

J. S. LOWERY, AS ADMINISTRATOR
OF THE ESTATE OF THEO O'BRIEN
ETHEREDGE,

PLAINTIFF

VS

W. B. MURDOCK

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1710

Now comes the Plaintiff and amends the summons and complaint in this cause by striking therefrom where it appears "J. S. Lowery, as Administrator of the estate of Theo O'Brien Etheredge, deceased" and substituting in lieu thereof "Harry J. Wilters Jr., as Administrator de bonis non, of the Estate of THEO O'Brien Etheredge, deceased".


Attorney for the Plaintiff

1710

FILED

SEP 24 1952

ALICE J. DUCK, Clerk

J. S. LOWREY, AS ADMINISTRATOR
OF THE ESTATE OF THEO O'BRIEN,
ETHEREDGE,

PLAINTIFF,

VS.

W. B. MURDOCK,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA,

AT LAW. NO _____.

Comes the defendant in the above entitled cause and for
answer to each count of the complainant's complaint, separately
and severally says:

1. Not guilty.

Johnston McCall & Johnston
ATTORNEYS FOR THE DEFENDANT

FILED
DEC 6 1951
ALICE J. DUCK, Clerk

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. B. MURDOCK 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 J. S. LOWREY, as Administrator of the estate of Theo O'Brien Etheredge.

Witness my hand this the 3rd day of October, 1951.

Reice J. Murdock
Clerk

J. S. LOWREY, AS ADMINISTRATOR
OF THE ESTATE OF THEO O'BRIEN,
ETHEREDGE,

PLAINTIFF

VS

W. B. MURDOCK

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. _____

1.

The Plaintiff, J. S. Lowrey, as Administrator of the estate of Theo O'Brien Etheredge, deceased, claims of the Defendant FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages for that heretofore on to-wit, the 17th day of September, 1951, the Defendant acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile truck on or along U. S. Highway No. 31, a public highway, at a point approximately three miles South of Bay Minette, in Baldwin County, Alabama, that said automobile truck was driven into or against an automobile in which the Plaintiff's intestate was riding at said time and place, and as a proximate result of said negligence the Plaintiff's intestate, Theo O'Brien Etheredge, was seriously injured and as a proximate consequence thereof died.

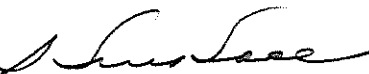
The Plaintiff avers that the said injuries to and death of the Plaintiff's intestate, Theo O'Brien Etheredge, were proximately caused by the negligence of the Defendant, W.B. Murdock, acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment in so operating said automobile truck along said highway, at said time and place.

2.

The Plaintiff, J. S. Lowrey, as Administrator of the estate of Theo O'Brien Etheredge, deceased, claims of the Defendant, FIFTY THOUSAND (\$50,000.00) DOLLARS, as damages, for that heretofore on to-wit, the 17th day of September, 1951, at a point approximately three miles South of Bay Minette, in Baldwin County, Alabama, on U. S. Highway No. 31, a public highway, the Defendant, acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment negligently drove an automobile truck into or against an automobile in which the Plaintiff's intestate, Theo O'Brien Etheredge, was riding, and by reason thereof and as a proximate result and consequence, the Plaintiff's intestate, Theo O'Brien Etheredge, was seriously injured and died, for all of which the Plaintiff claims damages as aforesaid, hence this suit.

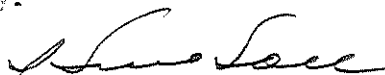
3.

The Plaintiff, J.S. Lowrey, as Administrator of the estate of Theo O'Brien Etheredge, deceased, claims of the Defendant FIFTY THOUSAND (\$50,000.00) DOLLARS as damages for that heretofore on to-wit, the 17th day of September, 1951, the Defendant acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment willfully, wantonly or intentionally injured the Plaintiff's intestate, Theo O'Brien Etheredge, deceased, by causing an automobile truck which the said Defendant acting by and through his agent, servant or employee who was then and there acting within the line and scope of his employment was operating along U. S. Highway No. 31, a public highway at a point approximately three miles South of Bay Minette, in Baldwin County, Alabama, to run upon or against an automobile in which the Plaintiff's intestate, Theo O'Brien Etheredge, deceased, was riding, at said time and place and as a proximate result and consequence of said negligence the said Theo O'Brien Etheredge was killed.



Attorney for the Plaintiff

The Plaintiff demands a trial by jury.



Attorney for the Plaintiff

Received in Sheriff's Office
this 4 day of Oct, 1951
TAYLOR WILKINS, Sheriff

19____
by of within Summons and
Complaint on

Sheriff
By Deputy Sheriff

RECEIVED 11-2-51
RETURNED 11-7-51
Not found in my County after diligent search
and inquiry.

W. H. HOLCOMBE, Sheriff
By H. B. Souders D.S.

Signed Nov. 14 1951
by serving copy of within Summons and
Complaint on

W. B. Murdoch

Taylor Wilkins Sheriff
By V. F. Hall Deputy Sheriff

108 m 1710 252
142 Re
199

J. S. LOWRY, AS ADMINISTRATOR
OF THE ESTATE OF THEO O'BRIEN
DECEASED,

PLAINTIFF

VS

W. E. MURDOCK

DEFENDANT

RECEIVED 10-8-51
RETURNED 10-24-51

Not found in my County after diligent search
and inquiry.

W. H. HOLCOMBE, Sheriff
By H. B. Souders D.S.

BILL OF COMPLAINT

Plataea,
Ariz

Del 3-1444

1710