

SUMMONS AND COMPLAINT

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ed Ivory 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 Joe D. Lamar.

Witness my hand, this 27 day of March, 1952.

Alice J. Ducha
Clerk

JOE D. LAMAR,
PLAINTIFF,
VS.
ED IVORY,
DEFENDANT.

Y
Y
Y
Y
Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW
CASE NO. 1775.

COUNT ONE: Plaintiff claims of the defendant the sum of SEVEN HUNDRED (\$700.00) DOLLARS as damages for that heretofore on, to-wit, the 5th day of January 1952, the defendant did negligently run the automobile he was driving against and into the plaintiff's home which is located on Brownwood Avenue in Bay Minette, Alabama, and as a direct proximate consequence and result thereof much of the plaintiff's furniture was damaged, destroyed and rendered less valuable, to-wit: a bed, two vanity dressers, a lounge chair and stool, two radios and all of the plaintiff's crockery and dishes, and the plaintiff was put to much inconvenience and annoyance because of the loss of the use of the aforesaid furniture all to the loss of the plaintiff in the aforesaid amount.

COUNT TWO: Plaintiff claims of the defendant the sum of SEVEN HUNDRED (\$700.00) DOLLARS as damages for that heretofore on, to-wit, the 5th day of January 1952, the defendant did because of reckless indifference run the automobile he was driving against and into the plaintiff's home which is located on Brownwood Avenue in Bay Minette,

We, the jury find for the Plaintiff: ~~in~~ and
~~assess~~ damages for 125.00

Leonard D. Ivione -
Foreman

SUMMONS AND COMPLAINT

RECORDED

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1775

JOE D. LAMAR,

PLAINTIFF,

VS.

ED IVORY,

DEFENDANT.

FILED March 23, 1952

Alice J. Duck
CLERK

Received in Sheriff's Office
this 27 day of May 1952
TAYLOR WILKINS, Sheriff

Executed 4-2- 19 52
by serving copy of within Summons and
Complaint on

Joe D. Ivione
Ed Ivory

Taylor Wilkins Sheriff
By Shag Gentry Deputy Sheriff

Alabama, and as a direct proximate consequence and result of said reckless indifference much of the plaintiff's furniture was damaged, destroyed and rendered less valuable, to-wit: a bed, two vanity dressers, a lounge chair and stool, two radios and all the plaintiff's crockery and dishes, and the plaintiff was put to much inconvenience and annoyance because of the loss of the use of the aforesaid furniture all to the loss of the plaintiff in the aforesaid amount.

COUNT THREE: Plaintiff claims of the defendant the sum of SEVEN HUNDRED (\$700.00) DOLLARS as damages for that heretofore on, to-wit, the 5th day of January 1952, the defendant did wantonly run the automobile he was driving against and into the plaintiff's home which is located on Brownwood Avenue in Bay Minette, Alabama, and as a direct and proximate consequence and result thereof the plaintiff's furniture was wantonly damaged, destroyed and rendered less valuable, to-wit: a bed, two vanity dressers, a lounge chair and stool, two radios and all the plaintiff's crockery and dishes, and the plaintiff was put to much inconvenience and annoyance because of the loss of the use of the aforesaid furniture all to the loss of the plaintiff in the aforesaid amount.

Plaintiff demands trial by jury.

James M. Brantley
Attorney for Plaintiff

JOE D. LAMAR

PLAINTIFF

VS

ED IVORY

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1775

Now comes the Defendant and for answer to the Plaintiff's complaint
and each count thereof separately and severally says:

1.

That he is not guilty.



Attorney for the Defendant

1776
RECORDED

JOE D. LAMAR

PLAINTIFF

VS

ED IVORY

DEFENDANT

ANSWER

FILED

MAY 2 1952

ALICE L. DUCK, Clerk

JOE D. LAMAR

PLAINTIFF

VS

ED IVORY

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1775

Now comes the Defendant and amends his plea heretofore filed in this cause by adding the following:

2.

That the damages sued for in the bill of complaint, were paid in full before the commencement of this suit.

3.

That soon after the alleged act causing damage to the Plaintiff, the Plaintiff and the Defendant met in an effort to reach an amicable adjustment of the matter; that the Damages were indefinite and unascertained;

that the Plaintiff agreed to accept and did accept ~~the sum of \$~~ *material and equipment* ~~necessary to repair the same~~ in full for all damages suffered by him as a result of the negligence of the Defendant as set out in the bill of complaint.

[Signature]
Attorney for the Defendant

No 1775

Lanner
vs.
Ed Group

Civil Jury List

No	Name	Occupation	Address
1	ROSS FREEMAN	Plumber	Robertsdale
2	CLYDE BURT	Laborer	Bay Minette 194
3	HAROLD SAYE	Farmer	Loxley P2
4	MAXWELL JEWELL	Merchant	Foley
5	CLARENCE SCHRAM	Newport	Bay Minette P3
6	J. C. GRIMES	Produce Man	Loxley P1
7	CALVIN HILL	Farmer	Belforest
8	T. J. VERDONSCHAT	Flower Grower	Foley
9	LEONARD TRIONE	Real Estate	Daphne
10	CURTIS CAPPS	Ice Cream Parlor	Bay Minette P6
11	GEORGE HERTEL	Farmer	Elberta
12	GILBERT COOPER	Farmer	Rosinton
13	BROOKS BUSH, SR.	School Bus Driver	Crossroads 191
14	WILLIAM S. ALEXANDER	Newport	Bay Minette
15	MARVIN BEVERLY	Laborer	Robertsdale 198
16	J. F. BEATY	Mechanic	Fairhope
17	GRADY FAIRCLOTH	Merchant	Magnolia Springs 196
18	ANGELO LAZZARI	Farmer	Belforest
19	RODNEY FELL	Butcher	Foley 195
20	M. A. LOVELL, JR.	Farmer	Loxley P5
21	ELDO LEE	Carpenter	Loxley
22	A. E. COWLING	Retired Navy	Seminole 198
23	V. A. COX, JR.	Store Work	Stockton 192
24	I. A. MOTTERSHEAD	Farmer	Lottie 194
25	H. R. HALL	Store Owner	Fairhope P4
26	CLYDE PERKINS	Newport	Bay Minette 193
27	ROBERT STEIGERWALD	Cleaning	Foley
28	HANNIS HEAD	Ship Yard	Stapleton
29	W. H. Foster	Mgr. Ford Place	Bay Minette 197
30	Thomas E. Hoiles	Gulf Gas Agent	Robertsdale

28
12
16

P XXXX XX
10 XXXX XX

STATE OF ALABAMA,
BALDWIN COUNTY

TO Ed Ivory, Defendant:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

JOE D. LAMAR, Plaintiff,

versus ED IVORY, Defendant,

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

Newport Industries

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 21st

day of November, 1942

Reverend

Clerk of the Circuit Court.

Specified Nov. 23, 1952
By serving
Ed Dyer
Taylor Wilkins
H F Hall
D.S.

NOTICE
RECORDED

TO DEFENDANT OF GARNISHMENT

BY

CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

TO

Plaintiff

VS.

Defendant.....

Garnishment on Judgment.

The State of Alabama,
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

Fall

TERM, 1952

To any Sheriff of the State of Alabama, Greeting:

WHEREAS, at a regular Fall Term, 1952, of the Circuit Court of Baldwin County,
to-wit: On the 15th day of October, 1952, being a regular day of
said term, Joe D. Lamar

recovered judgment against Ed Ivory

for the sum of ONE HUNDRED AND TWENTY-FIVE (\$125.00) Dollars, and cost of suit,
and affidavit having been made by Tolbert M. Brantley, Attorney for Joe D. Lamar
that process of garnishment is believed to be necessary to obtain satisfaction of such Judgment, and that the
following named persons or corporations, viz:

New Port Industries, Inc.

has or is believed to have in its possession, or under its control money
or effects belonging to said defendant: or that it is, or
is believed to be indebted to said defendant or to be liable to them, or to one of them on a
contract for the delivery of personal property, or on a contract for the payment of money which may be
discharged by the delivery of personal property, or which is payable in personal property.

You Are Therefore Hereby Commanded to Summon

New Port Industries, Inc.

to be and appear before the honorable Judge of the Circuit Court for Baldwin County, at the Court House
thereof, in the city of Bay Minette, on the 1st Monday in January A. D. 1952,
then and there within the three first days of the term, to answer on oath, whether at the time of the service
of the garnishment, or at the time making its answer, or at any time intervening the time of serv-
ing the garnishment, and making the answer it was or is indebted to said defendant
and whether it will not be indebted in future to said defendant
by a contract then existing, and whether by a contract then existing it
is, ~~or was~~ liable to said defendants for the delivery of personal property, or for the payment of money which
may be discharged by the delivery of personal property, or which is payable in personal property, and
whether it has not in its possession or under its control money or
effects belonging to the defendant Ed Ivory

Herein fail not, and have you then and there this Writ.

Witness, ALICE J. DUCK, Clerk of said Court, this 21st day of Nov, A. D., 1952

Issued _____ day of _____ A. D., 19____

ATTEST:

_____, Clerk.

Received in Sheriff's Office
this 24 day of Nov 1952
TAYLOR WILKINS, Sheriff

Executed Nov. 24, 1952
By serving a copy
of the within on
Dollie Brown agent
for New Port Ind. Inc.

Taylor Wilkins Sheriff
H. F. Hall P. S.

RECORDED
Circuit Court, Baldwin County

No. 1775-1/2

Joe D. Lamar

VS. } Garnishment On Judgment

Ed Ivory

Issued _____ day of _____ 19____

Returnable _____ day of _____ 19____

per J. D. Lamar
Notice

Attorney

AFFIDAVIT FOR GARNISHMENT ON JUDGMENT.

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for said County, Tolbert M. Brantley as attorney for Joe D. Lamar, who being duly sworn, deposes and says: that Joe D. Lamar, at the 1952 Fall session of the Circuit Court of Baldwin County, received a judgment against Ed Ivory for the sum of ONE HUNDRED AND TWENTY-FIVE (\$125.00) DOLLARS and the further sum of SEVENTEEN AND 05/100 (\$17.05) DOLLARS cost of the suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that New Port Industries Inc. has or is believed to have in its possession or under its control, money or effects belonging to the Defendant, or that it is or is believed to be indebted to the Defendant or is to be liable to the Defendant on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

Tolbert M. Brantley
Tolbert M. Brantley, Affiant.

Sworn to and subscribed before me this 21st day of November, 1952.

Alice J. Duck
Alice J. Duck, Clerk of the Circuit Court.

NO 1775 1/2

Joe L. Lamm

vs.

Ed Ivory

Barnishment

FILED

NOV 21 1952

ALICE A. DUCK, Clerk