

1399

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. Nelson Horner and Kay Horner, 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 E. F. Stuart.

WITNESS my hand this 3rd day of September, 1949.

David J. Duck
Clerk.

E. F. STUART	Ø	IN THE CIRCUIT COURT OF
PLAINTIFF	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	AT LAW
J. NELSON HORNER and KAY HORNER	Ø	
DEFENDANTS	Ø	

1.

The Plaintiff claims of the Defendants TWENTY FIVE THOUSAND (\$25000.00) DOLLARS, as damages for that heretofore on to-wit March 28th, 1949, the Plaintiff was riding in an automobile on highway no. 3, a public highway, leading from Foley to Gulf Shores, at a point approximately one-half mile North of the Intra Coastal Canal, in Baldwin County, Alabama; that the Defendant J. Nelson Horner, acting by and through his servant, agent or employee, Kay Horner, who was then and there acting within the line and scope of her employment, at said time and place negligently drove an automobile into or against the automobile in which the Plaintiff was riding, and as a proximate result of the negligence of the said Kay Horner, the agent, servant or employee of the said J. Nelson Horner, while acting within the line and scope of her employment, the Plaintiff was Injured as follows:

His right arm was broken; his face was lacerated and bruised; his right leg was broken; he was permanently injured; he was injured internally; he was caused to suffer and will continue to suffer severe pains and mental anguish, he was caused to

incur hospital bills; he was caused to incur and will continue to incur medical bills; he was caused to incur and will continue to incur doctor bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

2.

The Plaintiff claims of the Defendants, the sum of TWENTY FIVE THOUSAND (\$25000.00) DOLLARS, as damages, for that heretofore on to-wit, March 28th, 1949, the Plaintiff was riding in an automobile along highway no. 3, a public highway leading from Foley to Gulf Shores, at a point approximately one-half mile North of the Intra Coastal Canal; that at said time and place the Defendant Kay Horner, the agent, servant or employee of the Defendant J. Nelson Horner, while acting within the line and scope of her employment, so negligently operated an automobile which she was driving along said highway, at said place as to cause it to run into or collide with an automobile in which the Plaintiff was riding and as a proximate result of said negligence, at said time and place the Plaintiff was injured as follows:

His right arm was broken; his face was lacerated and bruised; his right leg was broken; he was permanently injured; he was injured internally; he was caused to suffer and will continue to suffer severe pains and mental anguish, he was caused to incur hospital bills; he was caused to incur and will continue to incur medical bills; he was caused to incur and will continue to incur doctor bills.

All to the damage of the Plaintiff, hence this suit.

3.

The Plaintiff claims of the Defendants, the sum of TWENTY FIVE THOUSAND (\$25000.00) DOLLARS, as damages, for that on to-wit, March 28th, 1949, the Defendant Kay Horner, the agent, servant or employee of the Defendant J. Nelson Horner, while acting within the line and scope of her employment wantonly and willfully injured the Plaintiff by so negligently operating an automobile along highway no. 3, a public highway leading from Foley to Gulf Shores, at a point approximately one-half mile North of the Intra Coastal Canal, as to cause it to run into or against an automobile, which the Plaintiff was riding, at said time and place, and as a proximate result of said negligence, the Plaintiff was injured as follows:

His right arm was broken; his face was lacerated and bruised; his right leg was broken; he was permanently injured; he was injured internally; he was caused to suffer and will continue

to suffer severe pains and mental anguish, he was caused to incur hospital bills; he was caused to incur and will continue to incur medical bills; he was caused to incur and will continue to incur doctor bills;

All to the damage of the Plaintiff as aforesaid, hence this suit.

4.

The Plaintiff claims of the Defendant, the further sum of THREE THOUSAND (\$3000.00) DOLLARS, as damages, for that heretofore on to-wit, March 28th, 1949, the Defendant, Kay Horner, the agent, servant or employee of the Defendant J. Nelson Horner, so negligently operated an automobile, which she was driving on or along highway no. 3, a public highway, leading from Foley to Gulf Shores, at a point approximately one-half mile North of the Intra Coastal Canal, in Baldwin County, Alabama, as to cause it to run into or collide with an automobile belonging to the Plaintiff, which was being driven along said highway, at said time and place, and as a proximate result thereof, the automobile belonging to the Plaintiff was damaged as follows:

The radiator was bent and broken, the fenders were bent and broken, the frame was bent and broken, the body was bent, the glasses were broken; the car was worthless except for salvage;

The Plaintiff alleges that the damages suffered by him, to his said automobile were the proximate result of the negligence of the Defendant Kay Horner, the agent, servant or employee of the Defendant J. Nelson Horner, while acting within the line and scope of her employment.

Strom Lee
Attorney for the Plaintiff

The Plaintiff demands a trial by jury.

Strom Lee
Attorney for the Plaintiff

Received in Sheriff's Office
this 3 day of Sept., 1949
TAYLOR WILKINS, Sheriff

RECORDED

E. F. STUART

PLAINTIFF

VS.

J. NELSON HORNER and KAY
HORNER

DEFENDANTS

FILED

SEP 3 1949

ALICE J. DUCK, Clerk

315 Bromley Place

Accepted 8-24 Day of Sept. 1949
and on 9-28 Day of Sept. 1949
I served a Copy of the Within Summons
on J. Nelson Horner and
Kay Horner
by service on _____
W. H. HODGINS, Sheriff
By Willi Rantapala BA

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CD

W1399

445

1399

INGE, TWITTY, ARMBRECHT & JACKSON
LAWYERS

MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

WM. H. ARMBRECHT (1874-1941)
FRANCIS H. INGE
THOS. E. TWITTY
WM. H. ARMBRECHT, JR.
THEO. K. JACKSON, JR.
RICHARD M. INGE
NICHOLAS S. McGOWIN
JOHN W. McCONNELL, JR.

MAILING ADDRESS:

P. O. BOX 1109
MOBILE 6, ALA.

CABLE ADDRESS:
ARMING

January 11, 1950

Mrs. Alice J. Duck, Clerk,
Circuit Court, Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:

The cases of E. F. Stuart vs. J. Nelson Horner and Kay Horner, No. 1399, and Thomas William Mitchell vs. J. Nelson Horner and Kay Horner, No. 1398, are, at the present time, in the process of being settled. Mr. Hubert Hall, Attorney for the plaintiff in each case, has agreed that at the time the cases are finally settled he will dismiss each of the suits, and we have agreed to pay the court costs.

When these suits have been dismissed, we would like to have a certified copy of the order entered dismissing the suits, and we, therefore, shall appreciate your including the costs of the certified copies in the cost bill of each case. It will be entirely agreeable with us if, at the time these cases are dismissed, you forward us direct the court costs bill, or if you prefer, give them to Mr. Hall so that he may forward them to us.

We appreciate very much your courtesy in these matters.

Yours very truly,

Inge, Twitty, Armbricht & Jackson

RHI
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c.c.: Mr. Hubert Hall,
Attorney at Law,
Bay Minette, Alabama.

October 30, 1950

Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

I am the plaintiff in the suit of E. F. Stuart, plaintiff, vs. J. Nelson Horner and Kay Horner, defendants, No. 1399, now pending on the docket of the Circuit Court of Baldwin County, Alabama. This suit has been settled and this is your authority to dismiss the suit on motion of the plaintiff and tax the costs against the defendants.

E F Stuart

Yours very truly,

