

PERCY WILSON LUSK
PLAINTIFF

VS

CARRIE TYLER

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

NO. 978

And now comes the Defendant and demurs to the complaint hertofore
filed in this cause, and for grounds thereof says:

1. That said complaint does not state a cause of action.
2. There is a misjoinder of separate cause of action in the
same of count.

BEEBE & HALL

BY: 

Attorneys for the Defendant

975

Link
or
Tyrer

Demure

Filed Aug 13 1946

R. H. Hall
Clerk

Percy Wilson Lusk :

Plaintiff :

VS. :

Carrie Tyler :

Defendant :

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on the 17th, day of July 1946, I mailed by registered mail in an envelope addressed as follows:

"Carrie Tyler
Oran, Missouri."

"Registered Mail
Return Receipt Requested
Deliver to addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Carrie Tyler
Oran, Missouri

You will take notice that on the 16th, day of July, 1946, there was served upon me, in my official capacity, ~~summons with complaint attached~~ in a case entitled Percy Wilson Lusk, Plaintiff vs. Carrie Tyler, Defendant, in the Circuit Court of Baldwin County, Alabama, a true copy of which summons and complaint is hereto attached, and the said service upon me as Secretary of State of Alabama has the force and effect of personal service upon you.

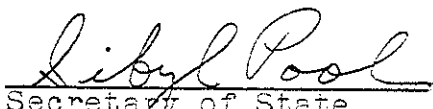
WITNESS MY HAND and the Great Seal of the State of Alabama, this the 17th, day of July, 1946.

Signed/ Sibyl Pool
Secretary of State."

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above styled cause, there being mailed in the envelope at the time shown the notice with copy of summons and complaint attached thereto.

I further certify that the attached receipt was received by me on July 22, 1946, showing the receipt by the designated addressee of said notice with the attached summons and complaint aforesaid, which receipt I attach hereto.

WITNESS MY HAND and the Great Seal of the State of Alabama, this the 22nd, day of July 1946.

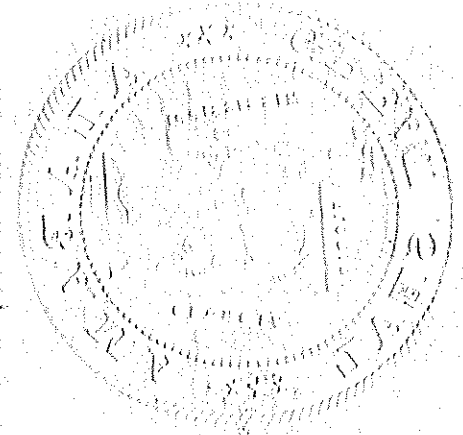

Secretary of State

Enclosure - 1



Continued
at Secary at
State

Filed July 24-1946
R. H. H. H.
Clerk



PERCY WILSON LUSK,

Plaintiff,

VS.

CARRIE TYLER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

AMENDED COMPLAINT

Now comes the Plaintiff and amends the Complaint heretofore filed in this cause so that, as amended, it will read as follows:

1. The Plaintiff claims of the Defendant Five Thousand Dollars (\$5000.00) damages for that, heretofore, on to-wit, May 26, 1946, at the intersection of United States Highway 90 (Old Spanish Trail) and a street running Eastwardly to the Town of Loxley, in Baldwin County, Alabama, the Plaintiff was operating his automobile Northwardly on the right hand side of said highway about five o'clock P. M. in the afternoon, when the Defendant, who was operating a motor truck Southwardly on said highway, negligently turned across said highway to his left and negligently drove said truck into, against or upon the automobile which the Plaintiff was then and there occupying and as a proximate result of said negligence, the Plaintiff was injured, four ribs being broken and his lung punctured, and he was required to provide hospital and medical treatment for himself, all to his damage in the aforesaid sum.

2. The Plaintiff claims of the Defendant One Thousand Dollars (\$1000.00) damages for that, heretofore, on to-wit, May 26, 1946, at the intersection of United States Highway 90 (Old Spanish Trail) and a street running Eastwardly to the Town of Loxley, in Baldwin County, Alabama, the Plaintiff was operating his automobile Northwardly on the right hand side of said highway about five o'clock P. M. in the afternoon, when the Defendant, who was operating a motor truck Southwardly on said highway, negligently turned across said highway to his left and negligently drove said truck into, against or upon the automobile which the Plaintiff was then and there occupying and as a proximate result of said negli-

gence, the Plaintiff's automobile was severely damaged, the radiator, grill, fender, bumper guard, motor supports, head light, wind shield, hood and other parts of said car were broken, the frame was bent and Plaintiff was denied the use of said automobile, all to his damage in the aforesaid sum.

3. The Plaintiff claims of the Defendant Two Thousand Dollars (\$2000.00) damages for that, heretofore, on to-wit, May 26, 1946, at the intersection of United States Highway 90 (Old Spanish Trail) and a street running Eastwardly to the Town of Loxley, in Baldwin County, Alabama, the Plaintiff was operating his automobile Northwardly on the right hand side of said highway about five o'clock P. M. in the afternoon, when the Defendant, who was operating a motor truck Southwardly on said highway, negligently turned across said highway to his left and negligently drove said truck into, against or upon the automobile which the Plaintiff was then and there occupying and as a proximate result of said negligence, the Plaintiff's wife, Edna Lusk, was injured, cut, bruised and shaken and Plaintiff was required to provide hospital and medical treatment for her, all to his damage in the aforesaid sum.

4. The Plaintiff claims of the Defendant Two Thousand Dollars (\$2000.00) damages for that, heretofore, on to-wit, May 26, 1946, at the intersection of United States Highway 90 (Old Spanish Trail) and a street running Eastwardly to the Town of Loxley, in Baldwin County, Alabama, the Plaintiff was operating his automobile Northwardly on the right hand side of said highway about five o'clock P. M. in the afternoon, when the Defendant, who was operating a motor truck Southwardly on said highway, negligently turned across said highway to his left and negligently drove said truck into, against or upon the automobile which the Plaintiff was then and there occupying and as a proximate result of said negligence, the Plaintiff's daughter, Beatrice Lusk, a minor, sixteen (16) years of age, suffered contusions, cuts and abrasions and Plaintiff was required to provide hospital and medical treatment for said minor child, all to his damage in the aforesaid sum.

5. The Plaintiff claims of the Defendant Two Thousand Dollars (\$2000.00) damages for that, heretofore, on to-wit, May 26, 1946, at the intersection of United States Highway 90 (Old Spanish Trail) and a street running Eastwardly to the Town of Loxley, in Baldwin County, Alabama, the Plaintiff was operating his automobile Northwardly on the right hand side of said highway about five o'clock P. M. in the afternoon, when the Defendant, who was operating a motor truck Southwardly on said highway, negligently turned across said highway to his left and negligently drove said truck into, against or upon the automobile which the Plaintiff was then and there occupying and as a proximate result of said negligence, the Plaintiff's daughter, Caroline Lusk, a minor, fourteen (14) years of age, suffered contusions, cuts and abrasions and Plaintiff was required to provide hospital and medical treatment for said minor child, all to his damage in the aforesaid sum.

V. R. Jansen

J. B. Blackburn

Attorneys for Plaintiff.

AMENDED COMPLAINT

PERCY WILSON LUSK,
Plaintiff,
VS
CARRIE TYLER,
Defendant.

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

Filed

2-27-47

Miss J. Luck
Clerk

878

We the jury find
the defendant guilty
and place the
damages at Eight
thousand \$8000

W J Gullett

We the jury
find for
the plaintiff
and award
his damages
at \$8000

W J Gullett
Foreman

STATE OF ALABAMA
COUNTY OF BALDWIN

: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETINGS

You are hereby commanded to summon Carrie Tyler of Oran, Missouri, 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 Percy Wilson Lusk.

Witness my hand this 15th day of July, 1946.



Clerk, Circuit Court

Baldwin County, Alabama

PERCY WILSON LUSK

PLAINTIFF

VS.

CARRIE TYLER

DEFENDANT

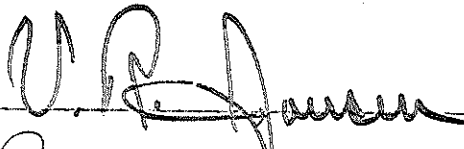

NO. _____

IN THE CIRCUIT COURT OF


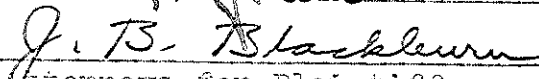
BALDWIN COUNTY, ALABAMA

AT LAW

1. Plaintiff claims of the defendant Five Thousand Dollars (\$5,000.00) damages for that, heretofore, on to-wit, the 26th day of May, 1946, at the intersection of United States Highway 90 (Old Spanish Trail) and a street running Eastwardly to the town of Loxley in Baldwin County, Alabama, the plaintiff operating his automobile Northwardly on the right hand side of said highway at about five P.M. in the afternoon, the defendant operating a truck Southwardly on said highway negligently turned across said highway to the left of the defendant and negligently drove said truck into, against or upon the automobile which the plaintiff was then and there occupying and as a proximate result of said negligence the plaintiff was injured, four ribs being broken and his lung punctured, his wife, Edna Lusk was injured, cut, bruised and shaken, his daughters, Beatrice and Caroline, minors of the age of sixteen and fourteen respectively, suffered contusions, cuts and abrasions, his automobile was severely damaged, the radiator, grill, fender, bumper guard, motor supports, head light, wind shield, hood and other parts of said car were broken, the frame was bent and plaintiff was denied the use of said automobile and was required to provide hospital and medical treatment for himself and his family, all to his damage in the aforesaid sum.



Attorneys for Plaintiff

Plaintiff demands a trial by jury.



Attorneys for Plaintiff

343

978

ORIGINAL
SUMMONS & COMPLAINT

RECEIVED IN OFFICE
JUL 16 1946
G. A. MOSLEY, Sheriff

PERCY WILSON LUSK,
Plaintiff

VS

CARRIE TYLER,
Defendant

ROUTED BY DELIVERING
a copy of the within
July 16-46
Sheriff Mosley
Sec of State of
Alabama
THE
SAID
SUCH WHEN SO SERVED
G. A. Mosley
Sheriff, Montgomery County
7/16

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. *978*

Filed on this the 15th day of
July, 1946.

R. Blackburn
Clerk of the Circuit Court

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



RECEIPT FOR REGISTERED ARTICLE No. 55

Postage fee paid. 1 class postage paid. 7-15, 1946

Declared value, \$ none Surcharge paid, \$

From R. S. Jack (Sender)

Addressed to Montg (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee in person Special delivery fee

Delivery restricted to addressee or order Postmaster, per

18-12866

POST OFFICE
JUL 13 1946
ALA

Form 3811
Rev. 1-1-40

DELIVER TO ADDRESSEE ONLY

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1. *Harrie Taylor*
Signature of name of addressee

Deliver to Addressee Only

2. Signature of addressee, or name of addressee, or name of addressee's firm, on the ONE card.

Date of delivery

JUL 20 1946

194

U.S. GOVERNMENT PRINTING OFFICE

16-1757