

ROY T. CHANCEY,

Plaintiff,

vs.

CLARA LANETTE FULFORD,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 8885

Comes now the Defendant in the above styled cause, by and through her Attorney of Record and for plea to the complaint heretofore filed against her in said cause, shows unto the Court, separately and severally, as follows:

1. Not guilty.

CHASON, STONE & CHASON

By:

John E. Chason

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 22 day of May, 1976.

John E. Chason

FILED

MAY 22 1970

VOL

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ALICE J. DUCK CLERK
REGISTER

8885

FILED

MAY 22 1970

ALICE J. DUCK CLERK
REGISTER

ROY T. CHANCEY,

Plaintiff,

vs.

CLARA LANETTE FULFORD,

Defendant.

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 8885

APPOINTMENT OF GUARDIAN AD LITEM

It appearing to the Court that the Defendant in the above styled cause, Clara Lanette Fulford, is a minor nineteen years of age and that a guardian ad litem should be appointed by the Court to represent and defend her interests in the above styled cause, it is, therefore,

ORDERED, ADJUDGED and DECREED that John Earle Chason, of the firm of Chason, Stone & Chason, Bay Minette, Alabama, is hereby appointed guardian ad litem of the said Clara Lanette Fulford for the purpose of defending the action brought against her in said cause.

Done this 24th day of November, 1969.

Jeffery M. Maskeburn
Circuit Judge

FILED

NOV 24 1969

ALICE J. BENTLEY

SUMMONS AND COMPLAINT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

IN THE CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Clara Lanette Fulford, a minor, 19 years of age and Alden Fulford, her father, to appear in the Circuit Court of Baldwin County, Alabama at the place of holding the same, within thirty (30) days from service of this writ, then and there to answer the complaint of Roy T. Chancey.

Witness my hand this 19 day of Sept., 1969.


Circuit Clerk

* * * * *

COMPLAINT

ROY T. CHANCEY,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	
CLARA LANETTE FULFORD,)	
Defendant.)	CASE NO. <u>8885</u>

Plaintiff claims of the Defendant, a minor, the sum of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS for that heretofore and on to-wit the 24th day of January, 1967, the Defendant wantonly injured the Plaintiff by so wantonly operating a motor vehicle in which Plaintiff's minor daughter was then and there riding as an invited guest and passenger southwardly on Oak Street at or near its intersection with Roosevelt Street, both public streets in the City of Foley, Alabama, so as to cause said vehicle to collide with a vehicle being operated by Carl William Daugherty, which said Daugherty's vehicle was then and there being operated in a westwardly direction on said Roosevelt Street at said time and place, and as a direct and proximate result of the wantonness of the Defendant, as aforesaid, the Plaintiff's minor daughter was seriously and permanently injured and made sick and

and sore, and Plaintiff was caused to incur expenses of doctors, nurses, drugs, hospitals, ambulances, physical therapy treatments, surgical devices and x-rays in and about the care and treatment of his aforesaid minor daughter's injuries, all to the Plaintiff's injury and damages, hence this suit.

HOWELL, JOHNSTON, LANGFORD & FINKBOHNER
Attorneys for Plaintiff

By: *Erwin S. Langford*
One of Attorneys for Plaintiff

Plaintiff respectfully requests trial by jury.

Erwin S. Langford
One of Attorneys for Plaintiff

Defendant may be served
at Bon Secour, Alabama.

The Plaintiff suggests to the Court that since the Defendant is a minor, the Court should appoint a guardian ad litem to represent her in this cause.

Erwin S. Langford
Attorneys for Plaintiff

FILED

SEP 19 1969

8885-

Roy J. Chancey

vs.

Clara Lanette Fulford

FILED

SEP 19 1969

WILLIE J. DUCK CLERK REGISTER

Howell, Johnston
Langford & Finkbeiner

Received 19 day of Sept 1969
and on 25 day of Sept 1969

I served a copy of the within ABC
on Clara Lanette Fulford

By service on Clara Lanette Fulford

Sheriff claims 86 miles at
Ten Cents per mile Total \$ 8.60
BY TAYLOR WILKINS, Sheriff
Coalburn
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff
Don Seavey, aka.
86

ROY T. CHANCEY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
VS.	X	BALDWIN COUNTY, ALABAMA
	X	AT LAW
		NO: 8885
CLARA LANETTE FULFORD,	X	
Defendant.	X	

DEMURRER

Comes now the Defendant in the above styled cause, by and through her attorneys of record, and demurs to the Complaint heretofore filed against her and assigns the following separate and several grounds in support thereof:

1. That said Complaint does not state facts sufficient to constitute a cause of action against the Defendant.
2. For that the wanton injury alleged therein is merely a conclusion of the pleader.
3. For that the allegation that the Defendant wantonly operated a motor vehicle is merely a conclusion of the pleader.
4. For that it is vague, indefinite and uncertain in that it does not apprise this Defendant with sufficient certainty against what act or acts the Defendant is called upon to defend.
5. For that it does not appear with sufficient certainty what duty, if any, this Defendant may have owed to the Plaintiff's minor daughter.
6. For that it does not appear with sufficient certainty wherein this Defendant violated any duty owing by the Defendant to the Plaintiff's minor daughter.
7. For that it does not sufficiently appear that the Defendant owed any duty to the Plaintiff's minor daughter which the Defendant failed to perform.
8. For that it is not alleged with sufficient certainty where said accident occurred.

9. It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and the damages complained of.

10. There is no allegation of a wanton act committed by this Defendant.

11. For that said Complaint does not sufficiently apprise the Defendant of the injuries complained of by the Plaintiff.

12. For that it affirmatively appears from said complaint that the wanton injury complained of in said Complaint was to the minor daughter of the Plaintiff and not to the Plaintiff.

13. That said Complaint fails to allege sufficient facts to show any wanton injury of the Plaintiff by the Defendant.

14. For that it affirmatively appears that said act is barred by the Statute of Limitations.

CHASON, STONE & CHASON

By: John Earle Chason

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 3 day of October, 1969.

John E. Chason

FILED

OCT 3 1969

ALICE J. DUCK CLERK
REGISTER

6845