

1681

STATE OF ALABAMA
BALDWIN COUNTY

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

D. L. TEEL,
Plaintiff

vs.

CLARA EVA WALLACE,
Defendant

Comes the Plaintiff in the above styled cause and for his cause of action against the Defendant, complains and says as follows:

COUNT I

Plaintiff claims of the Defendant the sum of Two Hundred Thirty One and Eighty-six one-hundredths (\$231.86) Dollars damages for that heretofore, on, to-wit, July 7, 1950, plaintiff was lawfully driving his pick-up truck in a westerly direction on U. S. Highway 90, between Old Spanish Fort, Alabama and Mobile, Alabama, in the county of Baldwin, State of Alabama, and that defendant, while driving a pickup truck in an easterly direction along said highway in said location, negligently, suddenly and without warning turned the pick-up truck she was driving into the lane of traffic in which plaintiff was driving, said turn being made with such suddenness as to negligently cause the said pick-up trucks to collide, as a proximate consequence whereof, plaintiff's pickup truck was damaged and demolished in the aforesaid sum. And Plaintiff avers that said damages were a proximate consequence of the aforesaid negligence of the defendant, hence this suit.

A. B. Miller
Attorney for Plaintiff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.-----

-----TERM, 194-----

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon CLARA EVA WALLACE

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-----

CLARA EVA WALLACE

_____, Defendant----

by D. L. TEEL

_____, Plaintiff----

Witness my hand this

6th

day of

July

1947

Archie J. Duck

_____, Clerk.

No. 16-81

Stapleton
RECORDED
Page _____

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

CLARA D. L. TEEL

Plaintiffs

vs.

CLARA EVA WALLACE

Defendants

SUMMONS and COMPLAINT

Filed July 6, 1947

Alice French Clerk

A. B. Miller

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

Stapleton, Alabama

RECEIVED IN OFFICE

July 9, 1947

, Sheriff

I have executed this summons

this 10th July, 1947
by leaving a copy with

Clara Eva
Wallace

Taylor Miller Sheriff
George H. Smith Deputy Sheriff

D. I. TERL

PLAINTIFF

VS

CLARA EVA WALLACE

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1681

Now comes the Defendant and demurs to the Plaintiff complaint,
and for grounds thereof says:

1.

That said complaint does not state a cause of action.

2.

That said complaint alleges no negligence on the part of the
Defendant.

3.

That said complaints fails to set out how or in what manner the
Defendant was guilty of negligence.

4.

That said complaint shows no duty owed by the Defendant to the
Plaintiff.

5.


That said complaint fails to show in what manner the Plaintiff
truck was damaged.

6.

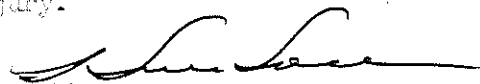
That said complaint sets out inconsistent facts in that it alleges
that the Plaintiff's truck was damaged and demolished.

7.

That said complaints fails to set out with sufficient certainty
where the alleged collision occurred.


Attorney for defendant

The Defendant demands a trial by jury.


Attorney for defendant

RECORDED

D. L. TEEL

PLAINTIFF

VS

CLARA EVA WALLACE

DEFENDANT

DEMURRERS

FILED

JUL 20 1951

ALICE J. DUCK, Clerk

D. L. TEEL,

Plaintiff,

vs.

CLARA EVA WALLACE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE THEREOF:

Comes now Motors Insurance Corporation, a corporation, by its Attorneys, and respectfully represents and shows unto this Court and unto your Honor as follows:

FIRST:

That the petitioner, Motors Insurance Corporation, is the real party plaintiff in interest in the above styled cause, D. L. Teel, the named plaintiff, having assigned his rights herein against the defendant to the petitioner under a subrogation agreement contained in an insurance policy issued by your petitioner to the named plaintiff together with the right of your petitioner to sue in the name of the said D. L. Teel.

SECOND:

That your petitioner employed William R. Lauten, Attorney at Law, to represent it's interest in this matter and to take whatever course he deemed necessary in the prosecution thereof; that the said William R. Lauten did, subsequent to his employment, and with the consent of the petitioner, refer and forward the matter to Honorable Arnold B. Miller, who was then a practicing attorney in Robertsdale, Alabama, for the purpose of prosecuting the claim to conclusion.

THIRD:

That the said Arnold B. Miller filed a suit on this claim on July 6, 1951, as above styled on behalf of your petitioner.

FOURTH:

That on or about January, 1952, the said Arnold B. Miller departed from the City of Robertsdale, and did not advise your petitioner of the disposition of this case. Subsequent thereto, your petitioner and William R. Lauten wrote to the said Arnold B. Miller requesting that he forward to them the file in this cause

so that they might proceed with the prosecution thereof but the letters addressed to him at Robertsdale, Alabama, were returned to the writers marked, "moved, left no address".

FIFTH:

Your petitioner was able to locate the said Arnold B. Miller on or about May 6, 1952, and secured at that time the file from him which was forwarded to Chason & Stone, Attorneys at Law, who now represent the petitioner in this matter.

SIXTH:

That while the petitioner was trying to contact the said Arnold B. Miller, this Honorable Court dismissed the above styled cause for want of prosecution.

SEVENTH:

Petitioner avers that when said order of dismissal was entered that the said Arnold B. Miller did not appear to represent the petitioner and the said William R. Lauten, at that time, was attending upon the Grant Jury of Baldwin County, Alabama, as Circuit Solicitor of said Couty, which was in session at that time. That this suit was dismissed by your Honor without the knowledge of your petitioner or without notice to it and without the knowledge of William R. Lauten.

EIGHTH:


The petitioner avers that it is ready and willing to continue with the prosecution of the above styled cause and is prepared to prove the allegations of this motion upon being requested.

WHEREFORE, the premises considered the petitioner respectfully prays that this court will cause the above styled cause to be reinstated upon the civil docket of the Circuit Court of Baldwin County, Alabama, and that the name of Chason & Stone be entered as Attorneys for the Plaintiff and that in reinstating said cause that this court will grant to the petitioner ten (10) days in which to file any pleadings necessary under the present status of the case.

Respectfully submitted,

CHASON & STONE

BY:


Attorneys for the Plaintiff.

MOTION TO REINSTATE

D. L. TEEL,
Plaintiff,
vs.
CLARA EVA WALLACE,
Defendant.

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

FILED
JUN 12 1952
ALICE J. BUCK, Clerk

RECEIVED
JUN 12 1952
CLERK OF COURT