

1009

STATE OF ALABAMA )  
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE COMMANDED to summons A. B. McDILL, 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 HECTOR HARVILLE"

WITNESS, my hand, this the 23 dg of November, 1946.

Alvin L. Huch  
CLERK

HECTOR HARVILLE

PLAINTIFF

VS

A. B. McDILL

DEFENDANT

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

1.

The Plaintiff claims of the Defendant ONE THOUSAND (\$1000.00) DOLLARS, for that heretofore on towit, December 1, 1945, the Plaintiff was operating his automobile truck along the "Jack Springs" road, a public highway in Baldwin County, Alabama, at a point approximately seven miles from Bay Minette; that the Defendant at said time and place negligently drove an automobile truck into or against the automobile truck of the Plaintiff and as a proximate result of said negligence the automobile truck of the Plaintiff was damaged as follows; the differential was broken; the springs were broken; the transmission was broken; the chasis and wheels were damaged; two tires were damaged; the truck was otherwise damaged; that the said truck was used to haul paper wood; that the Plaintiff lost the use of the truck for five days; all to the damage of the Plaintiff as aforesaid.

Shirley  
Attorney for the Plaintiff

The Plaintiff demands a trial by jury.

Shirley  
Attorney for the Plaintiff

Executed by serving copy  
on A.B. McDill Nov. 30, 1946

C.E. Garrett Sheriff  
H.F. Hall Deputy Sheriff

RECORDED 1009

HECTOR HARVILLE

PLAINTIFF

VS

A. B. McDILL

DEFENDANT

SUMMONS AND COMPLAINT

Filed

11-23-46

Alice J. Duck  
Clerk

HECTOR HARVILLE,  
Plaintiff,  
VS.  
A. B. McDILL,  
Defendant.

NO. 1009  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

Comes the Defendant in the above styled cause, and  
for Plea to the Complaint filed in said cause, says:

ONE:

Not guilty.

TWO:

That the Plaintiff, at the time and place complained  
of, was himself guilty of negligence which proximately contributed  
to his alleged damages.

COUNTER CLAIM

THIRD:

The Defendant, A. B. McDill, pleads specially by way  
of recoupment and claims of the Plaintiff the sum of ONE THOUSAND  
(\$1000.00) DOLLARS, as damages, for that, at the time and place  
complained of in the Complaint, the Defendant, A. B. McDill, was  
then and there driving an automobile truck along the "Jack Springs"  
road, a public highway in Baldwin County, Alabama, at a point  
approximately seven miles from Bay Minette, Alabama, where he had  
a right to be, at which time and place the Plaintiff negligently  
drove an automobile truck into or against the automobile truck  
belonging to the Defendant and which he was then and there driving,  
thereby damaging the front and left side of said automobile truck  
as follows: the left front fender and left running board were  
damaged; the drive shaft was ruined; the left rear tire was ruined;  
the left rear springs were broken; the left front wheel was damaged;  
that the said truck was used to haul lime; that the Defendant lost  
the use of the truck for five days; all to the damage of the  
Defendant in the sum above claimed and he brings this counter-claim  
against the Plaintiff and asks judgment for the above amount; the  
Defendant further avers that the negligence of the Plaintiff in and  
about the operation of his automobile truck as aforesaid was the  
proximate cause of the damages to the automobile truck of the Defendant.

*Jeffrey J. Madaleno, Jr.*  
*Attorney for Defendant*

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

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HECTOR HARVILLE,  
Plaintiff,

VS.

A. B. McDILL,  
Defendant.

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PLEAS.

FILED  
APR 10 1947  
ALICE J. DUCK, Clerk

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Telfair J. Mashburn, Jr.  
Attorney-At-Law  
BAY MINETTE, ALABAMA

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