

STATE OF ALABAMA Y

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon TONY BINGERT, and RAY YOUNCE, to appear within the type days from the service of this writ in the Circuet Court to be held for said County, at the place of holding the same, then and there to answer the Complaint of CHARLES H. HORNE and J. C. HORNE.

WITNESS my hand this 2/ day of July,1936.

Clerk.

CHARLES H. HORNE and J.C. Horne,

Plaintiffs,

VS.

TONY BINGERT, and RAY YOUNCE.

Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

AT LAW.

The Plaintiffs claim of the Defendants, Tony Bingert, and Ray Younce, Five Thousand (\$5000.00) Dollars damages, in that, on to-wit, June 12th, 1936, the defendants unlawfully parked their trucks on a public highway in Baldwin County, Alabama, the defendant Tony Bingert unlawfully parked his truck without lights, in the nightimes, namely about 9:40 O'clock P.M., and Befendant Ray Younce, unlawfully and negligently parked his truck with bright lights along side of the defendant Tony Bingert, at the same time on a public highway in Baldwin County, Alabama, at a point between Elberta, and Lillian, Alabama, on the Foley-Pensacola highway, and because of the negligent acts of these defendants, and as a proximate result of said negligence of Defendants hhe automobile of the Plaintiff's was ran into, over, or against the truck of the Defendants, and as a proximate result of said negligence the automobile of the Plaintiffs' was damaged as follows:



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(page -2- }

Left front corner of body struck thereby completely wrecking the body, frame broken and sprung, steering assembly damaged, fenders damaged, radiator damaged, and the car otherwise damaged;

That the car of the Plaintiff's as a result of said Collision, was rendered practically worthless; that the Plaintiffs had to pay certion wrecker charges in attempt to salvage the wreck, and have been deprived of the use of the said car, all to the damage of the Plaintiffs aforesaid.

And further as a Proximate result of said negligence of the said Defendats, the plaintiff Charles H. Horne, suffered personal injuries, and damages as follows:

Five inch cut on left side of forehead, two inch cut over left eye, broken Nose, Upper lip cut, teeth broken and loosened left shoulder cut, left arm severall deep lacerations, and otherwise suffered bodily injury and mental pair.

as a result of said collision, all to the damage of the Plaintiff aforesaid.

TWO:

The Plaintiffs claim of the Defendants, Tony Bingert, and Ray Younce, Five Thousand (\$5000.00) Dollars damages, for that, on to-wit, June 12th,1936, the defendants hegligently parked their trucks on a Public Highway in Baldwin County, Alabama, at a point between Elbetta and Lillian, on the Foley-Pensacols highway, a public highway, and because of the negligent acts of the said defendants, the automobine of the plaintiffs' while being operated along thepublic highway was caused to run into, over or against a truck of the defendants Tony Bingert's, which was parked on the highway without lights, and as a proximate result of said negligence the Plaintiffs' automobile was damaged as follows:

Left front corner of body struck thereby completely wrecking the body ,frame broken and sprung, steering assembly damaged, fenders damaged, radiator damaged, and the car otherwise damaged.

All to damage of the Plaintiffs, hence this suit.

(page - 3 -)

And further as a result of the said negligence of the of the said Defendants, the plaintiff Charles H. Horne, suffered personal dinjuries, and damages as follows:

Five inch cut on left side of forehead, two inch cut, over left eye, broken Nose, Upper lip cut, teeth broken and loosened, left shoulder cut, left arm severally deep lacarations, and otherwise suffered bodily injury and mental pain.

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

THREE:

The Plaintiff's claim of the Defendants, Five Thousdand (\$5000.00) Dollars damages, in that, to-wit, June 12th,1936,
Tony Bingert, and Ray Younce, negligently parked their trucks in the highway, and by this negligence caused their trucks to collide with, over, into, or against an automobile of the plaintiffs', which was being operated along the Foley-Pensacola highway, a public highway in Baldwith County, Alabama, at a point approximately between Elberta and Lillian, and an approximate result of said negligence the Plaintiffs automobile was damaged as follows:

Left front corner of body struck thereby completely wrecking the body, frame broken and sprung, steering assembly damaged, fenderes damaged, radiator damaged, and the car otherwise damaged.

All to the damage of the Draintiffs' ,hence this sutt.

And as a result of said negligence, plaintiff Charles H. Horne, suffered personal injury and damages as follows:

Five inch cut on left side of forehead, two inch cut over left eye, broken nose, upper lip cut, teeth broken and loosened, left shoulder cut, left arm several deep lacarations, and otherwise suffered bodily injury and mental pain.

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

Attorney for Plaintiffs.

Plaintiffs demand a trial by Jory.

Attorney for Plaintiffs.

No284 7-525

CHARLES H. HORNE and J. C. HORNE,

Plaintiffs,

vs.

TONEYBINGERT, and RAY YOUNCE.

Defendants.

INTTHE CIRCUIT COURT OF
BADDWIN COUNTY, ALABAMA
AT LAW.

SUMMONS AND COMPLAINT

Filed this 5/ day of

July, 1936.

CLERK.

y serving copy of within Summons an Complaint on

I May younce

M. H. Wilkern Shorter

THE STATE OF ALABAMA, No. 284. Baldwin County

CIRCUIT COURT

To Any Sheriff of the State of Alab			V .			
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WEST WINDAY

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT

Charles H Horne, and J C Horne

Plaintiff....

VS.

Tony Bingert and Ray Younce

Defendant....

Civil Execution for Costs **Against Plantiff**

Civil Fee Book Ces. Page

Execution Docket Page

Filed Dec 23 1942

Orvis M Brown.

Plaintiff's Attorney

Beebe & Hall.

Defendant's Attorney

Received in Sheriff's Office this 23 day of Que, 1942 W. R. STUART, Sheriff

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 property under the Constitution and Laws of Alabama.

Received in office

Sheriff's Execution Docket, Page

Sheriff's Fee Book, Page

CHARLES H. HORNE, and J. C. HORNE,

Plaintiffs,

VS.

TONY BINGERT and RAY YOUNCE,

Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 284.

And now comes the Defendant, PAY YOUNCE, and demurs to the Plaintiff's complaint and to each count thereof, separately and severally, and for grounds thereof says:

ONE:

There is a misjoinder of parties Plaintiff.

TWO:

There is a misjoinder of parties Defendant.

THREE:

The said count sets out no facts which constitutes negligence on the part of the Defendant.

FOUR:

That said count does not state a cause of action.

FIVE:

The allegation that the Defendant negligently parked his automobile on a public highway, in Baldwin County, Alabama, is but a conclusion of the pleader and sets out no facts which constitutes negligence.

SIX:

There is a misjoinder of causes of action in the same complaint.

SEVEN:

There is a misjoinder of causes of action in the same count.

Attorneys for Derendant, Ray.
Younce.

DEMURRERS OF RAY YOUNCE.

CHARLES H. HORNE, J. C. HORNE,

Plaintiffs,

VS.

TONY BINGERT and RAY YOUNCE,

Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 284.

Filed Sept. 8, 1936 Q. S. Duck, clark

CHARLES H. HORNE, and J. C. HORNE, IN THE CIRCUIT COURT OF

Plaintiffs,

BALDWIN COUNTY, ALABAMA,

VS.

AT LAW,

TONY BHIGERF and RAY Younge,

Defendants.

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There is a misjoinder of parties Plaintiff.

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Automeys for Defendant, Tony Bingert.

CHARLES H. HORNE, and J. C. HORNE,

Plaintiffs,

VS.

TONY BINGERT and RAY YOUNGE,

pefendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

AR LAW,

по. 284.

Tiled Aug. 20, 1936 Robert S. Duck,