

SALLY DUNBAR,

Plaintiff,

VS.

NOONAN & RAY, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 480.

And now come the Defendants and demur to the Plaintiff's complaint, and for grounds thereof, separately and severally, say:

1. That said complaint does not state a cause of action.
2. That said complaint shows no duty owing by the Defendants to the Plaintiff.
3. That said acts of negligence are stated merely as a conclusion of the pleader and no facts are alleged to substantiate them.
4. That said complaint affirmatively shows that the injuries complained of were the direct and proximate result of the negligence on the part of the said F. E. Nellis, with whom the Plaintiff was riding.
5. That said complaint alleges no facts or matters which constitute negligence on the part of the Defendant.
6. That said complaint charges negligence on the part of the Defendants, in the alternative, in one and the same count.

Deepest Valley & Beebe
Attorneys for Defendants.

Defendants demand a trial by Jury.

Deepest Valley & Beebe
Attorneys for Defendants.

RECORDED 8-381

DEMURRERS

SALLY DUNBAR,
Plaintiff,
VS.
NOOMAN & RAY, ET AL.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW,
NO. 480.

Filed June 27, 1938.

R. S. DUCK,
clerk, & register,
By *Max Oliver Thompson*
Deputy

SALLY DUNBAR,
Complainant,

vs.

NOONAN & RAY, a Co-partnership
composed of W. J. NOONAN and
WILLIAM RAY and W. J. NOONAN and
WILLIAM RAY, individually, and
NOONAN CONSTRUCTION COMPANY, a
Co-partnership, composed of W. J.
NOONAN and WILLIAM RAY and NOONAN
CONSTRUCTION COMPANY, a Corporation,
Defendants.

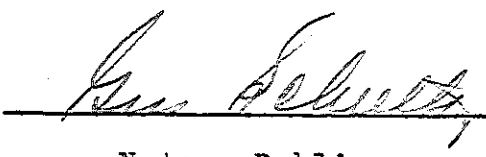
STATE OF ALABAMA)
BALDWIN COUNTY)

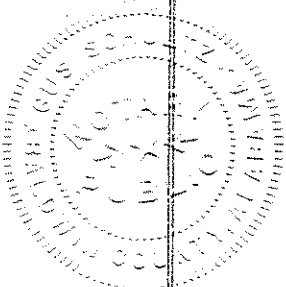
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

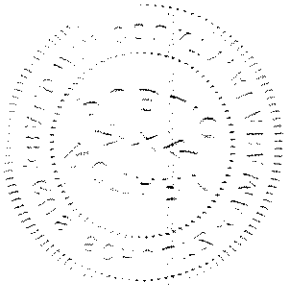
AFFIDAVIT FOR ATTACHMENT

Lloyd A. Magney, being first duly sworn, on his
oath deposes and says: That he is attorney for the above named
Plaintiff; that the amount of the demand of the Plaintiff against
the above named Defendants is the sum of ONE THOUSAND & 00/100
(\$1,000.00) DOLLARS, and that it is justly due; that the Defend-
ants, Noonan & Ray, a co-partnership, composed of W. J. Noonan
and William Ray and W. J. Noonan and William Ray, individually,
and Noonan Construction Company, a co-partnership, composed of
W. J. Noonan and William Ray and Noonan Construction Company, a
Corporation, are each and all non-residents of the State of Ala-
bama and residents of the State of Florida and Plaintiff elects
that attachment issue without bond being given; that this attach-
ment is not sued out for the purpose of vexing or harrassing the
Defendants.

Subscribed in my presence and sworn to before me this
29 day of October, 1938.


Notary Public





RECEIVED

2nd of October, 1938

Subscribed in my presence and sworn to before me this

Defendants:

that he has been and for the purpose of making or procuring the
that attachment there against said party shall also this attach-
ment and residence of the state of Alabama and the judicial circuit
jurisdiction, the state and all non-residents of the state of Ala-
bama, the county and judicial circuit and the county commission, the
the judicial circuit and the county commission, the county commission
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(21,000.00) together and also to be (21,000.00) and the return-

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RETURN OF THE COURT
SALLY DUNBAR, vs.

NOONAN & RAY et al,
Defendants.

AFFIDAVIT FOR ATTACHMENT

Filed October 29, 1938
R. S. DUCK, clerk, register
By *Handwritten Signature* Deputy

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

COMMISSIONER COMMISSIONER & COMMISSIONER
NOONAN & RAY et al, NOONAN & RAY et al
co-commissioner, co-commissioner of the
NOONAN & RAY et al, NOONAN & RAY et al
co-commissioner, co-commissioner of the
NOONAN & RAY et al, NOONAN & RAY et al
co-commissioner, co-commissioner of the

As:

Commissioner

State of Alabama

VALIDATION FOR RECORDING
IN THE CIRCUIT COURT OF

480
RECORDED 3-294

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Noonan & Ray, a co-partnership, composed of W. J. Noonan and William Ray and W. J. Noonan and William Ray, individually, and Noonan Construction Company, a co-partnership, composed of W. J. Noonan and William Ray and Noonan Construction 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 Sally Dunbar.

WITNESS my hand this 29 day of October, 1938.

R. S. DUCK

By Public Guardian
Deputy Clerk

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SALLY DUNBAR,

Complainant,

vs.

NOONAN & RAY, a Co-partnership
composed of W. J. NOONAN and
WILLIAM RAY and W. J. NOONAN and
WILLIAM RAY, individually, and
NOONAN CONSTRUCTION COMPANY, a
Co-partnership, composed of W. J.
NOONAN and WILLIAM RAY and NOONAN
CONSTRUCTION COMPANY, a Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COMPLAINT

The Plaintiff claims of the Defendants the sum of ONE THOUSAND & 00/100 (\$1,000.00) DOLLARS as damages for that heretofore on, to-wit: The first day of October, 1938, the Defendants were engaged in grading and repairing a certain public highway in Baldwin County, Alabama, known as the Robertsdale-Fairhope Highway and on the night of said October 1st, 1938, the employees, agents or servants of the Defendants, whose names are unknown to

the Plaintiff, but while acting within the line and scope of their employment, the said employees, agents or servants of the Defendants carelessly and negligently did the following things:

Parked an automobile truck upon the South part of said public highway, headed east, with its headlights burning brightly and undimmed; blocked and obstructed the center part of said highway by placing thereon parts of trees, brush and other obstructions, so that automobiles could not travel upon said center part of said highway; placed upon the North part of said highway and in the part thereof on which automobiles travelling West upon said highway would travel, a large automobile truck with a large water tank thereon, which was used for the purpose of sprinkling said highway and had no proper tail light or warning light upon said tank truck.

That Plaintiff was riding as a passenger in an automobile driven by one F. E. Nellis and had no control over the operation of said automobile which was being driven along said highway to the West, towards Fairhope, Alabama, and that because of the carelessness and negligence of the employees, agents and servants of the Defendants in parking said truck with its headlights undimmed towards the East, the said F. E. Nellis was blinded by said headlights as he approached the same and was unable to see the water tank of the Defendants until he was so close to the same as to be unable to stop his car and because of the obstruction to the center of the highway, was unable to turn his automobile so as to avoid said truck and, as a consequence, drove said automobile into and against said water tank truck of the Defendants, injuring Plaintiff severely by the impact between said automobile and said tank truck and Plaintiff avers that she sustained a sprained ankle, a severe shock and numerous bruises and contusions by which she was made sick, sore and lame and was obliged to spend large sums of money for doctor's services to treat her said injuries and was made to suffer severe physical pain, all to her damage as aforesaid.

Plaintiff avers that her injuries were proximately caused by reason of and as a proximate consequence of the negligence of the agents, servants or employees of the Defendants while acting in the line of their duty and scope of their authority, in that said agents, servants or employees negligence blinded said F. E. Nellis and blocked said highway as aforesaid.



Attorney for Plaintiff

RECORDED *out*
5. 29. 35

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SALLY DUNBAR,
Complainant,

vs.

NOONAN & RAY et al,
Defendants.

SUMMONS AND COMPLAINT

Filed October 29, 1935
R. S. DUCK
clerk, - register
By *W. H. Magney*
Deputy

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

*After diligent
search the defendants
could not be found in
Baldwin County.
M. Stillington
Sheriff
By John R. Davis
D.S.*

ATTACHMENT.

(480)

The State of Alabama,
Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, LLOYD A. MAGNEY, as Attorney of Record for Plaintiff,
SALLY DUNBAR,

hath complained on oath to me, ROBERT S. DUCK, Clerk of Circuit Court of Baldwin County, Ala.,
that NOONAN & RAY, a co-partnership composed of W. J. Noonan and
William Ray, and W. J. Noonan and William Ray, individually,
and NOONAN CONSTRUCTION COMPANY, a co-partnership composed of
W. J. Noonan and William Ray, and NOONAN CONSTRUCTION COMPANY,
a Corporation,
is justly indebted to the Plaintiff—

SALLY DUNBAR, () () ()

in the sum of ONE THOUSAND & 00/100 (\$1,000.00) Dollars, and

LLOYD A. MAGNEY, Attorney for Plaintiff, having made affidavit ~~and given bond~~

as required by law, in such cases, you are hereby commanded to attach so much of the estate of
NOONAN & RAY, a co-partnership composed of W. J. Noonan and William
Ray, and W. J. Noonan and William Ray, individually, and NOONAN CONSTRUC-
TION COMPANY, a co-partnership composed of W. J. Noonan and William
Ray, and NOONAN CONSTRUCTION COMPANY, a corporation,
as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so
attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be
had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said
County, on _____ Monday of _____ 1938

next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 29th day of October A. D. 1938

R. S. DUCK

Clerk.

By: Ans. Miss Thompson

Deputy.

RECORDED 92288

No. 480

ATTACHMENT

SALLY DUNBAR, Plaintiff,

Vs. { ATTACHMENT

NOONAN & RAY, ET AL,
Defendants.

Issued October 29th, 1938

MOORE PRINTING CO.

*No property of the
Defendants found in
Baldwin County
M. H. Wilkins
Sheriff
By John C. Davis
D.S.*