintiff, as aforesaid, was the sole and proximate cause of the collision between said automobile and of the loss and damage to the Plaintiff, if any.

WHEREFORE, Defendant says that Plaintiff ought not to recover in this suit.

3. This answering Defendant for further answer to Count three (3) of the Complaint adopts and repeats the averments of Plea two (2) hereof.



Attorney for Defendant

RECORDED
4-1-38

7-577

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CLAUDE WALBRINK,

Plaintiff,

-vs-

PETER PLUSCHT, Sr., and
PETER PLUSCHT, Jr.,

Defendant.

SEPARATE ANSWER OF PETER
PLUSCHT, Jr.

Filed August 13 1938
R. S. [unclear]
clerk

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

REPLICATION

CLAUDE WALBRINK,

Plaintiff

vs

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

PETER PLUSCHT, Sr., and
PETER PLUSCHT, Jr.,

Defendants

Comes now the Plaintiff by his attorney and in reply to the answer of the Defendants, Peter Pluscht, Sr., and Peter Pluscht, Jr., each and every count thereof separately and severally says:

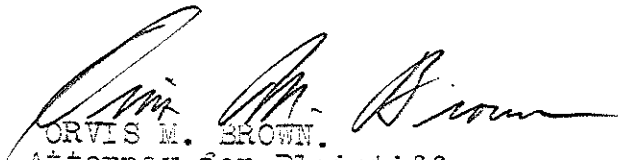
FIRST: That he is not guilty of the matters and things as alleged and set forth in the answer of the Defendants, Peter Pluscht, Sr., and Peter Pluscht, Jr.;

SECOND: That for further answer to Count Two of the Answer hereof the Plaintiff says in reply that the allegation in the Defendants' answer "Defendants were wholly unable to stop defendants' automobile in time to avoid striking the automobile driven by the Plaintiff" is only a conclusion of the pleadents.

THIRD: For further reply to the Answer of the said Defendants, Plaintiff sets forth that no facts are alleged to show why the Defendants were unable to stop their automobile in time to avoid striking the automobile driven by the Plaintiff.

FOURTH: That the Defendants do not allege any facts that show why their car could not pass around the car which was being driven by the Plaintiff at this point on the said high-way and that the damage suffered by the Plaintiff was solely and positively caused by the carelessness and/or negligence of the Defendants in the operation of the said automobile upon the highway as aforesaid.

Wherefore, Plaintiff prays for a judgment against the Defendants for the sum stated in the Complaint, costs of suit and all general and special relief to which he is entitled.


ORVIS M. BROWN.
Attorney for Plaintiff.

279

Walbrink

vs.

Bluscht

RECORDED

Duck

Jan 20

Feb 21 1937
Bluscht

STATE OF ALABAMA

COUNTY OF BALDWIN.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon PETER ~~PLUSH~~^{PLUSH} SR. and PETER ~~PLUSH~~^{PLUSH} JR. 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 CLAUDE WALBRINK.

WITNESS my hand this/3 day of July, 1936.

Clerk of Circuit Court.

總共從前做過得甚麼錢，盡數撥與他，教他買些田地，娶個家小，

CLAUDE WALBRINK,
Plaintiff,

VS.

PETER ~~PLASSAT~~ SR. and
PETER ~~PLASSAT~~ JR.
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.

The Plaintiff claim of the Defendant, Peter ~~Plasch~~ Sr., Three Thousand (\$3000.00) Dollars damages, in that, on to-wit, about the middle of the month of June, 1936, the Defendant, Peter ~~Plasch~~ Sr., acting by and through his agent or servant, Peter ~~Plasch~~ Jr., who was then am there acting within the line and scope of his authority, negligently ran an automobile of the Defendant's, Peter ~~Plasch~~ Sr., into, over, or against an automobile of the Plaintiff's, at a point approximately three miles East of Foley, on the Foley-Elberta Highway, a public highway in Baldwin County, Alabama, and as a proximate result of said negligence the automobile of the Plaintiff's was damages as follows:

Frame bent: Spare tire carrier broken, Complete rear end of body damages, Rear fenders damaged, Rear light completely destroyed, rear spring damaged, and the car otherwise damaged;

And as a proximate result of said negligence the plaintiff suffered personal injury as follows:

Muscles in Neck severely sprained, back and left hand injured, right side of head injured, and suffered constant headache as result of said injury, and other personal injury.

That the car of the Plaintiff's, as a result of said collision, was rendered practically worthless; that the Plaintiff's had to pay certain wrecker charges and body repair bill in an attempt to salvage the wreck, and have been deprived of the use of the said car, all to the damage of the Plaintiff aforesaid. And the plaintiff as a result of said collision, suffered certain personal injury, all as a result of the defendant's negligence, all to the damage of the Plaintiff aforesaid.

TWO:

The plaintiff claims of the Defendant, Peter Planch, Jr., Three Thousand (\$3000.00) Dollars damage, for that, on to-wit about the middle of the month of June, 1936, he negligently drove an automobile which he was operating along the Foley-Elberta highway, in Baldwin County, Alabama, at a point approximately three miles East of Foley, on the Foley-Elberta highway, into, over or against an automobile of the Plaintiff's, which was being operated along said highway, and as a proximate result of said negligence the Plaintiff's automobile was damaged as follows, and he suffered personal injury as follows:

Frame bent: Spare tire carrier broken, complete rear end of body damaged, rear fenders damaged, rear light completely destroyed, rear spring damaged, and the car otherwise damaged;

Personal injury as follows:

Muscles in neck severally sprained, back and left hand injured, right side of head injured, and suffered constant headache as result of said injury, and other personal injury.

all to the damage of the Plaintiff, hence this suit.

THREE:

The Plaintiff claims of the Defendant's Three Thousand (\$3000.00) Dollars damages, in that, on to-wit about the middle of June,

1936, Peter ~~Plasch~~ Jr., an agent or servant of Peter ~~Plasch~~ Sr., who was then and there acting within the line and scope of his employment, negligently ran an automobile into, over or against an automobile of the Plaintiff's, which was being operated along the Foley-Elberta highway, a public highway in Baldwin County, Alabama, at a point approximately three miles East of Foley, and as a proximate result of said negligence the Plaintiff's automobile was damaged and the plaintiff suffered personal injury as follows:

Frame bent; Spare tire carrier broken, complete rear end of body damaged, rear fenders damaged, rear light completely destroyed, rear spring damaged, and the car otherwise damaged:

Personal injury as follows:

Muscles in neck severally sprained, back and left hand injured, right side of head injured, and suffered constant head-ache as result of said injury, and other personal injury.

all to the damage of the plaintiff, hence this suit.


Attorney for Plaintiff.

Plaintiff demand a trial by Jury.


Attorney for Plaintiff.

279

(executed)

RECORDED

due
7-5-35

CLAUDE WALBRINK,

Plaintiff,

VS.

PETER ~~Pluricht~~ Sr., and
PETER ~~Pluricht~~ Jr.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.

SUMMONS AND COMPLAINT.

Filed this 13 day of July, 1936

[Signature]
Clerk.

ORVIS M. BROWN
Attorney for Plaintiff.
Robertsdale, Alabama.

(112)

Rec in office
7/13/36

M. H. Wilkins
Sheriff

Executed _____ 1936
by serving copy of within Summons and
Complaint on

Peter Pluricht Sr. 7-17-36
Peter Pluricht Jr. 7-23-36

M. H. Wilkins Sheriff
By *Louis Bryan* Deputy Sheriff

No. 279 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY
CIRCUIT COURT

Claude Walbrink

Plaintiff

vs.

Peter Plusett, Sr. & Peter

Plusett, Jr.

Defendant

**Civil Execution for Costs
Against Plaintiff**

Costs - - - - - \$ 14.⁰⁰

Civil Fee Book Consid Page 279

Execution Docket Consid Page 279

Filed Oct 16, 1935

B. S. Duck Clerk.

Orville M. Brown

Plaintiff's Attorney

Walter A. Maguire

Defendant's Attorney

COLLECTION COSTS FROM

The State of Alabama, {
BALDWIN COUNTY

I hereby certify that the within
and costs in this case are correct, and there was
_____ waiver of exemption as to personal prop-
erty under the Constitution and Laws of Ala-
bama.

This _____ day of _____ 193_____

Clerk.

Received in office 16th

Oct

1938

M. H. Watkins

Sheriff

Sheriff's Execution Docket, Page 165

Sheriff's Fee Book, _____ Page _____

*No Property found
in my county after
thorough search and
inquiry
Nov 2nd 1938
M. H. Watkins Sheriff*

Sheriff

THE STATE OF ALABAMA, {
Baldwin County. } By virtue of the within execution, I have at _____
o'clock, --- M., this _____ day of _____ 193_____ levied