

1751

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WILLIAM MOTHERSHEAD, 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 R. E. PERDUE.

WITNESS my hand, this the 32nd day of January, 1952.

Reuben A. Perdue
Register.

R. E. PERDUE	IN THE CIRCUIT COURT OF
PLAINTIFF	BALDWIN COUNTY, ALABAMA,
VS	AT LAW.
WILLIAM MOTHERSHEAD	
DEFENDANT	

1.

The Plaintiff claims of the Defendant the sum of THREE HUNDRED (\$300.00) DOLLARS as damages, for that heretofore, on, to-wit, September 2, 1951, Plaintiff's automobile was lawfully being driven along U. S. Highway Numbered 31, near the community of Dyas, Alabama, being a public highway in the County of Baldwin, State of Alabama and that then and there the Defendant negligently ran an automobile into, upon or against Plaintiff's automobile, as a proximate consequence whereof, Plaintiff's automobile was damaged and demolished, all to his great damage as aforesaid; hence this suit.

2.

The Plaintiff claims of the Defendant the sum of THREE HUNDRED (\$300.00) DOLLARS as damages, for that heretofore, on, to-wit, September 2, 1951, Plaintiff's automobile was lawfully being driven along U. S. Highway Numbered 31, near the community of Dyas, Alabama, being a public highway in the County of Baldwin, State of Alabama and that then and there the Defendant willfully or wantonly injured Plaintiff automobile by running an automobile into, upon or against Plaintiff's automobile, as a proximate consequence whereof, Plaintiff's automobile was damaged and demolished, all to his great damage as aforesaid; hence this suit.

C. R. Thompson
Attorney for the Plaintiff.

DEFENDANT'S ADDRESS:
Route 3, Foley, Alabama

FILED IN BALDWIN COUNTY ALABAMA
JAN 16 1952
CLERK OF DISTRICT COURT

Received in Sheriff's Office
this 3rd day of Jan 1952
TAYLOR WILKINS, Sheriff

Executed Jan, 5, 1952
By Serving Copy on
William Mathershead

Sheriff
Taylor Wilkins
By
Edleigh Steacham

70 1751

R. E. PERDUE
PLAINTIFF
VS
WILLIAM MOTHERSHEAD
DEFENDANT

COMPLAINT

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama

FILED

JAN 3 1952

ALICE J. DUCK, Clerk

R. E. PERDUE
PLAINTIFF
VS.
WILLIAM MOTHERSHED
DEFENDANT

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

Comes the defendant in the above entitled cause and demurs to the complainant, and separately and severally to each count thereof and for grounds of demurrer, assigns, separately and severally the following:

1. The place of the collision is not stated with sufficient certainty and definiteness so as to acquaint the defendant with it so he could prepare his defense.
2. The time of the collision is not stated with sufficient certainty and definiteness so as to acquaint the defendant with it so that he could prepare his defense.
3. The make, model and year of the plaintiff's automobile is not set out so as to acquaint the defendant with it so he could prepare his defense.
4. The alleged damage to the Plaintiff's car is not set with sufficient certainty and definiteness so as to acquaint ^{the defendant} with it so that he could prepare his defense.
5. The alleged negligence of the defendant is not set forth so as to acquaint the defendant with what he is called on to defend.
6. The averments of negligence are merely conclusions of the plaintiff, with no facts alleged in support thereof.
7. The averments of damage are merely the conclusions of the plaintiff, with no facts alleged in support thereof.
8. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate results of any negligence in breach of duty on the part of the defendant.
9. It is not alleged with sufficient certainty where said accident occurred.


ATTORNEY FOR DEFENDANT

No. 1751

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW

R. E. PERDUE

PLAINTIFF

VS.

WILLIAM MOTHERSHED

DEFENDANT

Demurrers to Complaint

FILED

FEB 4 1952

ALICE J. DUCK, Clerk

ARTHUR C. EPPERSON

ATTORNEY AT LAW

FOLEY, ALA.