

CHARLES W. NEBEL,

Plaintiff,

-vs-

C. W. FOWLER,

Defendant.

0

IN THE CIRCUIT COURT OF

0

BALDWIN COUNTY, ALABAMA

0

AT LAW.

NO.

1431

0

0

COUNT ONE:

Plaintiff claims of the Defendant the sum of Three Thousand and no/100 (\$3,000.00) Dollars as damages for that heretofore on, to-wit, the 6th day of May, 1949, the Defendant so negligently operated the motor vehicle that he was driving Northwardly on Highway Number 90 at a point approximately two miles South of Loxley, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the motor vehicle belonging to the Plaintiff which was then and there being driver in a Northwardly direction on said highway at said time and place, and as a direct and proximate result of said negligence the Plaintiff's motor vehicle was badly broken, bent and damaged, and Plaintiff was put to great expense in not being able to use his said automobile and Plaintiff lost the use thereof for a period of, to-wit, six weeks, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendant the sum of Five Thousand and no/100 (\$5,000.00) Dollars as damages for that heretofore on, to-wit, the 6th day of May, 1949, the Defendant so negligently operated the motor vehicle that he was driving Northwardly on Highway Number 90 at a point approximately two miles South of Loxley, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the motor vehicle belonging to the Plaintiff which was then and there being driven in a Northwardly direction on said highway at said time and place, and as a direct and proximate result of said negligence Plaintiff was seriously and perman-

ently injured, he was caused to suffer great bodily pain and physical and mental anguish, he was made sick and sore, caused to incur expenses in and about the treatment of the injuries of which he sustained, hence this suit.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial of this cause by jury.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

DEFENDANT'S ADDRESS:

C. W. FOWLER
Room 1131
Building 653
Naval Air Station
Pensacola, Florida

NOTE:

Serve Defendant by serving the Secretary of State, Montgomery, Alabama, as provided in Section 199, Title 7, Code of Alabama.

CHARLES W. NEBEL,	0	IN THE CIRCUIT COURT OF
Plaintiff,	0	BALDWIN COUNTY, ALABAMA
-vs-	0	AT LAW. NO. _____
C. W. FOWLER,	0	
Defendant.	0	

COUNT ONE:

Plaintiff claims of the Defendant the sum of Three Thousand and no/100 (\$3,000.00) Dollars as damages for that heretofore on, to-wit, the 6th day of May, 1949, the Defendant so negligently operated the motor vehicle that he was driving Northwardly on Highway Number 90 at a point approximately two miles South of Loxley, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the motor vehicle belonging to the Plaintiff which was then and there being driver in a Northwardly direction on said highway at said time and place, and as a direct and proximate result of said negligence the Plaintiff's motor vehicle was badly broken, bent and damaged, and Plaintiff was put to great expense in not being able to use his said automobile and Plaintiff lost the use thereof for a period of, to-wit, six weeks, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendant the sum of Five Thousand and no/100 (\$5,000.00) Dollars as damages for that heretofore on, to-wit, the 6th day of May, 1949, the Defendant so negligently operated the motor vehicle that he was driving Northwardly on Highway Number 90 at a point approximately two miles South of Loxley, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the motor vehicle belonging to the Plaintiff which was then and there being driven in a Northwardly direction on said highway at said time and place, and as a direct and proximate result of said negligence Plaintiff was seriously and perman-

ently injured, he was caused to suffer great bodily pain and physical and mental anguish, he was made sick and sore, caused to incur expenses in and about the treatment of the injuries of which he sustained, hence this suit.

Hewell & Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial of this cause by jury.

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DEFENDANT'S ADDRESS:

C. W. FOWLER
Room 1131
Building 653
Naval Air Station
Pensacola, Florida

NOTE:

Serve Defendant by serving the Secretary of State, Montgomery, Alabama, as provided in Section 199, Title 7, Code of Alabama.

CHARLES W. NEBEL,

Plaintiff,

-VS-

C. W. FOWLER,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. _____

COUNT ONE:

Plaintiff claims of the Defendant the sum of Three Thousand and no/100 (\$3,000.00) Dollars as damages for that heretofore on, to-wit, the 6th day of May, 1949, the Defendant so negligently operated the motor vehicle that he was driving Northwardly on Highway Number 90 at a point approximately two miles South of Loxley, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the motor vehicle belonging to the Plaintiff which was then and there being driver in a Northwardly direction on said highway at said time and place, and as a direct and proximate result of said negligence the Plaintiff's motor vehicle was badly broken, bent and damaged, and Plaintiff was put to great expense in not being able to use his said automobile and Plaintiff lost the use thereof for a period of, to-wit, six weeks, hence this suit.

COUNT TWO:

Plaintiff claims of the Defendant the sum of Five Thousand and no/100 (\$5,000.00) Dollars as damages for that heretofore on, to-wit, the 6th day of May, 1949, the Defendant so negligently operated the motor vehicle that he was driving Northwardly on Highway Number 90 at a point approximately two miles South of Loxley, Baldwin County, Alabama, as to cause or allow said motor vehicle to run into, upon or against the motor vehicle belonging to the Plaintiff which was then and there being driven in a Northwardly direction on said highway at said time and place, and as a direct and proximate result of said negligence Plaintiff was seriously and perman-

ently injured, he was caused to suffer great bodily pain and physical and mental anguish, he was made sick and sore, caused to incur expenses in and about the treatment of the injuries of which he sustained, hence this suit.

Howell & Johnston
ATTORNEYS FOR PLAINTIFF

Plaintiff demands a trial of this cause by jury.

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ATTORNEYS FOR PLAINTIFF

DEFENDANT'S ADDRESS:

C. W. FOWLER
Room 1131
Building 653
Naval Air Station
Pensacola, Florida

NOTE:

Serve Defendant by serving the Secretary of State, Montgomery, Alabama, as provided in Section 199, Title 7, Code of Alabama.

W 1431

FILED

OCT 31 1949

ALICE J. DUCK, Clerk

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P.O. BOX 1652
MOBILE 9, ALABAMA

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 1131

Fall TERM, 1949

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon C. W. FOWLER, (Room 1131, Building 653,
Naval Air Station, Pensacola, Florida)

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

C. W. FOWLER, Defendant.

by CHARLES W. NEBEL

, Plaintiff.

Witness my hand this 3rd day of Nov. 1949

W. H. Duck, Clerk

RECORDED

No. 1431

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

CHARLES W. NEBEL

Plaintiffs

vs.

C. W. FOWLER

Defendants

SUMMONS and COMPLAINT

Filed 10-31, 1949

Wing A. French, Clerk

Plaintiff's Attorney

Defendant's Attorney

263

RECEIVED IN OFFICE

NOV 4 - 1949

RECEIVED IN OFFICE

G. A. MOSLEY, Sheriff

1949

Jay Lee Williams, Sheriff

I have executed this summons

this 11-4, 1949
by leaving 2 copies with

Sebyl Pool
Secretary of State
of the State of Ala.

G. A. Mosley, Sheriff
Goodwyn, Deputy Sheriff

CHARLES W. NEBEL,

Plaintiff,

vs.

C. W. FOWLER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. _____

Comes the defendant, C. W. Fowler, and shows to the court that he is now and was at the time of the filing of the action herein and at all times since has been a non-resident of the State of Alabama and a resident of Cotton Valley, Louisiana; that he is a minor over the age of fourteen (14) years having been born on June 22, 1929, and that the only process sought to be served upon him was by registered mail sent to him by the Secretary of the State of Alabama.

Wherefore, defendant prays the judgment of the Court whether process herein should be quashed and this action abated.

Hyperb. Reason Stone
Johnston McLeod & Stone
Attorneys for Defendant

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said State and County, personally appeared Sam M. Johnston, who being by me first duly sworn on oath, deposes and says that he is one of the attorneys of record for the defendant, and that he is informed and believes and upon such information and belief states that the facts stated in the foregoing plea in abatement are true as therein set forth.

Sam M. Johnston

Subscribed and sworn to before me
on this 16 day of December, 1949.

Elmer A. Widener
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

1431

RECORDED

PLEA IN ABATEMENT

CHARLES W. NEBEL,

Plaintiff,

vs.

C. W. FOWLER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Filed December 17th, 1949.

FILED

DEC 17 1949
Clerk.

ALICE J. DUCK, Clerk

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
VERNOL R. JANSEN, JR.

October 31, 1950

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

Re: Charles W. Nebel
Vs: C. W. Fowler
No: 1451

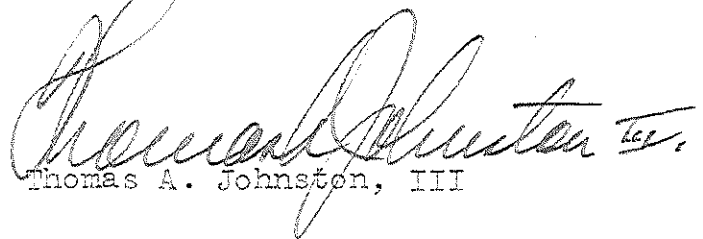
Dear Mrs. Duck:

This is to advise that we have reached a settlement
of this case and would request that it now be dismissed.

Mr. William E. Johnston of Johnston, McCall & Johnston
is attorney for C. W. Fowler and has advised us to re-
quest that you send to him a bill covering the accrued
court costs in the matter and that it will be promptly
paid. Thanking you, we remain

Sincerely yours,

HOWELL & JOHNSTON


Thomas A. Johnston, III

TAJ:ft

LAW OFFICES OF
HOWELL AND JOHNSTON
FIRST NATIONAL BANK ANNEX
P. O. BOX 1652
MOBILE 9, ALABAMA

THOMAS O. HOWELL, JR.
THOMAS A. JOHNSTON, III
ROBERT E. HODNETTE, JR.
VERNOL R. JANSEN, JR.

November 1, 1949

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

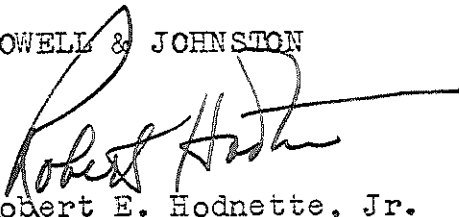
Re: Nebel
Vs: Fowler

Dear Mrs. Duck:

We are sorry that we overlooked the check and the extra copy of the complaint. They are both enclosed.

Very truly yours,

HOWELL & JOHNSTON


Robert E. Hodnette, Jr.

REH:et

Encs.

1431

Charles W. Nebel
15.

C. W. Fowler

Damages

Filed 10-31-49

Samuel Johnson

Charles W. Nebel, Plaintiff

vs

C. W. Fowler, Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 1431

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

I, Sibyl Pool, Secretary of State, hereby certify that on November 4, 1949 I sent by registered mail in an envelope addressed as follows:

"C. W. Fowler
Room 1131 - Building 653
Naval Air Station
Pensacola, Florida"

"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:

"C. W. Fowler
Room 1131 - Building 653
Naval Air Station
Pensacola, Florida

You will take notice that on November 4, 1949 the Sheriff of Montgomery County, Alabama served upon me, in my official capacity, summons and complaint in a case entitled Charles W. Nebel, Plaintiff vs C. W. Fowler, Defendant in the Circuit Court of Baldwin County, Alabama At Law No. 1431, a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the 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 4th, day of November 1949.

Signed) Sibyl Pool
Sibyl Pool
Secretary of State "

Enclosure - 1

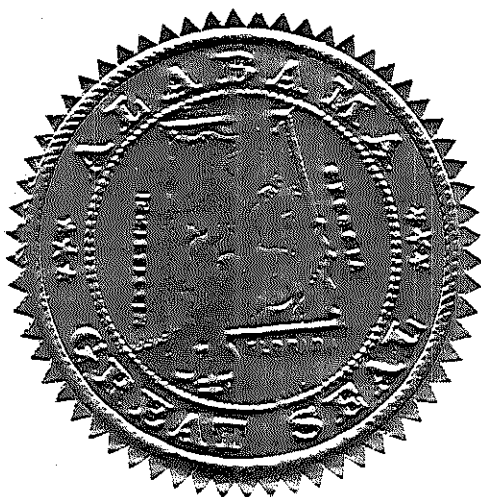
I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above styled cause, there being mailed in the envelope at the time shown the notice with copy of summons and complaint attached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

I further certify that on the 21st day of November, I received a return card, showing the receipt by the designated addressee of the said notice with attached summons and complaint aforesaid, which receipt I attach hereto. You will note defendant was served by registered mail at Cotton Valley, La., on November 19, 1949, as shown by the return receipt attached.

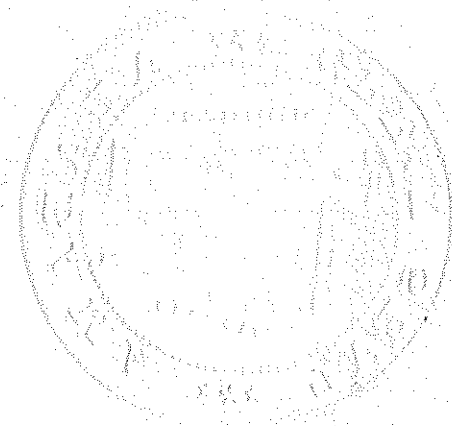
WITNESS MY HAND and the Great Seal of the State of Alabama this the 21st day of November 1949.


Sibyl Pool
Secretary of State

Enclosure - 1



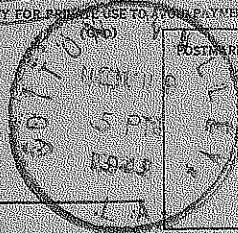
RECORDED





Office Department
OFFICIAL BUSINESS

PENALTY FOR FAILURE TO PREPAY POSTAGE, \$300



Return to Secretary of State

(NAME OF SENDER)

Street and Number, } Montgomery, Alabama
or Post Office Box, }

REGISTERED ARTICLE

No. 53059

INSURED PARCEL

MONTGOMERY,

No. _____

ALABAMA.

Charles W. Nebel vs C. W. Fowler

Form 3811
Rev. 1-4-40

RETURN RECEIPT

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

1

(Signature or name of addressee)

2

DELIVER TO ADDRESSEE ONLY

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 11/19, 1941