

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

1418

RICHARD A. HARRIS,

PLAINTIFF,

CIVIL ACTION

-VS-

THE FRANKLIN LIFE INSURANCE
COMPANY, a Corporation,

NO. 886

DEFENDANT.

PETITION FOR REMOVAL OF CAUSE FROM
THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA TO THE DISTRICT COURT OF THE
UNITED STATES FOR THE SOUTHERN DISTRICT
OF ALABAMA, SOUTHERN DIVISION.

Now comes, THE FRANKLIN LIFE INSURANCE COMPANY, a
corporation, the Defendant in a certain cause now pending in the
Circuit Court of Baldwin County, Alabama, under docket number
1418, wherein RICHARD A. HARRIS is Plaintiff, and files herein
its petition for the removal of said cause to the United States
District Court, Southern District of Alabama, Southern Division,
in accordance with the provisions of the United States Judicial
Code, effective September 1, 1948, and for grounds thereof shows
the following:

1) That said action is of a civil nature at law, of
which the District Courts of the United States have original
jurisdiction, in that said suit is one to recover proceeds of a
life insurance contract alleged by RICHARD A. HARRIS to be due
from the Defendant, THE FRANKLIN LIFE INSURANCE COMPANY.

2) That the said RICHARD A. HARRIS was, at the time
of the commencement of said action, has ever since been, and now
is a citizen of the State of Alabama, and of no other state, and

that your Petitioner, THE FRANKLIN LIFE INSURANCE COMPANY, was, at the time of the commencement of said action, has ever since been, and now is a citizen of the State of Illinois by virtue of your Petitioner being a corporation created and existing by and under the laws of said State aforesaid, and none other, and that ~~your Petitioner never was, and is not now a corporation, created or existing under the laws of the State of Alabama, and it is not now, and never was a citizen of the State of Alabama;~~ that by reason of the facts aforesaid this suit was, at the time of the commencement thereof, in the Circuit Court of Baldwin County, Alabama, and now is, a suit wholly between citizens of different states.

3) That there are no other parties Plaintiff or Defendant, to this suit than the said parties hereinabove mentioned.

4) That by reason of the matters and things in this petition shown, your petitioner, as such Defendant, is entitled to and desires to have this suit removed from the Circuit Court of Baldwin County, in the State of Alabama, to the United States District Court for the Southern District of Alabama, Southern Division.

5) That the matter and amount in controversy at the time of the commencement of this action, and at the present time, exceeds the sum or value of Three Thousand (\$3,000.00) Dollars, exclusive of interest and costs.

6) That your Petitioner presents herewith a bond with good and sufficient surety conditioned that the Defendant will pay all costs and disbursements incurred by reason of the removal proceedings herein should it be determined that said case was not removable, or was improperly removed.

7) That said action, herein sought to be removed, was commenced in the Circuit Court of Baldwin County, in the State of Alabama, on October 12, 1949 and attached hereto and by reference made a part hereof is a copy of the Summons and Complaint served upon Petitioner, as Defendant in said cause, on October 13, 1949, and that no other process, pleadings or orders have, to the date hereof, been served upon Petitioner in such action.

WHEREFORE, THE FRANKLIN LIFE INSURANCE COMPANY, Petitioner, prays removal of said cause from the Circuit Court of Baldwin County, in the State of Alabama, to the United States District Court, Southern District of Alabama, Southern Division, and that an order may be herein entered by this Honorable Court approving this petition and the bond filed herewith, fixing a time within which the transcript of said cause in the Circuit Court shall be filed and directing the Clerk of the Circuit Court of Baldwin County, Alabama, to proceed forthwith to prepare an entire transcript of the record in said cause, which shall include any matters relating to the removal thereof, and to, thereupon, certify and deliver the same to your Petitioner within the time fixed by this Court for the filing of said transcript herein.

THE NATIONAL BUREAU OF FIRE UNDERWRITERS COMPANY

BY /s/ LOUIS F. GILLESPIE
IRS VICE PRESIDENT AND GENERAL COUNSEL

COUNTRY OF ORIGIN

COUNTRY OF ORIGIN

LOUIS F. GILLESPIE, being first duly sworn on oath states that he is Vice President and General Counsel of THE FRANKLIN LIFE INSURANCE COMPANY, the Petitioner in the foregoing cause, and that he is familiar with the statements set forth in said petition which are true and correct.

/s/ LOUIS F. GILLESPIE

Subscribed and sworn to before me, a Notary Public, this 21st day
of October, A.D., 1919.

/s/ MARGARET E. CLAPPER
FORREI FORREI

STATE OF ALABAMA)
(
BALDWIN COUNTY)
IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon The Franklin Life Insurance 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 same, then and there to answer the complaint of Richard A. Harris.

Witness my hand this 12th day of October, 1949.

/s/ Alice J. Mack
Clerk.

RICHARD A. HARRIS,
Plaintiff,

vs.
THE FRANKLIN LIFE INSURANCE COMPANY, a corporation,
Defendant.

COURT ONE:
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

The Plaintiff claims of the Defendant five thousand and no/100 Dollars (\$5,000.00) due on a policy, whereby the Defendant, on the 11th day of September, 1947, insured the life of Homer Peres Harris, who died on the 15th day of May, 1949, of which the Defendant has had notice. Said policy is the property of the Plaintiff.

Alice Orenshaw

Jack Orenshaw

Plaintiff demands a trial of this cause by a jury.
by: John Chason
Attorneys for Plaintiff
Hyslop, Chason & Stone

Alice Orenshaw

Jack Orenshaw

Hyslop, Chason & Stone

John Chason
Attorneys for Plaintiff.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RICHARD A. HARRIS,

PLAINTIFF,

-vs-

THE FRANKLIN LIFE INSURANCE
COMPANY, a Corporation,

DEFENDANT.

CIVIL ACTION

NO. 886

O R D E R

THE FRANKLIN LIFE INSURANCE COMPANY, having filed its petition and bond for removal of a certain cause from the Circuit Court of Baldwin County, Alabama, wherein it is pending, entitled "RICHARD A. HARRIS, PLAINTIFF, vs. THE FRANKLIN LIFE INSURANCE COMPANY, a Corporation, DEFENDANT", under docket number 1418, and the Court having considered the verified petition of THE FRANKLIN LIFE INSURANCE COMPANY and its bond filed therewith, finds said petition and bond to be properly filed and in due form of law, and

IT IS, ACCORDINGLY, ORDERED BY THE COURT:

1) That said petition and bond are properly filed and are hereby approved.

2) That the Clerk of the Circuit Court of Baldwin County, Alabama, shall proceed forthwith to prepare a full and complete transcript of the record of said cause, which shall include all matters filed with said Clerk pertaining to said removal, and certify and deliver said transcript to MESSRS. INGE, TWITTY, ARMBRECHT & JACKSON, counsel for Petitioner,

THE FRANKLIN LIFE INSURANCE COMPANY, within the time limited herein for the filing of said transcript with the Clerk of this Court.

3) That Petitioner shall file the transcript of said cause now pending in the Circuit Court of Baldwin County, Alabama, within thirty days from the date hereof.

DATED this 1st day of November, A. D., 1949.

ENTER:

FILED

NOV 2 1949
U.S. DIST. CT.
S.D. ALA.

John M. Duffie
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION.

THE FRANKLIN LIFE INSURANCE COMPANY, within the time limited
herein for the filing of said transcript with the Clerk of this
Court.

3) That Petitioner shall file the transcript of
said cause now pending in the Circuit Court of Baldwin County,
Alabama, within thirty days from the date hereof.

DATED this 21st day of November, A. D., 1949.

WITNES:

FILED

Nov 3 1949

AUGIE A. DICK, Clerk

John W. D. [Signature]
JAMES, CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION.

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon The Franklin Life Insurance 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 same, then and there to answer the Complaint of Richard A. Harris.

Witness my hand this 12th day of October, 1949.

Deice J. Huckle
Clerk.

RICHARD A. HARRIS,
Plaintiff,

vs.

THE FRANKLIN LIFE INSURANCE
COMPANY, A Corporation,
Defendant.

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

COUNT ONE:

The Plaintiff claims of the Defendant Five Thousand and no/100 Dollars (\$5,000.00) due on a policy, whereby the Defendant, on the 11th day of September, 1947, insured the life of Homer Perses Harris, who died on the 15th day of May, 1949, of which the Defendant has had notice. Said policy is the property of the Plaintiff.

Wm. Chason
Jack Stone
Hybart, Chason & Stone

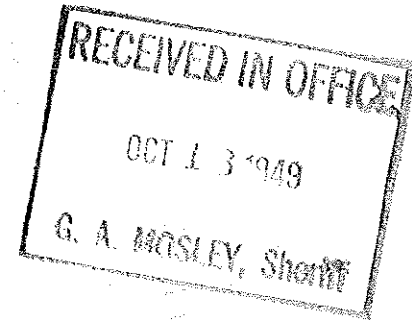
By: John Chason
Attorneys for Plaintiff.

Plaintiff demands a trial of this cause by a Jury.

Wm. Chason
Jack Stone
Hybart, Chason & Stone

By: John Chason
Attorneys for Plaintiff.

681 Received in Sheriff's Office
this 12 day of Oct., 1949
TAYLOR WILKINS, Sheriff



EXECUTED BY DELIVERING

2 copy of the within

To L. L. Gwaltney
Supt. of Insurance
OF THE State of Ala
AND SAID L. L. Gwaltney
WAS SUCH WHEN SO SERVED

This the 10-13 1949

G. A. Masley
Sheriff Montgomery County
By Go. Chas
Deputy Sheriff

NO 1418 RECORDED
Encl. copies on Com.
of Insurance
SUMMONS AND COMPLAINT

RICHARD A. HARRIS,

Plaintiff,

VS.

THE FRANKLIN LIFE INSURANCE
COMPANY, A Corporation,

Defendant.

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

Filed October 12th, 1949.

Amie J. Resnick
Clerk.

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RICHARD A. HARRIS,

PLAINTIFF,

-vs-

THE FRANKLIN LIFE INSURANCE
COMPANY, a Corporation,

DEFENDANT.

CIVIL ACTION

No. 886

R E M O V A L B O N D

KNOW ALL MEN BY THESE PRESENTS: That the Undersigned,
THE FRANKLIN LIFE INSURANCE COMPANY, a Corporation, as principal,
and HARTFORD ACCIDENT & INDEMNITY CO.,
a Corporation, as surety, are held and firmly bound unto RICHARD
A. HARRIS, his heirs, executors, administrators and assigns, in
the penal sum of Five Hundred Dollars (\$500), lawful money of the
United States of America, for the payment of which, well and
truly to be made, we and each of us bind ourselves, our successors
and assigns, jointly and severally, by these presents.

The condition of this obligation is such that whereas
the said THE FRANKLIN LIFE INSURANCE COMPANY, has applied by
petition to the United States District Court, Southern District
of Alabama, Southern Division, for the removal of a certain
cause now pending in the Circuit Court of Baldwin County, in
the State of Alabama, entitled, "RICHARD A. HARRIS, PLAINTIFF,
vs. THE FRANKLIN LIFE INSURANCE COMPANY, A CORPORATION, DEFENDANT",
under docket number 1418, WITNESSETH:

NOW, THEREFORE, if the said THE FRANKLIN LIFE INSUR-
ANCE COMPANY, shall well and truly pay all costs and disbursements
incurred by the said Plaintiff, RICHARD A. HARRIS, by reason of
said removal proceedings, should it be determined that said
cause was not removable, or was improperly removed then this

obligation to be void, otherwise to remain in full force and effect.

DATED at Mobile, Alabama this 1st day of November, A.D., 1949.

THE FRANKLIN LIFE INSURANCE COMPANY, PRINCIPAL

BY /s/ LOUIS F. GILLESPIE
ITS VICE PRESIDENT AND GENERAL COUNSEL

HARTFORD ACCIDENT & INDEMNITY CO.

By /s/ F. M. Bazkes, Jr.
Attorney in Fact for Surety.

The above and foregoing bond is hereby approved
this 1st day of November, A. D., 1949.

JUDGE, UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN
DIVISION.

obligation to remain in full force and effect.

11/18

DAVID of Mobile, Alabama this 1st day of November, A.D., 1919.

THE UNDERSIGNED HAVE TESTED AND SIGNED THE FOREGOING

BY LOUIS F. CLEGG /s/ ITS VICE PRESIDENT AND GENERAL COUNSEL

HARTFORD ACCIDENT & INDEMNITY CO.

BY F. M. Barnes, Jr. /s/ Attorney in Fact for Surety.

RECORDED

The above and foregoing bond is hereby approved

day of November, A.D., 1919.

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF ALABAMA, MOBILE DIVISION

INGE, TWITTY, ARMBRECHT & JACKSON
LAWYERS

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

MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

MAILING ADDRESS
P. O. BOX 1109
MOBILE 6, ALA.
CABLE ADDRESS:
ARMING

November 1, 1949

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

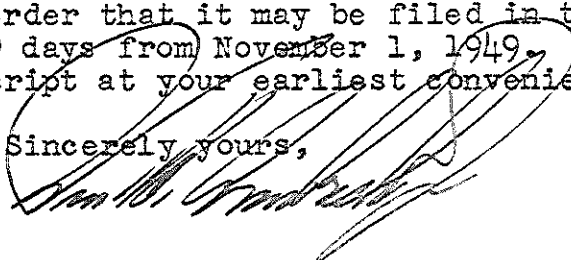
Re: Richard A. Harris, Plaintiff, vs. The
Franklin Life Insurance Company, a
Corporation, defendant. In the Circuit
Court of Baldwin County, Alabama, Law
Side, Docket No. 1418.

Dear Mrs. Duck:

We, as attorneys for the defendant in the above entitled
cause, today filed in the United States District Court for
the Southern District of Alabama, a petition to remove the
said cause from the Circuit Court of Baldwin County, Alabama,
to the said United States District Court.

In compliance with the rules governing the removal of cases
to the Federal Court, we hand you herewith for your file
a copy of the petition for removal, copy of the bond filed
with the petition, copy of the Federal Court's order of
even date herewith and a copy of the notice to Messrs.
Files Crenshaw, Jack Crenshaw and John Chason, attorneys
for the plaintiff.

You will notice that paragraph 2 of the Court's order
directs you to proceed forthwith to prepare a full and
complete transcript of the record in this cause and to
certify and deliver the said transcript to us as counsel
for the petitioner in order that it may be filed in the
Federal Court within 30 days from November 1, 1949. Kindly
let us have this transcript at your earliest convenience.

Sincerely yours,


WHA, jr
bc
encls.