

STATE OF ALABAMA  
COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon TONY BINGERT, and RAY YOUNCE, 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 CHARLES H. HORNE and J. C. HORNE.

WITNESS my hand this 21 day of July, 1936.

*Robert L. Dues*  
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 nighttime, namely about 9:40 O'clock P.M., and Defendant 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 the 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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WITNESS my hand this 21 day of July, 1936.

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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 nighttime, namely about 9:40 O'clock P.M., and Defendant 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 the 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:

(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 certification 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 Defendants, 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 pain.

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 negligently parked their trucks on a Public Highway in Baldwin County, Alabama, at a point between Elberta and Lillian, on the Foley-Pensacola highway, a public highway, and because of the negligent acts of the said defendants, the automobile of the plaintiffs' while being operated along the public 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 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 several deep lacerations, 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 Thousand (\$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 Baldwin County, Alabama, at a point approximately between Elberta and Lillian, and as a proximate result of said negligence the Plaintiffs automobile was damaged as follows:

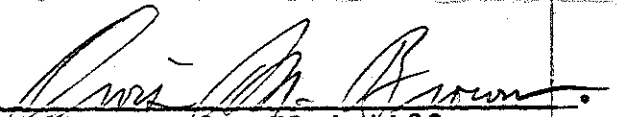
Left front corner of body struck thereby completely wrecking the body, frame broken and sprung, steering assembly damaged, fenders damaged, radiator damaged, and the car otherwise damaged.

All to the damage of the Plaintiffs', hence this suit.

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 lacerations, 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 Jury.

  
Attorney for Plaintiffs.

RECORDED

No 284

*check*  
7-525

CHARLES H. HORNE and  
J. C. HORNE,

Plaintiffs,

VS.

TONYBINGERT, and  
RAY YOUNCE.

Defendants.

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

SUMMONS AND COMPLAINT

Filed this 5 day of

July, 1936.

*Patricia*  
CLERK.

Executed July 27 1936  
by serving copy of within Summons and  
Complaint on

*Tony Bingert*  
*Ray Younce*

*M. H. Wilkins* Sheriff  
*C. V. Anderson* Deputy Sheriff



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 Plaintiff

Costs - - - - - \$4 40.

Civil Fee Book ~~Cds.~~ Page .....

Execution Docket Page .....

Filed Dec. 23, 1942

Paul Clerk.

Orvis M Brown.

Plaintiff's Attorney

Beebe & Hall.

Defendant's Attorney

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

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  
property under the Constitution and Laws of  
Alabama.

This..... day of ..... 194....

..... Clerk.

Received in office .....

..... 194....

..... Sheriff

Sheriff's Execution Docket, Page .....

Sheriff's Fee Book, ..... Page .....

*Returned no property of the  
plaintiff found in my  
County. This 23 day  
of March 1943  
W.R. Stuart Sheriff  
By M.B. Hammett*

Sheriff

THE STATE OF ALABAMA,  
Baldwin County.

By virtue of the within execution, I have at .....

o'clock, ..... M., this ..... day of ..... 194... levied

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, RAY YOUNCE, and demurs  
to the Plaintiff's complaint and to each count thereof, separate-  
ly 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.

Beale & Hall  
Attorneys for Defendant, Ray  
Younce.



RECORDED  
*Duck*  
7-561

DEMURRERS OF RAY YOUNGE.

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

Plaintiffs,

VS.

TONY BINGERT and RAY  
YOUNGE,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 284.

*filed Sept. 8, 1936*  
*R. S. Duck, 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,

NO. 234.

And now comes the Defendant, TONY BINGERT, 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:

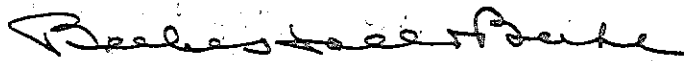
The allegation that the Defendant negligently parked his automobile on a public highway, in Baldwin County, Alabama, is but a conclusion of the pleader and sets out no facts which constitutes negligence.

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 Defendant, Tony  
Bingert.

2010018711  
*Duck*  
DEMURRERS

7-526

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.

*Filed Aug. 20, 1936*  
*Robert S. Duck,*  
*Clk.*