(1994)

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

VS.

VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR. AND H. D. GRANTHAM,

Defendants.

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

Comes William E. Kirchoff, Jr., one of the Defendants in the above styled cause, and appearing specially for the purpose of filing this Motion and for no other purpose and moves the Court to quash the service of the summons and complaint had upon said Defendant in the above styled cause and assigns the following separate and several grounds for his said Motion.

Ĭ

I

Ĭ

I

Ĭ

Ĭ

- 1. That a true and correct copy of the original summons filed in said cause has not been served upon him as required by law.
- 2. That a true and correct copy of the original complaint filed in said cause has not been served upon him as required by law.

Attorneys for Wildiam E. Kirchoff, Jr.

RECORDINA SH

MOTION

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

ZS

VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR. AND H. D. GRANTHAM,

Defendants.

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

Filed this 20 day of May, 154.

Michael Mark.

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vallie Myrick, Nathan Myrick, William E. Kirchoff, Jr. and H. D. Grantham 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 same, then and there to answer the complaint of Barney Kennedy, Jr., Administrator, Estate of Barney Kennedy, Sr., deceased.

WITNESS my hand this 15th day of May, 1953.

alice frances

BARNEY KENNEDY, JR.,)	IN THE CIRCUIT COURT,
ADMINISTRATOR, ESTATE OF)	BALDWIN COUNTY, ALABAMA.
BARNEY KENNEDY, SR.,)	LAW SIDE
DECEASED,)	THW OLUE
Vs.	•	
VALLIE MYRICK, NATHAN MYRICK,	Ĵ	
WILLIAM E. KIRCHOFF, JR. AND)	
H. D. GRANTHAM	,	

COUNT ONE

The plaintiff, Barney Kennedy, Jr., who sues as administrator of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Dollars, as damages, for that heretofore on, to-wit: the 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public highway in Baldwin County, Alabama, leading from Foley, Alabama to Robertsdale, Alabama, and at a point on said highway approximately four miles from Foley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Kennedy, Sr., was riding in said pickup truck of the defendant, H. D. Grantham, as an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, to so transport him under the terms of their employment arrangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of her employment, so negligently operated said pickup truck as to lose control of same and cause or allow said pickup truck to crash over the shoulder of said road and to leave said highway and

overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the said negligence on the part of the defendant Vallie Myrick as the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, Sr., was crushed, bruised, and mangled so that he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

COUNT TWO

The plaintiff, Barney Kennedy, Jr., who sues as administrator of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Dollars, as damages, for that heretofore on, to-wit: The 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public highway in Baldwin County, Alabama, leading from Foley, Alabama to Robertsdale, Alabama, and at a point on said highway approximately four miles from Foley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Kennedy, Sr., was riding in said pickup truck of the defendant, H. D. Grantham, as an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, to so transport him under the terms of their employment arrangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of her employment, wilfully or wantonly ran or operated said pickup truck as to lose control of same and cause or allow said pickup truck to crash over the shoulder of said road and to leave said

highway and overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the wilful and wanton conduct on the part of the defendant Vallie Myrick, as the agent, servant, or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, sr., was crushed, bruised, and mangled so that he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

BROOKS & GARRETT

Attorneys for plaintiff

The plaintiff hereby demands a jury trial.

BROOKS & GARRETT

Attorneys for the plaintiff

TATLOR WILKING, Sheriff May 18 1953 a copy of within Summons and William E. Kinkoff gr Taplor Williams We the fung such for the Referdants valle mysich, nothan I myrich H D Sighuthan Franka zepuch

994 5-16-53 Barney Kennedyfr adm. Ekstate of Barney Pennean ALICE & DUCK, CLERK

EXECUTED BY SERVING TO COPY OF THE WITHIN

Debuty Sheriff

BARNEY KENNEDY, JR.,

ADMINISTRATOR, ESTATE OF

BALDWIN COUNTY, ALABAMA

BARNEY KENNEDY, SR.,

OUS.

VS.

VALLIE MYRICK, NATHAN MYRICK,

WILLIAM E. KIRCHOFF, JR. AND

H. D. GRANTHAM

STATE OF ALABAMA

BALDWIN COUNTY

BALDWIN COUNTY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY OF

BALDWIN COUNTY OF

BALDWIN COUNTY

BALDWIN COUNTY

ALABAMA

BALDWIN COUNTY

BALDWIN COUNT

Before me, the undersigned authority, personally appeared J. B. Blackburn, who first being duly and legally sworn, deposes and says:

That he is one of the attorneys of record for the Plaintiff in the above styled cause.

That he is informed and verily believes that the Defendant, William E. Kirchoff, Jr. is a non-resident of the State of Alabama, and that he was a non-resident of the State of Alabama on the 18th day of May, 1951, but that he was doing business in the State of Alabama on said date, and that the present Post Office address of said defendant is Sanford, Florida; and that he believes that service of process upon the defendant William E. Kirchoff, Jr., in accordance with the provisions of Title 7, Section 199, of the 1940 Code of Alabama, as Amended, is necessary to perfect service upon the said defendant.

Sworn to and subscribed before me on this the 12 day of August, 1953

Notary Public, Baldwin County, Alabama

STATE OF ALABAMA) *
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vallie Myrick, Nathan Myrick, William E. Kirchoff, Jr. and H. D. Trantham 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 same, then and there to answer the complaint of Barney Kennedy, Jr., Administrator, Estate of Barney Kennedy, Sr., deceased.

WITNESS my hand this 15th day of May, 1953.

Clerk Clerk

BARNEY KENNEDY, JR.,) IN THE CIRCUIT COURT,
ADMINISTRATOR, ESTATE OF) BALDWIN COUNTY, ALABAMA.
BARNEY KENNEDY, SR.,) LAW SIDE

DECEASED,)

VS.)

VALLIE MYRICK, NATHAN MYRICK,)

WILLIAM E. KIRCHOFF, JR. AND)

H. D. GRANTHAM)

COUNTONE

The plaintiff, Barney Kennedy, Jr., who sues as administrator of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Dollars, as damages, for that heretofore on, to-wit: the 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public highway in Baldwin County, Alabama, leading from Foley, Alabama to Robertsdale, Alabama, and at a point on said highway approximately four miles from Foley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Kennedy, Sr., was riding in said pickup truck of the defendant, H. D. Grantham, as an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, to so transport him under the terms of their employment arrangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servant or employee of the defend+ ants William . Kirchoff, Jr., Nathan Myrick, and H. D. Grantham,

while acting within the line and scope of her employment, so negligently operated said pickup truck as to lose control of same and cause of allow said pickup truck to crash over the shoulder of said road and to leave said highway and overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the said negligence on the part of the defendant Vallie Myrick as the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, Sr., was crushed, bruised, and mangled so that he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

COUNT TWO

The plaintiff, Barney Kennedy, Jr. who sues as administrator of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Dollars, as damages, for that heretofore on, to-wit: The 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, am agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public, highway in Baldwin County, Alabama, leading from Foley, Alabama to Robertsdale, Alabama, and at a point on said highway approximately four miles from Foley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Kennedy, Sr., was riding in said pickup truck of the defendant, H. D. Grantham, as an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, William

while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, to so transport him under the terms of their employment arrangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of her employment, wilfully or wantonly ran or operated said pickup truck so as to lose control of same and cause or allow said pickup truck to crash over the shoulder of said road and to leave said highway and overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the wilful and wanton conduct on the part of the defendant Vallie Myrick, as the agent, servant, or employee of the defendant William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, sr., was crushed, bruised, and mangled so that the died as a proximate result of said injuries, all to the plainfiff's damage in the sum aforesaid, hence this suit.

PROOKS & GARRETT

BY: Brong M. Harrett

Attorneys for plaintiff

The plaintiff hereby demands a jury trial.

BROOKS & GARRETT

BY: Brong y Danity

Attorneys for the plaintiff

Heceived in Eheriff's Office this 2 day of 1934 TAYLOR WILKINS, Sheriff

838

RECEIVED IN OFFICE

JUN 24 1954

G. A. MOSLEY, Sheriff

EXECUTED BY FURNING AS

State of ale:

Sheriff Montgomery County

By Market Sheriff

Mo. 1994

RECORDED

Defindant diver in Seminite County, the

> JUN 21 1954 RLICE J. BUCK, Clerk



State of Alabama OFFICE OF SECRETARY OF STATE

MONTGOMERY 4. ALABAMA April 27, 1954

The Honorable
Mrs. Alice J. Duck
Clerk, Circuit Court of
Baldwin County
Bay Minette, Alabama

Re: Barney Kennedy, Jr., et al vs William E. Kirchoff, Jr., Et Als

Dear Mrs. Duck:

At the time I forwarded my notice and copies of summons and complaint to the Sheriff of Seminole County I wrote him, a copy of which letter was furmished you and the attorney, requesting him to make his return in the above-styled cause direct to the Court, also write Mr. Blackburn direct relative to any additional charges. However, Mr. Hobby, I am sure, overlooked this request and made his return of service to this office together with statement for additional charges.

I am enclosing Mr. Hobby's return, showing individual service upon Williem E. Kirchoff, Jr. as of April 23, 1954 at 11:00 A.M. and to which is attached his bill in duplicate for Ninety (90¢) cents additional charges. You will please pass on to the Honorable J. B. Blackburn, Attorney, the bill for additional charges that he may reimburse the Sheriff for same.

Sincerely yours,

Mrs. Agnes Baggett
Secretary of State

Encs.

cc: Hon. J. L. Hobby Sheriff, Seminole County Lake Mary, Florida

> Hon. J. B. Blackburn Attorney at Law Bay Minette, Alabama

COPY RETURN

Received this w			day of
the same on	A. D. 1		
defendant at 11	:00 A . M		23rd
day of April Seminole in delivering to the		County, F	lorida, by
copy of this wri	t with the dat	ie and hou	r of serv-
time I delivered	to the with	in named	defendant
by the plaintiff.	•		

Service	\$ 2.00	4	
Сору	\$35	_	
Return	\$ •25	1911191	~
2_Miles	s .30	A PA	
Total	\$ 2.90	Topped to	3
J. L.	. Hobby	Sher	nit of
Semin	ole	County,	Fla.
Ву			
•		Deputy Sherit	ff 🤼
Bishop Office	Equipment Co.—Orl	lando, Fla. No. 3520	.



State of Alabama office of secretary of state

MONTGOMERY 4, ALABAMA

March 30, 1954

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

William E. Kirchoff, Jr., P. O. Bex 1299 Sanford, Florida

You will take notice that on August 14, 1953, the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, summons and
complaint in a case entitled
Barney Kennedy, Jr., Administrator, Estate of Barney Kennedy, Sr., Beceased
, Plaintiff vs
William E. Kirchoff, Jr., Et Als
, Defendants in the Circuit Court of Beldwin
County, Alabama , Case No. 1994
true copy of which summons and complaint is attached hereto and the said service
upon me as Secretary of State of the State of Alabama has the force and effect
of personal service upon you.
• WITNESS MY HAND and the Great Seal of the State of Alabama this the
day of Narch , 19 54 .
Mrs Camer Bassetti
MRS AGNES BAGGETT UI
Secretary of State

encl, 1 copy of summons and complaint

ec: Non. J. B. Blackburn Attorney at Law Bay Minette, Alabama 4-23-5H 17am 18.6.6 BARNEY KENNEDY, JR.,

ADMINISTRATOR, ESTATE OF

BALDWIN COUNTY, ALABAMA

BARNEY KENNEDY, SR.,

AT LAW 1994

DECEASED,

VS.

VALLIE MXRICK, NATHAN MYRICK,

WILLIAM B. KIRCHOFF, JR. AND

H. D. CRANTHAM

STATE OF ALABAMA

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared J. B. Blackburn, who first being duly and legally sworn, deposes and says:

That he is one of the attorneys of record for the Plaintiff in the above styled cause.

That he is informed and verily believes that the Defendant, William E. Kirchoff, Jr. is a non-resident of the State of Alabama on Alabama, and that he was a non-resident of the State of Alabama on the 18th day of May, 1951, but that he was doing business in the State of Alabama on said date, and that the present Post Office address of said defendant is Sanford, Florida; and that he believes that service of process upon the defendant, William E. Kirchoff, Jm., in accordance with the provisions of Title 7, Section 199, of the 1940 Code of Alabama, as Amended, is necessary to perfect service upon the said defendant.

Sworn to and subscribed before me on this the 12th day of August, 1953.

Notary Public, Beldwin County, Alabama

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vallie Myrick, Nathan Myrick, William E. Kirchoff, Jr. and H. D. Grantham 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 same, then and there to answer the Complaint of Barney Kennedy, Jr., Administrator, Estate of Barney Kennedy, Sr., Deceased.

Witness my hand this Ach day of the 1953.

Clerk.

BARNEY KENNEDY, JR.,	IN THE	CINCUIT	COURC,
ADMINISTRATOR, ESTATE OF		comme,	ALABAMA.
DANNET KENNEDY, OR.,	r anggi	LAN SIDE	
DECEASED,			
VALLER MINION, NATHAN MYNION,			
WILLIAM B. KIRCHOFF, JR. AND			
fi Ti den a de le		er en er	

GQUMI QNE

The plaintiff, Barney Kennedy, Jr., who sues as administrator of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Ballars, as damages, for that heretofore on, to-witt the 18th day of May, 1951, the defendant, H. D. Grenthum, was the owner of a pickup truck which was being driven or operated by the defendent. Vallie Myrick, an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathen Myrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public highway in Baldwin County, Alabama, Leading from Foley, Alabama to Robertsdale, Alabama, and at a point on said highway approximately four miles from Foley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate. Barney Kennedy, Dr., was riding in said pickup truck of the defendant, H. D. Grantham, as an agent, servant or employes of the defendants William E. Kirchoff, Jr., Wathan Wyrick, and H. D. Grantham, while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants Villiam B. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, to so transport / him under the terms of their employment arrangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of her employment, operated said pickup truck as to lose control of same and cause or allow said pickup truck to crash over the shoulder of said road and to leave said highway and overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the said negligence on the part of the defendant Vallie Myrick as the agent; servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grentham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, Sr., was crushed, bruised, and mangled so that he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

COUNT INC

The plaintiff, Barney Kennady, Jr., who sues as administrator of the estate of Berney Kennedy, Sr., decessed, claims of the defendants the sum of Twenty-five Thousand spd no/100 (\$25,000.00) Dollars, as demages, for that heretofore on, to-wit: The 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, which said agent, servent or employee was then and there acting within the line and scope of her employment, on and upon a certain public highway in Baldwin County, Alabama, leading from Foley, Alabama to Robertsdele, Alabama, and at a point on eald highway approximstoly four miles from Folsy, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Mennedy, Sr., was riding in said pickup truck of the defendant, H. D. Crantham, as an agent, servant or employee of the defendants, William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E.

Kirchoff, Jr., Nathen Myrick, and H. D. Grantham, to so transport him under the terms of their employment errangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servent or employee of the defendants William B. Kirchoff, Jr., Nathen Myrick, and H. D. Granthem, while acting within the line and acope of her employment, wilfully or wantonly ran or operated said pickup truck so as to lose control of same and cause or allow said pickup truck to crash over the shoulder of said road and to leave said highway and overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the wilful and wanton conduct on the part of the defendant Wallie Myrick, as the agent, servent, or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, Sr., was crushed, bruised, and mangled so that he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

J. Black lu

ENVIORS & GARRETT

W: Brook Havett

Attorneys for plaintiff

The plaintiff heroby demands a jury trial.

PACONS & GANGET

W: Brow Sarrett

Attorneys for the plaintiff

1994

THE RESIDENCE OF THE PROPERTY STATESTICS. AND THAT SOLD THE RESERVE THE PROPERTY OF TH ANTELO LODGER SUBSTITUTE DEC. THE COLO COLOG CO CO COLOG CONTROL CONTR A STATE OF THE PARTY OF THE PAR ons been than the terminations 的复数人名英国科林斯特 有有一年 医乳球菌科 医牙唇的 T. Car は何に作じながられ 1950 · 1000 · 1 رن دو دو 機能を記る THE PROPERTY OF THE PROPERTY O かなる かめを記む (1) (1) (1) (1) (1) TO COLOR MATTER WALLOW SOUND WELLING CONTROL OR DECEMBER. (A) (C) (C) (C) (T) (T) or Suprement or siller card problem and the Ç. 高の 中のなどの。 SECTIONS OF THE TRANSPOSION で、 別の、 受合的、 ななのの。 ない のい こう AND THE REPORT OF THE PARTY OF no madrevo bne yexthis hiss ersol of である。 大学 はない できる できる ので とび ないでしているのだが、 ちゃんないのないのない 1.77 2.43 2.43 0000000 とこの だましょう いろしろかとして 77.7 The state of the s Property of the E] | B Totol and Holola CONTRACTOR OF A ON BENTO ARE OF PER GREENS and the House paragraps opening (A) ф₃ С) 0 TO GETTAGE A STATE OF THE STA to love astone THE DESIGNATION OF THE PARTY OF TO THE WAY はおかのをわめわの。 動が対象 ሳን የር ያስ

The second secon

CHICALPIC ROPERSONAL CONTRACTOR

Comment of the second

XXX BORR

LASTA JASSA

化对对对对对对对 人名英格兰人姓氏 经经济的

ORIGINAL RETURN

April A. D. 1954	and served
the same on William E. Ki	rchoff, Jr.
	he within named
defendant at 11:00 A .M.	on the 23rd
day of April	_A. D. 1954
in Seminole Cou	inty, Florida, by
delivering to the within named	• •
copy of this writ with the date ice endorsed thereon by his time I delivered to the within a copy of plaintiff's initial plea	named desendant
by the plaintiff.	NED STATES
Service \$ 2.00	STILL STREET
Copy \$35	
Return \$ <u>.25</u>	
2 Miles \$ •30	
Total \$ 2.90	$v_{i_{N-1}}$

J. L. Hobby		Sheriff			
	Seminole	County, Fla.			
Ву	N. L. E	clantes			
LJ		Deputy Sheriff			

BARNEY KENNEDY, JR.,)	
ADMINISTRATOR, ESTATE OF)	
BARNEY KENNEDY, SR., DECEASED,)	THE STREET COURSE OF
PLAINTIFF)	IN THE CIRCUIT COURT OF
V S₊) ,	BALDWIN COUNTY, ALABAMA.
VALLIE MYRICK, NATHAN MYRICK,)	Law Side.
WILLIAM E. KIRCHOFF, JR., AND)	
H. D. GRANTHAM,)	
DEFENDANTS.)	

Now comes the Plaintiff in the above styled cause and propounds to the Defendant, Nathan Myrick, the following interrogatories:

INTERROGATORY NUMBER ONE

- (a) State your full name, age and place of residence.
 - (b) State where you lived on May 18, 1951.
- (c) How long had you resided at the place mentioned in (b) above as of May 18, 1951?

INTERROGATORY NUMBER TWO:

- (a) Was a pick-up truck owned by H. D. Grantham involved in an accident on or about May 18, 1951, on the Foley-Robertsdale Highway in Baldwin County, Alabama, about four miles from Foley in which Plaintiff's intestate was killed?
- (b) Who was the owner of this pick-up truck and who was entitled to its possession?
- (c) What connection did your wife, Vallie Myrick, have with this pick-up truck?
 - (d) What connection did you have with this pick-up truck?
- (e) What connection did William E. Kirchoff, Jr. have with this pickup truck?

INTERROGATORY NUMBER THREE:

- (a) Were you at the time of the accident referred to in INTERROGATORY

 NUMBER TWO employed by or connected in any business relationship or transaction
 with William E. Kirchoff, Jr.?
- (b) Were you at the time of the accident referred to in INTERROGATORY NUMBER TWO engaged in growing gladioli for wholesale and/or retail?
- (c) Explain the relationship which existed between you, H. D. Grantham and William E. Kirchoff, Jr. in the growing of gladioli?

- (d) Did you have any written agreement with William E. Kirchoff, Jr. in connection with your gladioli business?
- (c) If your answer to (d)above is in the affirmative attach a certified copy of said agreement.

INTERROGATORY NUMBER FOUR:

- (a) Were you at the time of the accident referred to in INTERROGATORY

 NUMBER TWO employed by or connected in any business relationship or transaction
 with H. D. Grahtham?
- (b) Were you at the time of the accident referred to in INTERROGATORY NUMBER TWO in partnership or working with H. D. Grantham in anyway in connection with the growing of gladioli and/or potators?
- (c) Explain the relationship which existed between you and H. D. Grantham in the growing of gladioli.
- (d) Explain the relationship which existed between you and H. D. Grantham in the growing of potatoes.
- (e) Did you have any written agreement with H. D. Grantham in connection with the growing of gladieli and/or potators?
- (f) If your answer to any part of (e) above is in the affirmative attach a copy of said agreement.

INTERROGATORY NUMBER FIVE:

- (a) Was Vallie Myrick driving the pick-up truck of H. D. Grantham at the time of the accident referred to in INTERROGATORY NUMBER TWO?
- (b) Was Vallie Myrick transporting your employees back to their respective homes in Escambia County, Alabama at the time of the accident referred to in INTERROGATORY NUMBER TWO?
- (c) Explain in detail the working relationship which existed between you, H. D. Grantham and Vallie Myrick at the time of the accident referred to in INTERROGATORY NUMBER TWO.
- (d) Was Vallie Myrick transporting your employee, Barney Kennedy, Sr., back to his home in Escambia County, Alabama, at the time of the accident referred to in INTERROGATORY NUMBER TWO?

INTERROGATORY NUMBER SIX:

- (a) Was plaintiff's intestate, Barney Kennedy, Sr., employed by you, H. D. Grantham, and/er William E. Kirchoff, Jr. or either of you on May 18, 1951?
- (b) If your answer to (a) above is in the affirmative give the details of his employment by each of you.

- (c) Was Barney Kennedy, Sr. working in your gladioli field or in a gladioli field in which you had an interest on May 18, 1951?
- (d) What arrangement did you have with Barney Kennedy, Sr. and your other employees from Escambia County, Alabama for their transportation to and from your place in Baldwin County, Alabama to their homes in Escambia County, Alabama?

Attorney for Plaintiff

STATE OF ALABAMA
ESCAMBIA COUNTY

Before me, Marylena Lewis, a Notary Public in and for said County and said State, personally appeared Broox G. Garrett, known to me, who being by me first duly sworn on oath, deposes and says:

That is is Attorney for the Plaintiff in the above styled cause and that the answers to the foregoing interrogatories, truthfully made, will be material evidence for the plaintiff in the trial of said cause.

Broox G. Garrett

Subscribed and sworn to before me on this the Lo day of January, 1955.

Notary Public

Tierly 202 Medials An Decription

MARIE & BUCK, Glesk

BARNEY KENNEDY, JR. Administrator, Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

vs.

VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR., AND H. D. GRANTHAM,

Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

LAW SIDE.

Come now the Defendants, Vallie Myrick, Nathan Myrick and H. D. Grantham, in the above styled cause and file this their additional grounds of demurrer to Counts One and Two of the Complaint filed in said cause separately and severally, viz:

Ĭ

I

- That Count Two of said Complaint attempts to set out the manner in which the Defendants were guilty of willful or wanton negligence and said Count fails to sufficiently set out in detail what such negligence consisted of.
- 13. That said Count does not allege that the Defendants negligently injured or caused the death of the Plaintiff's Intestate.

Attorneys for the Delendary, Myrick, Nathan Myrick, and H. D.

DEMURRER

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

vs.

VALLIE MYRICK, et al.,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

Filed this 24 day of July, 1954.

deigh Wrick

اسسعه

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

VS.

VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR., AND H. D. GRANTHAM,

Defendants.

I IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

Comes, William E. Kirchoff, Jr., one of the Defendants in the above styled cause and demurs to Counts One and Two of the Complaint filed in said cause separately and severally and assigns the following separate and several grounds, viz:

1. That said Count does not state a cause of action.

I

Ĭ

Ĭ

- 2. That there is a misjoinder of parties Defendant in said Count.
- 3. That it is not shown in said Count when the said Barney Kennedy, Sr. died.
- 4. For aught that appears from said Count the said Barney Kennedy, Sr. had no cause of action at the time of his death.
- 5. That said Complaint does not allege a duty owing by the Defendants to the Plaintiff.
- 6. That it is affirmatively shown from said Count that the injury which caused the death of the Plaintiff's Intestate was due to the negligence of a fellow-servant of the Deceased.
- 7. That it is affirmatively shown in Count One of the Complaint that Barney Kennedy, Sr. was a guest of the Defendant, Vallie Myrick, and was being transported without payment therefor, in or upon said motor vehicle and said Count fails to charge that his death was caused by the willful or wanton misconduct of the operator, owner or person responsible for the operation of said motor vehicle.
- 8. That Count Two of said Complaint does not allege that the Defendants, Nathan Myrick, H. D. Grantham, or William E. Kirchoff,

Jr., were in such vehicle at the time of the injury or ratified the willful or wanton misconduct of the Defendant, Vallie Myrick.

- 9. That the action of the Legislature allowing the principal and agent, servant or employee to be joined in a willful and wanton Count is invalid.
- 10. That the allegation that the truck was traveling at a high rate of speed is but a conclusion of the Pleader.
- 11. That said Count does not allege that the Defendants, William E. Kirchoff, Jr., Nathan Myrick and H. D. Grantham, were partners or were operating any business or undertaking jointly.
- 12. That Count Two of said Complaint attempts to set out the manner in which the Defendants were guilty of willful or wanton negligence and said Count fails to sufficiently set out in detail what such negligence consisted of.
- 13. That said Count does not allege that the Defendants negligently injured or caused the death of the Plaintiff's Intestate.

Attorneys for Defendant, William E. Kirchoff, Jr.

William E. Kirchoff, Jr., demands a trial of this cause by a jury.

Attorneys for Defendant, William E. Kirchoff, Jr.

DEMURRER

BARNEY KENNEDY, JR., Administrator Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

vs.

VALLIE MYRICK, et al.,

Defendants.

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

Filed this 24thday of July, 1954.

Quick lick

ORIGINAL RETURN

Received this writ on the lst day of
July A. D. 195 4, and served
the same on
William E. Kitchoff, Jr.
the within named
defendant at 9:20 A.M. on the 10th
day of July A. D. 1954
in Seminole County, Florida, by
delivering to the within named defendant a true
copy of this writ with the date and hour of serv-
ice endorsed thereon by me, and at the same
time I delivered to the within named defendant
a copy of plaintiff's initial pleading as furnished
by the plaintiff.

Service	\$ 2.00
Сору	\$35
Return	s .25
2 Miles	s .30
Fotal	\$ 2.90

~	J. L. Hobby	Sheriff of
	Seminola	County, Fla.
Ву	R. E. Car	27
	D	eputy Sheriff

Bishop Office Equipment Co.—Orlando, Fla. No. 3520

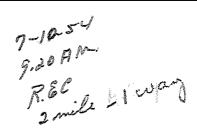


STATE OF ALABAMA

OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

dune 28, 1951.



MRS. AGNES BAGGETT SECRETARY OF STATE

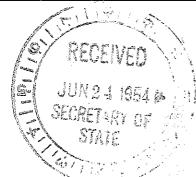
REGISTERED MAIL RETURN RECEIPT REQUESTED DELIVER TO ADDRESSEE ONLY

William B. Kirchoff, dr., P. C. Box 1299 Saminole County Sanford, Florida

You wi	ll take notice that	on		, 19 <u></u> , tne	Sheriii oi
Montgomery	y County, Alabama	, served upon me,	in my official cap	pacity, summons and	l complaint
and affidavi	it in a case entitle	d			
			•		
	karas kannadz.	dr., Administ	rator, Islato of	Burney Konnedy,	8r.,
		, Plaintiff		i. Miroholi, die	
	A CONTRACTOR OF THE PROPERTY O	-			
······			•	pp page poppy de company and a success of the chi-off de y handsomer.	
£		<u></u>			
:	***************************************	Defende	nt in the Cinquit C		
				ourto? Boldwin.	
Section 1980	4 20 100				
a true copy	of which summor	ns and complaint	and affidavit are	attached hereto an	d the said
service upor	n me as Secretary	of State of the S	tate of Alabama h	as the force and eff	ect of per-
sonal service	e upon you, being	under provisions	of Title 7, Section	199(1) of the 194	10 Code of
Alabama an	d Supplement there	eto.			
WITNE	SS MY HAND an	d the Great Seal	of the State of Ala	bama this the	3 &
day of	<u> Tur</u>	, 19 <u>Sh</u> .			
•			mas	Daniel Roy	2-01/2
			MRS.	AGNES BAGGETA	Jeen -
				retary of State	<i>)</i>

encl. 2 copy summons and complaint and affidavit

oor Son. J. B. Blackburn Attorney at Law Bay Minette, Alabama



DANNET KINNEDY, JR.,	The state of the s	IN THE CIRCUIT	iourt of
aministrator, Betate of	- Arean	DALDWIN COUNTY,	
BARNET REMNEDI, SR.,	A Company	AT LAW	
TECENSED,	and the second		
VALLES MERICE, NATHAN MERICE,	Don't leave the second		•
WILLIAM B. KIRCHOFF, JR. AND	Months of the second		
H. D. GRANTHAN	Account of the second		

Before me, the undersigned authority, personally appeared J. D. Blackburn, who first being duly and legally sworn, deposes and eays:

That he is one of the attornyys of record for the Plaintiff in the above styled cause.

That he is informed and verily believes that the Defendant, William E. Kirchoff, Jr. is a non-resident of the State of Alabama on Alabama, and that he was a non-resident of the State of Alabama on the 18th day of May, 1951, but that he was doing business in the State of Alabama on said date, and that the present Post Office address of said defendant is Sanford, Florida; and that he believes that service of process upon the defendant William B. Kirchoff, Jr., in accordance with the provisions of Title 7, Section 199, of the 1940 Code of Alabama, as Amended, is necessary to perfect service upon the said defendant.

Sworn to and subscribed before me on this the 120 day of August, 1953

STATE OF ALABAMA)

BALLWIN COUNTY

Motary Public, Baldwin County, Alabama

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Vallie Myrick, Mathan Myrick, William E. Kirchoff, Jr. and H. D. rantham 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 same, then and there to answer the complaint of samey Kennedy, Jr., Administrator, Estate of Barney Kennedy, Sr., deceased.

WITNESS my hand this 15th day of May, 1953.

Clerk Clerk

BARNEY KENNEDY, JR.,	and the state of t	IN THE	CIRCUIT	GOURT,
ADMINISTRATOR, ESTATE OF	The state of the s	ALDVIII	countr,	ALABAMA
BARNEY KENNEDY, SR.,			LAW SIDE	
DECEASED,				
VALLIE MIRICK, NATHAN MY	tiox,		to de la Albanya yakati	
WILLIAM B. KIRCHOFF, JR.	AND			
The second of th				

COUNTONE

The plaintiff, Barney Kennedy, Jr., who sues as administrator of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Dollars, as damages, for that heretofore on, to-wit: the 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, an agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public highway in Baldwin County, Alabama, leading from Foley, Alabama to Robertsdale, Alabama, and at a point on said highway approximately four miles from Poley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Kennedy, Sr., was riding in said pickup truck of the defendant, H. D. Grantham, as an agent, servant or employes of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, to so transport him under the terms of their employment arrangement with him, the said defendant Vallie Myrick, being then and there the driver of seld pickup truck and the agent, servant or employee of the defendants William &. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham,

while acting within the line and scope of her employment, so negligently operated said pickup truck as to lose control of same and cause of allow said pickup truck to cresh over the shoulder of said road and to leave said highway and overturn on said highway right-of-way, with great force and violence, while traveling at a high rate of speed and as a proximate consequence of the said negligence on the part of the defendant Vallie Myrick as the agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, Sr., was crushed, bruised, and mangled so that he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

The plaintiff, Barney Kenndey, Jr. who sues as administrabor of the estate of Barney Kennedy, Sr., deceased, claims of the defendants the sum of Twenty-five Thousand and no/100 (\$25,000.00) Dollers, as damages, for that heretofore on, to-wit: The 18th day of May, 1951, the defendant, H. D. Grantham, was the owner of a pickup truck which was being driven or operated by the defendant, Vallie Myrick, as agent, servant or employee of the defendants William E. Kirchoff, Jr., Nathan Wyrick, and H. D. Grantham, which said agent, servant or employee was then and there acting within the line and scope of her employment, on and upon a certain public, highway in Baldwin County, Alabama, leading from Poley, Alabama to Robertsdele, Alabama, and at a point on said highway approximately four miles from Foley, Alabama, and near Summerdale, Alabama, and at the said time and place while plaintiff's intestate, Barney Kennedy, Sr., was riding in said pickup bruck of the defendant, H. D. Grantham, as an agent, servent or employee of the defendants William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, whith

while being transported from his place of employment near Foley, Alabama in Baldwin County, Alabama, to his home in Escambia County, Alabama, in accordance with the obligation of the said defendants William E. Kirchoff, Jr., Nothan Myrick, and H. D. Grantham, to so transport him under the terms of their employment errangement with him, the said defendant Vallie Myrick, being then and there the driver of said pickup truck and the agent, servent or employee of the defendants William B. Kirchoff, Jr., Wathen Myrick, and H. D. Grantham, while acting within the line and scope of her employment, wilfully or wantonly ran or operated said pickup truck so as to lose control of same and cause or allow said pickup truck to organ over the shoulder of said road and to leave said highway and overturn on said highway right-of-way, with group force and violegoes while traveling at a high rate of speed and as a proximate consequence of the wilful and wanton conduct on the part of the defendant Vellie Myrick, as the agent, servant, or employee of the defendant William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, pleintiff's intestate, Berney Kennedy, sr., was crushed, bruised, and mangled so that the died as a proximate result of said infuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

AFROORS & GARRETT

BY: Brook H. Herrett.

Attorneys for plaintiff

The plaintiff hereby demands a jury trial.

elocs & carrett

BY: Broy & Hart

Attorneys for the plaintiff

while being transported from its place of employment meer Foley, Alabama in Baldwin County, Alabama, to bie home in Escambia County; Alsbaus, in secondance with the obligation of the said defendants William E. Kirchoff, Jr., Mathem Myrick, and H. D. Grantham, to ac transport big under the terms of their expleyment errengement with him, the said defendant Vallie Myrick, being then and there the driver of said packup truck and the egent, servant or employee of the defendants William B. Mirchoff, Jr., Mathan Myrick, and H. D. Grantham, while acting within the line and scope of her employment, wilfully or wanterly ran or operated said pickup truck so ag to loss control of same and cause or allow said pickup truck of over the shoulder of eath road and to leave eath highway and corr turn on said highway right-of-way, with great force and violeto while traveling at a ligh rate of speed and as a proximate consecuence of the wilful and wanton conduct on the part of the der fendant Vallia Myrick, as the agent, servant, or employee of the defendent William E. Kirchoff, Jr., Mathan Myrick, and M. D. Grantham, while acting whithin the line and scope of such employment, plaintiff's intestate, Termey Kennedy, or., was crushed, bruiced, and mangled so that the died as a proximate result of said infunios. all to the plainfiff's damage is the sum aforecaid, hence this suit.

COOKS LAW FLANDERS

The plaintiff hereby demands a jury trial.

Attornaye for the plaintiff

COPY RETURN

Received this writ on the day of
the same on
the within named
defendant at 9:20 A. M. on the 10th
day ofA. D. 1954
in Seminole County, Florida, by
delivering to the within named defendant a true
copy of this writ with the date and hour of serv-
ice endorsed thereon by me, and at the same
time I delivered to the within named defendant
a copy of plaintiff's initial pleading as furnished
by the plaintiff.

Service	\$2.00
Сору	\$ <u>•35</u>
Reium	\$25
2 Miles	\$.30
Total	_{\$} 2.90

	J. L.	. Hobby	She	riff o
	Semin	nole	County,	Fla.
Ву				
		Ī	Deputy Sheri	ff
Bisho	p Office Equip	oment Co,-Orlando	, Fla. NO. 3521	- :

BARNEY KENNEDY, JR., Administrator, Estate of	X
BARNEY KENNEDY, SR., Deceased.	Ĭ
Plaintiff,	X
VS.	IN THE CIRCUIT COURT OF
VALLIE MYRICK, NATHAN MYRICK,	I BALDWIN COUNTY, ALABAMA
WILLIAM H. KIRCHOFF, JR. and	X AT LAW
H. D. GRANTHAM,	Ĭ
Defendants.	

Come the Defendants in the above styled cause, separately and severally, and for plea to Count One of the Complaint filed in said cause, say:

1. Not guilty.

Ciclox Bason

Bason Store
Attorneys for Defendants.

PLEA

BARNTY KENNEDY, JR., Administrator Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

vs.

VALLIE MY RICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR. and H. D. GRANTHAM,

Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

Filed this Aday of February, 1955.

derectioner.

FORM	13
REVISED JULY	1, 1951

. 5 . 5 -	C	IV	ΙL	
_	_	14	,	-
L	Ų	CI	< E	1

PARTIES TO SUIT

DR.

PAGE 151

	Barney Konnedy, Jr., Administrator,	J. L. Holor SHERIF
Summong	Estate of Barney Kennedy, Sr.	COUNT
	VS. PLAINTIFF.	ТО
Beldwin County, Elemen	Villiam E. Kirchoff, Jr., Et Als	Bon. J.B. Mackburn
CAUSE OF ACTION,		ATTORNEY.
Circuit		Bey Minette, Alabam
COURT.	DEFENDANT.	1 1/2
DATE RECEIVED 19	DATE SERVED 19 5	SERVED BY 2. X. CATTOLL D.S.

r	DATE RECEIVED	SERVED BY			
		DR. CHARGES	CR. DEPOSIT	BALANCE DUE	REFUND DUE
	DEPOSIT MADE BY	ļ			
	SERVICE @ \$2.00 (EXCEPT WITNESS SUBPOENAS 25c EACH)	2.00			
	COPIES © 25c. FIRST 100 WORDS 10c, EACH ADDITIONAL 100 WORDS OR FRACTION	34		100	
	RETURN @ 25c (EXCEPT WITNESS SUBPOENAS 10c EACH)	25			
	MILES @ 15c Deeks Day D. D.	30			
	Paid P. Hold Jugaley				
	TOTALS	2.90			

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased,) IN THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.
Plaintiff,	LAW SIDE
VS. VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR. AND H. D. GRANTHAM,))
Defendants.))

Come now the Defendants, Vallie Myrick, Nathan Myrick and H. D. Grantham in the above styled cause and demur to Counts One and Two of the Complaint filed in said cause, separately and severally and assign the following separate and several grounds, viz:

- 1. That said Counts do not state a cause of action.
- 2. That there is a misjoinder of parties Defendant in said Count.
- 3. That it is not shown in said Count when the said Barney Kennedy, Sr. died.
- 4. For aught that appears from said Count the said Barney Kennedy, Sr. had no cause of action at the time of his death.
- 5. That said Complaint does not allege a duty owing by the Defendants to the Plaintiff.
- 6. That it is affirmatively shown from said Count that the injury which caused the death of the Plaintiff's Intestate was due to the negligence of a fellow-servant of the Deceased.
- 7. That it is affirmatively shown in Count One of the Complaint that Barney Kennedy, Sr. was a guest of the Defendant, Vallie Myrick, and was being transported without payment therefor, in or upon said motor vehicle and said Count fails to charge that his death was caused by the willful or wanton misconduct of the operator, owner or person responsible for the operation of said motor vehicle.
- 8. That Count Two of said Complaint does not allege that the Defendants, Nathan Myrick or H. D. Grantham, were in such vehicle at the time of the injury or ratified the willful or wanton misconduct of the Defendant, Vallie Myrick.

- That the action of the Legislature allowing the prin-9. cipal and agent, servant or employee to be joined in a willful and wanton Count is invalid.
- That the allegation that the truck was traveling at a high rate of speed is but a conclusion of the Pleader.
- That said Count does not allege that the Defendants, William E. Kirchoff, Jr., Nathan Myrick, and H. D. Grantham were partners or were operating any business or undertaking jointly.

Defendants, Attorneys for the Defendants, Va. Myrick, Nathan Myrick, and H. D. Grantham.

DEMURRER

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased.

Plaintiff,

٧s.

VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR. AND H. D. GRANTHAM.

Defendants.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA.

LAW SIDE

Filed June 16, 1953

leight rench

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

BARNEY KENNEDY, JR., Administrator, Estate of BARNEY KENNEDY, SR., Deceased,

Plaintiff,

-vs-

VALLIE MYRICK, NATHAN MYRICK, WILLIAM E. KIRCHOFF, JR., and H. D. GRANTHAM,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

Comes the Defendant, Nathan Myrick, and for answer to the Interrogatories propounded to him in the above styled cause, saieth:-

In answer to Interrogatory Number One the Defendant saieth:-

- (a) Nathan F. Myrick, 43 years of age, Foley, Alabama.
- (b) Near Foley, Alabama.
- (c) Seventeen (17) years.

In answer to Interrogatory Number Two Defendant saieth:

- (a) A pick-up truck owned by H. D. Grantham was involved in an accident on or about May 18, 1951, on the Foley-Robertsdale Highway in Baldwin County, Alabama, about five miles from Foley, but Plaintiff's intestate was not killed insuch accident.
 - (b) H. D. Grantham.
- (c) She was the driver of such truck to the best of my information.
 - (d) I had borrowed the truck.
 - (e) None.

In answer to Interrogatory Number Three Defendant saieth: -

- (a) No.
- (b) No.
- (c) None.
- (d) No, I had no such agreement.
- (c) Answered above.

In answer to Interrogatory Number Four Defendant saieth:-

- (a) No.
- (b) No.
- (c) None.

- (d) None.
- (e) No.
- Answered above.

In answer to Interrogatory Number Five Defendant saieth:-

- (a) I was not present when the accident occured and do not know of my own personal knowledge who was driving the truck.
- (b) She had left my home to transport my employees to Escambia County, Alabama, but I was not present when the accident occured. She was not authorized by me to carry Plaintiff's intestate with her, as he was not employed by me in any way.
- (c) There was no working relationship between Mr. Grantham and me. Vallie Myrick is my wife.
 - (d) No, as Barney Kennedy, Sr., was not my employee. In answer to Interrogatory Number Six Defendant saieth: -
- (a) Barney Kennedy Sr., was not employed by me on May 18, 1951. I had not seen him on that day, and do not know of my own personal knowledge where he had worked that day.
 - (b) Answered above.
 - (c) No.
- (d) I did not have any arrangement with Barney Kennedy, Sr. to transport him anywhere. My arrangements with my other employees would not have any bearing on this matter.

Walken Frayerick

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County and State, personally appeared Nathan F. Myrick, who, first being by me duly and legally sworn, deposes and says: That he has read over the foregoing answers to interrogatories and that the same are true.

Sworn to and subscribed before me on this the 7th day of March,

Public, Baldwin (State of Alabama

1955.

ennedy
mulech
JURY LIST
Spring Term, March 12, 1956
NO. NAME OCCUPATION ADDRESS
1 Fell, Walter, merchant, Gulf Shores
-2 Stapleton, H. Royal, merchant, Pay Minette
Boone, John A., farmer, Little River Hansen, C. Dean, merchant, Foley
Bryant William A. It farmery Stockton
6 Harding Robert C. Jr., merchant, Foley
-7-Dvo.zi, foseph, metchant, Silverbill
Dubuisson, Edward F., fisherman, Gulf Shores
9 Ayera, Leon W., farmer, Summerdale
10 Bonnër, Travis, farmer, Disarror
(11) Kleinschmidt, Walter C., farmer, Elberta
12 Cooper Quitman bldg supply dealer, Gulf Shores
13 Beverly, Ernie, farmer, Robertsdafe
14 Kaiser Paul farmer Gulf Shores
— 15 Egerton, Donald Engene, millmen, Bay Minerte
16 Gamble, I. J.; bookkeeper, Bay Minette
16 Camble, I. J.; bookkeeper, Bay Minette 24
16 Camble, I. J.; bookkeeper, Bay Minette 24 17 Schultz, Clifton R., solesman, Bay Minette 24 18 Dunn, J. R., Grand Hotel, Fairhope
16 Camble, I. J., bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope
16 Gamble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne
16 Camble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta
16 Camble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., colesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Danhne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale
16 Gamble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood
16 Gamble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., salesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Horbert C., farmer, Danhne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Ir., farmer, Robertsdale, Rt
16 Camble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., salesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Horbert C., former, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Cateswood 24 Cooper, Nolan, Jr., farmer, Robertodale, Rt. 25 Comstock, Arthur Dean, carpenter, Diberto
16 Gamble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., salesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Horbert C., farmer, Danhne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Ir., farmer, Robertsdale, Rt
16 Camble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Horbert C., former, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Ir., farmer, Robertsdale, Rt 25 Comstock, Arthur Dean, calpenter, Diberto 26 Hadley, Clayton, farmer, Rabon
16 Gamble, I. J., bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Jr., farmer, Robertedale, Ri 25 Somstook, Arthur Dean, carpenter, Diberta 26 Hadley, Clayton, farmer, Rabon 27 Morgan, J. T., farmer, Robertsdale
16 Gamble, I. J.; bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Danhne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Eimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Jr., farmer, Robertodale, Rt. 25 Comstock, Arthur Dean, carpenter, Diberto 26 Hadley, Clayton, farmer, Rabon 27 Morgan, J. T., farmer, Robertsdale 28 Waters, John, farmer, Gateswood
16 Camble, I. J., bookkeeper, Bay Minette 17 Schultz, Clifton R., salesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Jr., farmer, Robertsdale, Rt 25 Comstock, Arthur Dean, carpenter, Diberta 26 Hadley, Clayton, farmer, Rabon 27 Morgan, J. T., farmer, Robertsdale 28 Waters, John, farmer, Gateswood 29 Houch, Fred, barber, Gateswood 30 Campbell, Asie, farmer, Robertsdale
16 Gamble, I. J., bookkeeper, Bay Minette 17 Schultz, Clifton R., solesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Jr., farmer, Robertsdale, Rt. 25 Comstools, Arthur Dean, calpenter, Biberta 26 Hadley, Clayton, farmer, Rabon 27 Morgan, J. T., farmer, Robertsdale 28 Waters, John, farmer, Gateswood 29 Houch, Fred, barber, Gateswood 30 Campbell, Asio, farmer, Robertsdale 31 Clayton, A. L., farmer, Robertsdale 32 Berrolla, J. P., farmer, Robertsdale
16 Camble, I. J., bookkeeper, Bay Minette 17 Schultz, Clifton R., salesman, Bay Minette 18 Dunn, J. R., Grand Hotel, Fairhope 19 Wilmer, Ted, merchant, Fairhope 20 Hill, Herbert C., farmer, Daphne 21 Kaiser, Mike, Jr., farmer, Elberta 22 Engel, George, farmer, Summerdale 23 Kimbler, Lewins S., farmer, Gateswood 24 Cooper, Nolan, Jr., farmer, Robertsdale, Rt 25 Comstock, Arthur Dean, carpenter, Diberta 26 Hadley, Clayton, farmer, Rabon 27 Morgan, J. T., farmer, Robertsdale 28 Waters, John, farmer, Gateswood 29 Houch, Fred, barber, Gateswood 30 Campbell, Asie, farmer, Robertsdale

CO-XXXXX XXXXXX X



MONTGOMERY 4, ALABAMA

June 28, 1954

Hon. J. L. Hobby Sheriff, Sominole County Lake Mary, Florida

Re: Barney Kennedy, Jr., St. Als 78 Villian B. Kiroboff, Jr., St Als

Dear Mr. Moditys

Anclosed, in duplicate, is my notice with copy of summons and complaint and Affidavit attached, in a case now pending against William E. Kirchoff, Jr., Et Ale in the Circuit Court of Baldwin County, Alabama.

Title 7, Section 199(1) of the 1910 Code of Alabama and Supplement thereto provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, or any other duby constituted public officer qualified to serve like process in the state of the jurisdiction where such non-resident defendant is found; and the officer's return showing such service and when and where made, which shall be under eath, shall be filled in the office of the clerk or register of the court wherein much action is pending.

During April of this year you perfected service upon this defendant for us at which time you charged the attorney an additional 90% over-and-above the \$2.00 sent with the instruments. Accordingly the Attorney has issued his check, payable to you in the amount of \$2.90 which is enclosed herewith. You made your return to us but it should go direct to the Court.

Both the attormay and I shall greatly appreciate your handling this as promptly as possible, and as quickly as you will have completed service upon William E. Kirchoff by serving upon him the original, then please make your return on the copy thereof, direct to the Monorable Mrs. Alice J. Duck, Clerk Circuit Court of Baldwin County, Bay Minette, Alacama.

Thanking you most kindly in advance for your efforts and for your courtesies in this matter, I am

Sincerely yours,

Mrs. Agjor Bargoti Secretary of State

co: Non. J. B. Blackburn, Attorney Bay Minette, Alabama

The Renorable

Clork, Circuit Court of Beldwin County

May Minetto, Alabama



MONTGOMERY 4. ALABAMA
March 30. 1951

Hon. P. D. Reddish Sheriff, Bradford County Starke, Florida

He: Barney Konnedy, Jr., Bt Als

William B. Mirchoff, Jr., Bt Als

Dear Mr. Reddicht

Enclosed in duplicate is my notice with copy of summons and complaint in a suit against one William E. Kirchoff, Jr., Et Als, now pending in the Circuit Court of Baldwin County, Bay Minette, Alabama.

Title 7. Section 199 of the 19h0 Code of Alabama provides, among other things, that service of process may be had by a Sheriff, Deputy Sheriff, or other duly constituted public official within the jurisdiction of defendant's residence. This statute further provides a fee of \$2.00 for such officer's fee in processing this service. I am exclosing a check, issued by the Ronorable J. B. Blackburn, Attorney in this suit, which I have endorsed to you. If there are additional charges you will please write Mr. Blackburn direct.

I have twice attempted service upon the defendant, William E. Kirchoff, Jr. at Sanford, Florida by registered mail, return receipt requested, deliver to addressee only but each time the letter was returned to me unclaimed. I am today in receipt of a letter from Mr. Blackburn advising that he knows the address shown in my notice to be Kirchoff's correct address, and requesting that I forward these papers to you for service upon him.

I shall greatly appreciate your efforts to complete this service upon William E. Rirchoff by serving upon him the original, and making your return on the copy thereof to the Monorable Mrs. Alice J. Duck, Clerk, Circuit Court of Baldwin County, Bay Minette, Alabama.

Thanking you most kindly in advance for your courtesies in this matter, I am

Race. 3 co: Hon. J.B. Blackburn, Attorney Bay Minette. Alabama

The Honorable
Mrs. Alice J. Duck
Clerk, Circuit Court,
Baldwin County
Bay Minette, Alabama

Tours very truly.

Mrs. Moss Bagger



MONTGOMERY 4. ALABAMA

March 30, 1954

Mon. J. B. Blackburn Attorney at Law Bay Minette, Alabama

No: Barney Kennedy, Jr., Et als ve William E. Kirchoff, Jr., Et als

Dear Mr. Bradford:

Buclosed is copy of the letter to Non. P. D. Reddish, Sheriff of Bradford County, Starke, Florida which will be self-explanatory.

According to our Official Postal Guide, Sanford is in Seminole County, Lake Mary, Florida but perhaps you have checked and found that Sanford is actually nearer Starke and for this reason are sending it to Starke. I hope Mr. Reddish will be able to complete the service for you however and that we will soon be able to get the case closed.

Sincerely yours,

Mrs. Agnes Bagged Secretary of State

mac.



MRS. AGNES BAGGETT SECRETARY OF STATE

STATE OF ALABAMA OFFICE OF SECRETARY OF STATE

MONTGOMERY 4. ALABAMA

Marcin 30, 1954

Hon. J. B. Blackburn Attorney at Law Lay Mirotve, Alacema

Re: Sarney Mennedy, Jr., Bt als vs William E. Mirchoff, Jr., Et als

Dear Mr. Bradford:

Colosed is copy of the letter to Hon. P. D. Reddish, Sheriff of Bestord County, Starke, Florida which will be self-emplanatory.

Scording to our Official Postal Guide, Sanford is in Seminole County, Lake Mary, Florida out perhaps you have checked and found that Afford is actually nearer Starke and for this reason are sending it to Starke. I hope Mr. Reddish will be able to complete the service for you however and that we will soon be able to get the cast fixed.

. ವಿಶತಿಯಿಸಿದ್ದರಿ

Sincerely yours,

Mrs. Agnes Bagghtt Scoretary of State

🛊 માને કે કર્વ



MONTGOMERY 4. ALABAMA

March 25, 1954

Hon. J. B. Blackburn, Attorney at Law Bay Minetto, Alabama

Re: Barney Kennedy, Jr. vs Wm. E. Kirchoff, Jr.,

Door Mr. Blackburn

Please refer to your file in this matter and be advised that

On March 9, 1954 I cent by registered mail, return receipt requested deliver to addresses only, my notice together with copy of summine and compliant in the above cause to the defendant, William E. Kirckeff, Jr., P. O. Box 1299, Sanford, Florida.

On Merch 2h, 195h said letter (Registry No. 52239) was neturned to ne with reason for non-delivery given: "Unclaimed."

Kindly advise me of any further efforts you wish made in this connection.

Simorely works

Mrs. Agree Baggett Secretary of State

ce: The Honorable
Mrs. Alice J. Duck
Clerk, Gircuit Court of
Baldwin County
Bay Minette, Alabama



MONTGOMERY 4. ALABAMA

March 25, 1951

Non. J. B. Blackburn. Attorney St 788 Say Micatte, Alabass

Dear Mr. Elackburu

Re: Sarney Kennedy, Jr. vs Wa. E. Kiychpif, Jr.

Flasse refer to your file in this matter and be advised that

On hardh 9, 1955 I sent by registered wail, return receipt vequested deliver to addresses only, my notice topether with copy of summine and compliant in the above cause to the defendent, William E. Kirchiff, Jr., P. O. Box 1299, Sanford, Florida.

On March Sh. 1952 said latter (Registry Wo. 52239) was naturated to \mathcal{O} ne with reason for non-delivery siven: "Unclaimed."

Mindly advise as of any further efforts you wish made in this commection.

Sincerely Fours,

/16/0/19/100304 Hites leves becaute Score teny of State

co: The Honorable
Mrs. Alice J. Duck
Clerk, Circuit Court of
Baldwin County
Bay Minette, Alacasa

Barrey



MONTGOMERY 4. ALABAMA

April 2, 1994

Mon. J. L. Blackburn Attorney at Law Bay Minette, Alabama

Res Barney Kennedy, Jr., Etl Als
vs
William E. Kirchoff, Jr., Et Als

Dear Mr. Blackburn:

Enclosed is copy of the letter I received this afternoon from Monorable P. D. Reddish, Sheriff of Bradford County at Starke, Florida with which he returned the instruments in the above-styled cause by reason of defendant's address being within the jurisdiction of another County. I feared this and accordingly mentioned it in my letter to you of March 30th.

I am attaching also a copy of my letter to Mr. Mobby, Sheriff of Seminole County at Lake Mary, Florida which will prove self-explanatory.

Sincerely yours.

Mrs. Agnée Baggett Secretary of State

cc: The Monorable
Mrs. Alice J. Duck
Clerk, Circuit Court of
Baldwin County
Bay Minette, Alabama

P. D. REDDISH SHERIFF, BRADFORD COUNTY STARKE, FLORIDA O P Y

April 1, 1954

Mrs. Agnes Baggett Secretary of State State of Alabama Montgomery, Alabama

Dear Mrs. Baggetts

We return herewith papers to be served on William E. Kirchoff, Jr.

Since his address is Sanford, papers should be sent to Sheriff J. L. Hobby, Seminole County, Sanford, Florida.

Wery truly,

Signed) P. D. Reddish

P. D. Reddish



State of Alabama OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

April 2, 1956

PA

Mon. J. L. Mobby Sheriff, Seminole County Lake Herr, Florida

Re: Barney Kennedy, Jr., St Als Vs Villiam S. Kirohoff, Jr., St Als

Deer Mr. Hobbys

Enclosed in duplicate is my notice with copy of summons and complaint in a suit new pending against William E. Kirchoff, Jr., Dt Als, in the Circuit Court of Baldwin County, Day Minette, Alabama

Title 7, Section 199 of the 1910 Code of Alabama provides, among other things, that service of process may be had by a Shariff, Deputy Shariff, or other duly compatituted public official within the jurisdiction of defendant's residence. This statute further provides a fee of \$2.00 for such officer's fee in processing the service. I am enclosing a check, issued by the Monorable J. B. Blackburn, Attorney in this suit, which I have endersed to you. If there are additional charges you will please write Mr. Blackburn direct.

I have twice attempted service upon the defendant, Villiam E. Kirchoff, Jr., at Sanford, Florida by registered mail, return receipt requested, deliver to addresse only but each time the letter was returned to me unclaimed. I am advised by the atterney, Er. Blackburn, that he knows the address shown in my notice to be Kirchoff's correct address.

Both Mr. Blackburn and I shall greatly appreciate your efforts to complete this service upon William B. Kirchoff by serving upon him the original, and making your return on the copy thereof, direct to the Monorable Mrs. Alice J. Duck, Clerk, Circuit Court of Baldwin County, Bay Minette, Alabama.

Thanking you most kindly in advance for your courtesies in this matter, I am

Yory truly your,

Mrs. Agnes Baggett Secretary of Diste

Mos. 5 on: Non. J. B. Blackburn, Attorney Day Minetto, Alabama

> The Honorable Mrs. Alice J. Duck Clark, Circuit Court of Baldwin County Say Minette, Alabama



MRS. AGNES BAGGETT SECRETARY OF STATE

STATE OF ALABAMA OF SECRETARY OF STATE

MONTGOMERY 4. ALABAMA

April 2, 1992

1994

Man. J. L. Boldy Energis. Serinole County Loke May, Markia

Res derrey Mentedry, Jr., St ale

Door Ar. Motors

Prologed in deplicate is by motice with copy of sexmons and complaint a swit bow pending exeins: William C. Mirchoff, Jr., St ile, in the Circust far of paldrin Gomey, Day Minetre, ilanses

Tited 7, Secretor 199 of the 1940 Sode of Alabama provines, asome other fally that service of process way he had by a th riff, Depity Entriff, or other fally convertanted public official within the jurisdiction of defendant's residence. The limited processing the easter such cirilar's for in processing the Entries. I as enclosing a check, Alabama by the Amerable 8, 8. Plac. here, fatories, of the same are additional factories of vill please write Mr. claskown direct.

I have twice attempted service upon the defendant, Filifian D. Mirchoff, Fr., at J. Sard. Florida by remistered sail, return recally requested, deliver to addressee only two each time the letter was returned to we unclaimed. I am serviced to attempt, for alackbure, due to be known the address shown in my nation of a Mirchoff's correct address.

configuration of the column and I shall treatly appreciate your efforts to complete this service that it is an appreciate the are articled, solvening your return on the copy thereof, direct to the Controls Mrs. Alice W. Duck, Elerk, Circuit Court of Salawin Country, Bay Minette, Alabana.

Thanking you more kindly in sivance for your ocurtosies in this makes; I am

Frank Arran Made,

Mrs. Agans Daggett Jeorstory of State

> Anos, 5 co: Hon, 4, s. Blackburs, Astorney dey 'Koote, Alekees

The Remorable Mrs. illics i. Buck Clare, Chest & Courb of Beldwin Vounky Say Minstte, Alabama seem in file of