

STATE OF ALABAMA
BALDWIN COUNTY

441
IN THE CIRCUIT COURT. AT LAW.

ORDER ALLOWING AND DIRECTING EXAMINATION OF WITNESS,
L. H. MILSTEAD.

This cause being presented and submitted to the Court upon the affidavit of Opal Eddins, Administratrix of the Estate of Charlie Metz Eddins, Deceased, and it appearing to the Court from such affidavit that she, the said Opal Eddins, as such Administratrix, expects to be a party in this Court in an action at law, wherein Sherrill Oil Company, a foreign corporation, but whose designated agent for service of process in this State is C. N. Stallworth, Evergreen, Alabama, is expected to be adverse; and it further appearing to the Court from such affidavit that the testimony of a witness, L. H. Milstead, is necessary to the prosecution of such suit:

IT IS THEREFORE ORDERED AND DECREED that the testimony of the said witness, L. H. Milstead, be taken conditionally and perpetuated as provided by law.

IT IS FURTHER ORDERED AND DECREED that the deposition of the said witness be taken before me as Judge of said Court at Monroeville, Alabama at the hour of 2 P. M. on the 21st day of May, 1938, and that ten days notice of the time and place of such examination be given to the Sherrill Oil Company by service upon C. N. Stallworth, as the designated agent for service of process in this State.

This 29th day of April, 1938.

F. W. Hare
Judge.

(2)

RECORDED *Book*
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ORDER ALLOWING AND DIRECTING
EXAMINATION OF WITNESS, L. H.
MILSTEAD.

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J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT. AT LAW.

Before me, the undersigned authority within and for said County in said State, personally appeared Opal Eddins, who, after being by me first duly and legally sworn, deposes and says

1. That she is over twenty-one years of age; that she is the duly qualified Administratrix of the Estate of Charlie Metz Eddins, Deceased, and is now acting as such Administratrix. such Administratrix of the said Estate she expects to be a party an action at law to be commenced in this Court.

2. The testimony of a witness, namely: L. H. Mills of Atmore, Alabama, is necessary to the prosecution of the said and the facts generally expected to be proved by the said witness are as follows: That on July 19, 1937, he was employed by the Sherrill Oil Company, a Corporation, as a truck driver and while so employed he was driving a truck belonging to the said Sherrill Oil Company on U. S. Highway Number 31 in Baldwin County, Alabama and while approximately one and eight-tenths miles northeast of the place where U. S. Highway Number 31 intersects U. S. Highway Number 90, the truck which he was operating ran over onto or against the motor truck that was being operated by Charlie Metz Eddins; that Charlie Metz Eddins was killed by the collision and that this collision was due to the negligence of the said witness L. H. Milstead, who was then and there the agent, servant or employee of the Sherrill Oil Company, a Corporation, acting within the line and scope of his employment.

3. The name of the party who is expected to be advised in the suit to be commenced by affiant as Administratrix of the Estate of Charlie Metz Eddins, Deceased, is the Sherrill Oil Company a foreign corporation which is qualified to do business in the State of Alabama, whose designated agent for service of process in this State is C. N. Stallworth, of Evergreen, Alabama.

WHEREFORE, affiant prays the Court for an order allowing or directing the examination of such witness at such time and place as may be proper.

Opal Eddins

Sworn to and subscribed before me on
this the 25th day of April, 1938.

F. W. Hare

Judge, 21st Judicial Circuit of Alabama.

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT. AT LAW.

ORDER ALLOWING AND DIRECTING EXAMINATION OF WITNESS.

This cause being presented and submitted to the Court upon the affidavit of Opal Eddins, Administratrix of the Estate of Charlie Metz Eddins, Deceased, and it appearing to the Court from such affidavit that she, the said Opal Eddins, as such Administratrix, expects to be a party in this Court in an action at law, wherein Sherrill Oil Company, a foreign corporation, but whose designated agent for service of process in this State is C. N. Stallworth, Evergreen, Alabama, is expected to be adverse; and it further appearing to the Court from such affidavit that the testimony of a witness, L. H. Milstead, is necessary to the prosecution of such suit:

IT IS THEREFORE ORDERED AND DECREED that the testimony of the said witness, L. H. Milstead, be taken conditionally and perpetuated as provided by law.

IT IS FURTHER ORDERED AND DECREED that the deposition of the said witness be taken before me as Judge of said Court at Monroeville, Alabama at the hour of 2 P. M. on the 21st day of May, 1938, and that ten days notice of the time and place of such examination be given to the Sherrill Oil Company by service upon C. N. Stallworth, as the designated agent for service of process in this State.

This 29th day of April, 1938.

F. W. Hare

Judge.

Executed this the 3rd day of May 1938, by serving copy of this Writ upon Walter M. C. N. Stallworth agent for Sherrill

(13) **RECORDED** *Decl.*
Original. 8 236

NOTICE TO SHERRILL OIL COMPANY,
a Corporation.

*Forwarded May 2, 1938.
D. S. Davis, Clerk.*

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA
CONECUH COUNTY

I have executed the within writ on this the 3rd day of May, 1938, by serving a copy on C. N. Stallworth, Agent for the Sherrill Oil Company, a Corporation.
Dated this 3rd day of May, 1938.

W. A. Moore

Sheriff, Conecuh County, Alabama.

By _____

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT. AT LAW.

Before me, the undersigned authority within and for said County in said State, personally appeared Opal Eddins, who, after being by me first duly and legally sworn, deposes and says

1. That she is over twenty-one years of age; that she is the duly qualified Administratrix of the Estate of Charlie Metz Eddins, Deceased, and is now acting as such Administratrix. As such Administratrix of the said Estate she expects to be a party in an action at law to be commenced in this Court.

2. The testimony of a witness, namely: L. H. Mils of Atmore, Alabama, is necessary to the prosecution of the said and the facts generally expected to be proved by the said witness are as follows: That on July 19, 1937, he was employed by the Sherrill Oil Company, a Corporation, as a truck driver and while so employed he was driving a truck belonging to the said Sherrill Oil Company on U. S. Highway Number 31 in Baldwin County, Alabama and while approximately one and eight-tenths miles northeast of the place where U. S. Highway Number 31 intersects U. S. Highway Number 90, the truck which he was operating ran over into or against the motor truck that was being operated by Charlie Metz Eddins; that Charlie Metz Eddins was killed by the collision and that this collision was due to the negligence of the said witness L. H. Milstead, who was then and there the agent, servant or employee of the Sherrill Oil Company, a Corporation, acting within the line and scope of his employment.

3. The name of the party who is expected to be adverse in the suit to be commenced by affiant as Administratrix of the Estate of Charlie Metz Eddins, Deceased, is the Sherrill Oil Company, a foreign corporation which is qualified to do business in the State of Alabama, whose designated agent for service of process in this State is C. N. Stallworth, of Evergreen, Alabama.

WHEREFORE, affiant prays the Court for an order all
ing or directing the examination of such witness at such time and
place as may be proper.

Opal E. Edins.

Sworn to and subscribed before me on
this the 25th day of April, 1938.

A. W. Hare

Judge, 21st Judicial Circuit of Alabama.

(11) *Black*
RECORDED. 8-23-7

AFFIDAVIT OF OPAL EDDINS IN
CONNECTION WITH PERPETUATING
TESTIMONY OF L. H. MILSTEAD.

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J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

(1) RECORDED *Black*
8-23-77

AFFIDAVIT OF OPAL EDDINS IN
CONNECTION WITH PERPETUATING
TESTIMONY OF L. H. MILSPEAD.

Endorsed 1938
Black

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to notify the Sherrill Oil Company, a Corporation, that on April 25th, 1938, Opal Eddins, Administratrix of the Estate of Charlie Metz Eddins, Deceased, filed in the Circuit Court of Baldwin County, Alabama, Law Side, a sworn application to take conditionally and perpetuate the testimony of a witness, namely, L. H. Milstead, as will fully appear from a copy of the application hereto attached:

And further, that on April 29, 1938, F. W. Hare, Judge of the 21st Judicial Circuit of Alabama, made an order allowing and directing the examination of the witness, L. H. Milstead, a copy of which is hereto attached, the said examination to be before the said F. W. Hare, Judge of the 21st Judicial Circuit of Alabama, in the City of Monroeville, Alabama, at 2:00 o'clock P. M. on May 21, 1938, at which time you may appear if you think proper so to do.

Witness my hand this 2nd day of May, 1938.



Clerk of the Circuit Court of
Baldwin County, Alabama.