

STATE OF ALABAMA )
BALDWIN COUNTY )

IN THE CIRCUIT COURT . . LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Mrs. Alice Gebhart to appear within thirty (30) days from the service of this write in the Circuit Court to be held for said county at the place of holding same, then and there to answer the complaint of Betty Evans, a minor, by Otis Evans, her next friend.

WITNESS my hand this 6 h day of August, 1952.

Plaintiff, IN THE CIRCUIT COURT OF

-vs
MRS. ALICE GEBHART, BALDWIN COUNTY, ALABAMA

( LAW SIDE.

Defendant.

The Plaintiff claims of the Defendant, the sum of Three Hundred Dollars (\$300.00) damages, for that heretofore on to-wit:- March 18, 1952 at approximately 10:00 p.m., the said Defendant did own and possess an automobile which she did then and there loan to her minor son, George Gebhart, and did then negligently permit and allow the said George Gebhart to take and drive the same for his own personal pleasure and entertainment and for the pleasure and entertainment of such other persons as he might invite and take into said automobile with him, unaccompanied by the Defendant or by any other adult person, although the Plaintiff averes the said George Gebhart, a minor, was wholly incompetent and unfit to drive said automobile as was then well known to the Defendent; that on said day and on said occasion, the said George Gebhart, being so possessed of said automobile and the sole control of its operation, did invite and take into said automobile, among other persons, all minors under the age of twenty-one years, the said Betty Evans, a minor daughter of the plaintiff, under the age of twenty-one years, for a pleasure ride and thereupon did drive said automobile over certain public roads between the Town of Foley in the State of Alabama and the City of Pensacola in the State of Florida, and did so negligently, carelessly and improperly operate said automobile in the State of Alabama and County of Baldwin on Highway 89, approximately one (1) mile East of the Community of Elberta, that it was caused to vere off the highway into a ditch and strike a concrete culvert and as the proximate result of said Defendant's negligence and the concurring negligence and incomptency of the said George Gebhart, who was fatally injured, the Plaintiff at this time and place suffered injuries to her head and bruises to her body to the damage of the Plaintiff in the said sum of Three Hundred Dollars (\$300.00) as aforesiad.

Whereupon the Plaintiff sues.

Bv

her next friend



## SUMMONS AND COMPLAINT

BETTY EVANS, a minor, by OTIS EVANS, her next friend.

Plaintiff,

-VS-

MRS. ALICE GEBHART,

Defendant.

Filed: This the 6th day of August, 1952.

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BETTY EVANS, a minor, by OTIS EVANS, her next	)	(	4
friend,	)	(	
Plaintiff,		,	IN THE CIRCUIT COURT OF
	)	(	BALDWIN COUNTY, ALABAMA
VS		(	DALDWIN COUNTI, ALADAWA
MRS. ALICE GEBHART,	,	•	LAW SIDE.
,	)	(	
Defendant.	١	1	
	)	(	

Comes the Defendant, Alice Gebhart, and for answer to the complaint filed in said cause, saith: She is not guilty of the matters alleged therein.

Attorney for Defendant

RECORDED

ANSWER:

BETTY EVANS, a minor, by OTIS EVANS, her next friend,

Plaintiff,

-VS-

MRS. ALICE GEBHART,

Defendant.

Filed 8-6-52. Acceptench

BETTY EVANS, a minor, by OTIS EVANS, her next	)	(	
friend,		(	
Plaintiff,	)	(	IN THE CIRCUIT COURT OF
-vs-	)	(	BALDWIN COUNTY, ALABAMA
MRS. ALICE GEBHART,	)	(	LAW SIDE.
Defendant.	)	graves arguests, processor	

### AGREED STATEMENT OF FACTS

Now comes the Plaintiff and the Defendant in the above styled cause and agree that the following is a true and correct statement of facts in maid case:

On March 18, 1952, at approximately 10:00 p.m. George Gebhart, the minor son of Alice Gebhart of Fohey, Baldwin County, Alabama, was driving a 1951 Chevrolet Automobile which was the property of the said Alice Gebhart, along Highway 89 enroute from Pensacola, Florida to Foley, Alabama and when approximately one (1) mile East of Elberta, Alabama on said public highway, while traveling approximately fifty (50) miles per hour and while passing a vehicle which was also going West on said highway, he veered to the left off the highway, into a ditch, striking a concrete culvert. There was also an automobile approaching along the highway, meeting the car driven by George Gebhart, which was apparently traveling at a high rate of speed. There were five occupants of the care all of whom were minors, namely, George Gebhart, Jane Jones, Claude Lindsey, Betty Evans and Douglas Stuart. Betty Evans suffered injury to her head and bruises to her body in the accident. George Gebhart was operating the vehicle with the permission of his mother, Alice Gebhart. Otis Evans, who filed suit as the next friend of Betty Evans, is her father. The said Betty Evans has fully recovered from her injuries.

The above being the true and correct statement of the facts in this case, it is hereby agreed upon as such by the parties hereto.

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Mer next friend, Plaintiff.

Plaintiff's Attorney

MRS. ALICE GEBHART, Defendant,

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### STATE OF ALABAMA

#### BALDWIN COUNTY

I, BETTY EVANS, and I, CTIS EVANS, jointly and severly, hereby acknowledge payment in full accord and satisfaction of the judgement rendered by the Circuit Court of Baldwin County, Alabama on the 6th day of August, 1952 wherein Betty Evans by Otis Evans, her next friend was the plaintiff and Alice Gebhart was the defendant; said judgement being in the amount of Three Hundred Dollars -(\$300.00).

WITNESS our hands and seals on this the 9th day of August,

1952.

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Otis Europ SEAL

RECORDICA

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BETTY EVANS		, a minor, NS, her next	)	(	
friend,	)	(			
		Plaintiff,	)	(	IN THE CIRCUIT COURT OF
-vs-			)	(	BALDWIN COUNTY, ALABAMA
MRS.	ALICE	GEBHART,	)	(	LAW SIDE.
		Defendant.	)	(	

This day came the Plaintiff and her Attorney and the Defendant by her Attorney and issue being joined between the parties, and an agreed statement of facts having been executed and made a part of the proceedings in this cause and the court having duly considered the same,

It is therefore, considered, ordered, and adjudged by the court that the Plaintiff have and recover of the Defendant the sum of Three Hundred Dollars (\$300.00) together with the costs herein to be taxed for all of which execution may issue.

Where Hundred Dollars (\$300.00) together with the costs herein to be taxed for all of which execution may issue.

Circuit Judge

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## JUDGMENT

BETTY EVANS, a minor, by OTIS EVANS, her next friend,

Plaintiff,

- Vs-

MRS. ALICE GEBHART,

Devendent.

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J.S.

## CECIL G. CHASON ATTORNEY AT LAW FOLEY, ALABAMA

12, August, 1952

Mrs. Alice J. Duck Clerk of Court Bay Minette, Alabama

Dear Mrs. Duck:

There is enclosed herewith a Bill of Complaint by Betty Evans through Otis Evans, her next friend, as plaintiff and Alice Gebhart as Defendant, defendant's answer, an agreed statement of facts and a judgement in the amount of Three Hundred Dollars (\$300.00). These papers are sent in accordance with our telephone conversation and all should be marked filed as of August 6, 1952. Please prepare a docket sheet and send to Hon. A. H. Elliott, Circuit Judge, Brewton, along with a copy of this letter so that he will know the case in question. There is also enclosed an accord and satisfaction of judgement executed by Betty Evans and by Otis Evans, her father and next friend. Please place this in the file and show satisfaction and payment on the docket sheet.

Costs will be paid immediately upon receipt of the  $\checkmark$  costs bill.

Yours very truly,

C. Chason

CGC:fs

Enclos.

# CECIL G. CHASON ATTORNEY AT LAW FOLEY, ALABAMA

12, August, 1952

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