

1928

CLAIM FOR PERSONAL INJURIES

MRS. J. H. NEECE,

Claimant,

VS.

THE TOWN OF FOLEY, BALDWIN COUNTY,
ALABAMA.

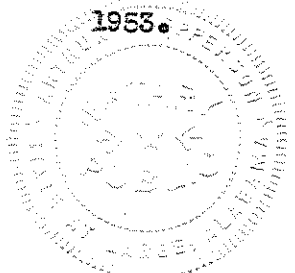
1
1
1
1
1

Comes now Mrs. J. H. Neece who being first duly sworn deposes and says: That on or about the 18th day of November, 1952, I was walking along McKenzie Street on the sidewalk at a point near or next to Foley Grocery and Market and stepped in a hole in the pavement and as a result thereof fell and broke my left foot. This has caused me much inconvenience, severe pain, loss of time and money. I therefore, feel entitled to compensation for my loss caused by your negligence and hereby make demand on you and the Town of Foley for the sum of THREE THOUSAND and No/100 (\$3,000.00) DOLLARS.

Mrs. J. H. Neece
Mrs. J. H. Neece, Claimant

Sworn to and subscribed before me this 4 day of May, 1953.

Arthur L. Epperson
Notary Public



CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

April 11, 1953

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

Dear Mrs. Duck:

Enclosed herewith is a Plea in Abatement in the case of Mrs. J. H. Neese -vs- The City of Foley. -A copy is being sent to Wilters & Brantley, Attorneys.

By agreement with Mr. Brantley the time for filing was extended with the understanding that he may file any instruments he desires without prejudice to his cause which could have been filed had this Plea in Abatement been filed within 30 days of the filing of the Bill of Complaint.

Yours very truly,


C. G. Chason

CGC:fm

encl. 1

cc: Mr. Tolbert M. Brantley
Wilters & Brantley, Attorneys
Bay Minette, Alabama

FILED

4-13-52

APR 13 1952
FBI - NEW YORK

SUMMONS AND COMPLAINT

BOOK 001 PAGE 172

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon the CITY OF FOLEY, a Municipal Corporation, Baldwin County, Alabama, 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 Mrs. J. H. Neese.

Witness my hand, this 26 day of Feb, 1953.

Reverend J. Neese
Clerk

MRS. J. H. NEESE,

Plaintiff,

VS.

THE CITY OF FOLEY, a Municipal Corporation, Baldwin County, Alabama,

Defendant.

§

§

§

§

§

§

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. _____.

The Plaintiff claims of the Defendant THREE THOUSAND (\$3,000.00) DOLLARS as damages for that on, to-wit: November 18, 1952, the Defendant was a municipal corporation, and that the Plaintiff was walking along the sidewalk, on McKenzie Street at a point near or next to Foley Grocery and Market in the City of Foley, Alabama, along which the public was accustomed to pass, and while so walking Plaintiff stepped into a hole or cut in the sidewalk injuring her in this, to-wit: she stepped in said hole and broke her left foot which has caused her much mental anguish, great physical pain, inconvenience and annoyance and has caused her to expend or become liable for large sums of money for surgical or medical treatment in and about attempting to heal and cure her said injuries. And the Plaintiff avers that all of her said injuries and damages were due to the proximate result of the negligence, carelessness, or unskillfulness of an agent, officer, or employee of the Defendant, engaged in working therefor, acting within the line and scope of his or their authority in allowing the said hole or cut to remain in sidewalk, and in that there were no warning signal or device provided or displayed at or in close proximity to said hole or cut so that persons walking

along said sidewalk could or would be apprised and informed of the presents of said hole or cut.

And Plaintiff further avers that she has complied with the statutory requirements as provided by the Code of 1940, Title 37, Section 504, before the bringing of this suit, by filing a sworn statement with the City Commission of the City of Foley, stating substantially the manner in which the injury was received and the day and time and place where the injury occurred and damage claimed, and stating with substantial accuracy the nature and character of the injury received, all within six months from the receipt of such injuries on to-wit: February 14, 1953. And Plaintiff further alleges that she has made demands upon Hon. W. Max Griffin, Mayor of the Town of Foley, for the names of any other persons or corporations jointly liable with the Defendant to the Plaintiff, and the said W. Max Griffin, Mayor of the Town of Foley, did not within ten days thereafter to furnish the Plaintiff the names of such other person or corporation jointly liable with the Defendant.

WINTERS & BRANTLEY

By

Robert M Brantley
Attorneys for Plaintiff

Plaintiff demands a trial by jury.

WINTERS & BRANTLEY

By

Robert M Brantley
Attorneys for Plaintiff

FILED

2-22-53

ALICE J. DUCK, Clerk

BOOK 001 PAGE 173

2-27-53

SUMMONS AND COMPLAINT

MRS. J. H. HERSE,

Plaintiff,

VS.

THE CITY OF FOLEY, a Municipal
Corporation, Baldwin County,
Alabama,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1928

Executed Feb. 27, 1953
By Serving Copy on
Max Griffin
as Mayor of Foley

S. Huff
Taylor Williams

FILED

2-26-53

MADE & SIGNED, CLERK

By
Edleigh Steadham

MRS. J. H. NEESE,

Plaintiff,

- vs -

THE CITY OF FOLEY, a Municipal
Corporation, Baldwin County,
Alabama,

Defendant.

BOOK 001 PAGE 174

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE No. 1928

Now comes the defendant in the above-styled cause, acting by and through its Town Clerk, and appears specially for the purpose of filing the following pleads in abatement and for no other purpose, pleads in abatement to the complaint filed in said cause and to each count thereof separately and severally.

1. Under and by virtue of the recitals of Section 5 of Title 37 of the Code of Alabama of 1940, the proper name of the municipal corporation is "The Town of Foley", which is its true name and not "The City of Foley".

2. Under and by virtue of the requirements set out in Section 504 of Title 37 of the Code of Alabama of 1940, no recovery shall be had against any City or Town on a claim for personal injury received unless a sworn statement be filed with the Clerk by the party injured, stating substantially the manner in which injury was received, the day and time and the place where the accident occurred and the damages claimed, which statement has not been filed with the Town Clerk as required.

Wherefore, defendant says this suit should be abated and should not be allowed to proceed.

J. M. Stapleton
Town Clerk

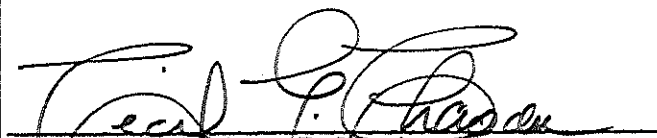
STATE OF ALABAMA
BALDWIN COUNTY

Before me, Cecil G. Chason, a Notary Public in and for said County in said State, personally appeared J. M. Stapleton, who, being duly sworn deposes and says that he is Town Clerk of the Town of Foley and authorized to make this affidavit; that he is cognizant of the facts set forth in the above and foregoing plea in abatement and that said facts are true and correct.

J. M. Stapleton
J. M. Stapleton

Sworn to and subscribed before me,
a Notary Public, on this the 11th
day of April, 1953.

SCOK 001 PAGE 175


Notary Public, Baldwin County
State of Alabama

FILED

4-13-53

ALICE J. GUCK, Clerk

(second and last page)

PLEA IN ABATEMENT

MRS. J. H. NEESE,

Plaintiff,

- VS -

THE CITY OF FOLEY, a Municipal Corporation, Baldwin County, Alabama,

Defendant.

() () () () () () () () () () () () () () () ()

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE No. 1928

() () () () () () () () () () () () () () () () ()

FILED

4-13-62

ALICE J. DECK, *Alice J. Deck*

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

DEMAND FOR NAMES OF DEFENDANTS

MRS. J. H. NEECE,

Claimant,

VS.

THE TOWN OF FOLEY, BALDWIN COUNTY,
ALABAMA.

0
0
0
0
0
0

TO THE HONORABLE W. MAX GRIFFIN, MAYOR OF THE TOWN OF FOLEY, ALABAMA:

Demand is hereby made on you in accordance with Title 37, Section 503 of the 1940 Code of Alabama as amended; to produce or give to Mrs. J. H. Neece the name or names of all persons who are responsible for or liable for the failure to keep in a good state of repair or properly build the sidewalk on the East side of McKenzie Street which runs parallel with Foley Grocery and Market.

Mrs. J. H. Neece is at this time making a demand on your Town for the payment of damages caused by the negligence of the Town of Foley or its agents in their construction of or failure to repair the above named sidewalk; which said negligence has caused her to be severely injured.

Demand is hereby made on you to produce the above requested information within ten (10) days from the receipt of this demand.

This the 13th day of April, 1953.

Robert M. Neece
Attorney for Mrs. J. H. Neece, Claimant.

FILED

4-14-53

ALICE I. DUCK, Clerk

4-15-53
Received in Sheriff's Office
this 14 day of Apr, 1953
TAYLOR WILKINS, Sheriff

Executed April. 15, 1953
By Serving Copy on
Max Griffin

Sheriff
Taylor Wilkins
By
Edleigh Steadham

no 1928

Mrs. J. W. Nuss
vs.
Town of Foley

FILED

4-14-53

MAICE L. BUCK, CLERK