

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.

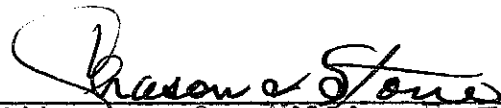
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

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.

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 William E. Kirchoff,
Jr.

RECORDED 7984

MOTION

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

Plaintiff,

vs.

VAILLIE 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, 1954.

Harvey H. Hatcher
Clerk.

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 J. Hewitt
Clerk.

IN THE CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA.

LAW SIDE

VS.

VALLIE MYRICK, NATHAN MYRICK,
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 Robertsedale, 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.

C O U N T T W O

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^{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 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. T. Blackburn

BROOKS & GARRETT

BY:

[Signature]
Attorneys for plaintiff

The plaintiff hereby demands a jury trial.

J. T. Blackburn

BROOKS & GARRETT

BY:

[Signature]
Attorneys for the plaintiff

We the jury find for
the Defendants
Vallie Myrick
Nathane Myrick
~~W H~~ H D H. Furthman
Frank a Myrick
(founder)

1994 5-16-53

RECORDED

Barney Kennedy Jr.
Adm. Estate of
Barney Kennedy Sr.
received

US.

Vallie Myers
et al.


We The Jury find for
the Defendant
William E. Kirschoff Jr.
Frank Gypink

FILED *Forman*

MAY 15 1953

ALICE L. DUCK, Clerk

James O. Campbell

EXECUTED BY SERVING 
COPY OF THE WITHIN

Wm. Baggett
As Secy of State
Aug 14/53

By L. A. Mosley
 Sheriff Montgomery County
 Deputy Sheriff

[illegible]

BARNEY KENNEDY, JR.,	)	IN THE CIRCUIT COURT OF
ADMINISTRATOR, ESTATE OF	)	BALDWIN COUNTY, ALABAMA
BARNEY KENNEDY, SR.,	)	AT LAW
DECEASED,)	
VS.)	
VALLIE MYRICK, NATHAN MYRICK,)	
WILLIAM E. KIRCHOFF, JR. AND)	
H. D. GRANTHAM)	
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, 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 12th 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. ^Urantham 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.

Denise J. Duck
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)	

C O U N T O N E

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 Robertsedale, 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.

C O U N T T W O

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 Robertsedale, 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

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 he died as a proximate result of said injuries, all to the plaintiff's damage in the sum aforesaid, hence this suit.

J. B. Blackburn
BROOKS & GARRETT

BY: Bray M. Garrett
Attorneys for plaintiff

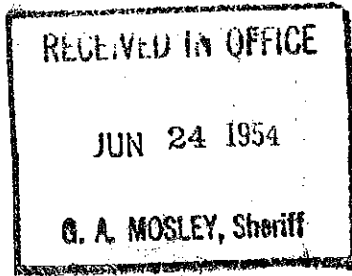
The plaintiff hereby demands a jury trial.

J. B. Blackburn
BROOKS & GARRETT

BY: Bray M. Garrett
Attorneys for the plaintiff

Received in Sheriff's Office
this 24 day of June, 1954
TAYLOR WILKINS, Sheriff

838



EXECUTED BY SERVING AS
COPY OF THIS WITHIN

Agnes Baggett
Sec. of State
State of Ala.
6-24-54

G. A. Mosley
Sheriff Montgomery County

By Mathis Stearns
Deputy Sheriff

MD. 1994

RECORDED

Defendant lives in
Seminole County, Fla.

FILED

JUN 21 1954

ALICE J. BUCK, Clerk



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

April 27, 1954

MRS. AGNES BAGGETT
SECRETARY OF STATE

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 furnished 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 William 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

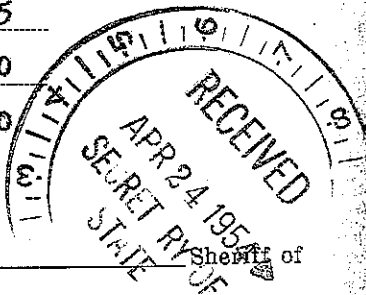
Hon. J. B. Blackburn
Attorney at Law
Bay Minette, Alabama

COPY RETURN

Received this writ on the 5th day of April A. D. 195⁴, and served the same on William E. Karchoff, Jr.

_____ the within named defendant at 11:00 A . M. on the 23rd day of April 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 service 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
Copy \$.35
Return \$.25
2 Miles \$.30
Total \$ 2.90



J. L. Hobby

Seminole

Sheriff of
County, Fla.

By _____
Deputy Sheriff



MRS. AGNES BAGGETT
SECRETARY OF STATE

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. Box 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., Deceased

_____, Plaintiff vs _____

William E. Kirchoff, Jr., Et Als

_____, Defendants in the Circuit Court of Baldwin
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 30
day of March, 1954.

Mrs Agnes Baggett
MRS AGNES BAGGETT
Secretary of State

encl. 1 copy of summons and complaint

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

BARNEY KENNEDY, JR.,	)	IN THE CIRCUIT COURT OF
ADMINISTRATOR, ESTATE OF	)	BALDWIN COUNTY, ALABAMA
BARNEY KENNEDY, SR.,	)	AT LAW 1994
DECEASED,)	
VS.)	
VALLIE MYRICK, NATHAN MYRICK,)	
WILLIAM E. KIRCHOFF, JR. AND)	
H. D. GRANTHAM)	

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. Kirchhoff, 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. Kirchhoff, 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.

J. B. Blackburn

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

James R. Davis
 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. 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 26 day of ~~August~~, 1953.

Quincy J. Duck
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)	

C O U N T O N E

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. Kirchhoff, 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. Kirchhoff, 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. Kirchhoff, 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 defen-

dants 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. 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.

C O U N T T W O

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 Summerville, 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 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 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. B. Blackman
BROOKS & GARRETT

BY: Brook Garrett
(B)
Attorneys for plaintiff

The plaintiff hereby demands a jury trial.

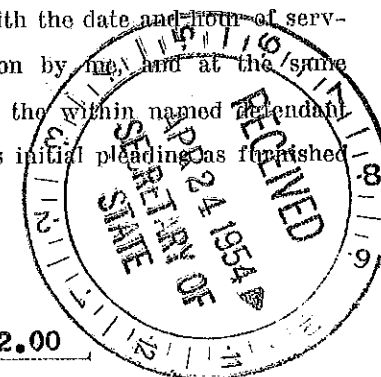
J. B. Blackman
BROOKS & GARRETT

BY: Brook Garrett
(B)
Attorneys for the plaintiff

ORIGINAL RETURN

Received this writ on the 5th day of April A. D. 1954, and served the same on William M. Kirchoff, Jr.

_____ the within named defendant at 11:00 A.M. on the 23rd day of April 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 service 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
Copy	\$.35
Return	\$.25
2 Miles	\$.30
Total	\$ 2.90

J. L. Hobby Sheriff of
Seminole County, Fla.
By H. L. Eubanks
Deputy Sheriff

BARNEY KENNEDY, JR.,)	
ADMINISTRATOR, ESTATE OF)	
BARNEY KENNEDY, SR., DECEASED,)	
PLAINTIFF	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA.
	)	LAW SIDE.
VALLIE MYRICK, NATHAN MYRICK,)	
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 pick-up 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. Grantham?

(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 potatoes?

(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 gladioli and/or potatoes?

(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/or 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?

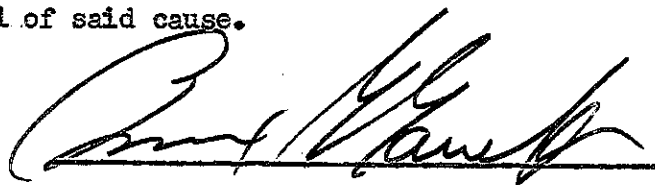

Attorney for Plaintiff

STATE OF ALABAMA)

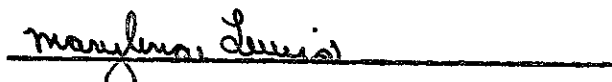
ESCAMBIA COUNTY)

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 20 day of January, 1955.


Notary Public

26 Jan 1955
 26 Jan 1955
 Interrog
 Chason & Stone

John A Chason

Geo. Stuyvesant D.S.

IN REPLY TO YOUR LETTER OF JANUARY 18, 1955, ADVISING THAT YOU HAD AN INTEREST IN THE 10% SHARE OF THE CAPITAL STOCK OF THE CHASON & STONE COMPANY, I HAVE BEEN ADVISED THAT THE COMPANY IS CURRENTLY IN THE PROCESS OF REORGANIZING AND THAT THE 10% SHARE IS BEING OFFERED TO THE PUBLIC. I AM NOT SURE OF THE DETAILS OF THE REORGANIZATION, BUT I AM SURE THAT THE COMPANY IS A SUCCESSFUL ONE AND THAT THE 10% SHARE IS A GOOD INVESTMENT. I AM SURE THAT YOU WILL BE INTERESTED IN THE 10% SHARE AND THAT YOU WILL WANT TO PURCHASE IT. I AM SURE THAT YOU WILL BE INTERESTED IN THE 10% SHARE AND THAT YOU WILL WANT TO PURCHASE IT.

1994
 CHASON & STONE
 CHASON & STONE

Service
 Chason & Stone

FILED
 JAN 25 1955
 WILCOX J. BUCK, CLERK

BOOK 2, CHASON

NOTARY PUBLIC

CHASON & STONE, INC. 10% SHARE, 1955

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:

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.

Paul T. Stinson

James S. Stone
Attorneys for the Defendants, Vallie
Myrick, Nathan Myrick, and H. D.
Grantham.

1994

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 24th day of July, 1954.

Archie W. Duck
Clerk.

1. That said Count does 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, H. D. Grantham, or William E. Kirchhoff

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

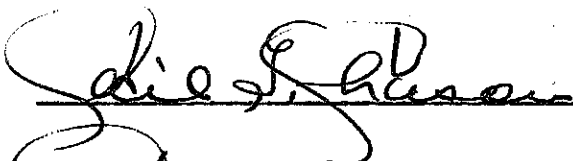
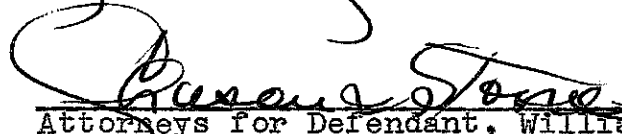
9. That the action of the Legislature allowing the principal and agent, servant or employee to be joined in a willful and wanton Count is invalid.

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.

1994

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 24th day of July, 1954.

W. J. Luck
Clerk.

ORIGINAL RETURN

Received this writ on the 1st day of
July A. D. 1954, 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	\$ <u>2.00</u>
Copy	\$ <u>.35</u>
Return	\$ <u>.25</u>
<u>2</u> Miles	\$ <u>.30</u>
Total	\$ <u>2.90</u>

J. L. Hobby Sheriff of

Seminole County, Fla.

By R. E. Carroll
Deputy Sheriff



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

June 28, 1954

MRS. AGNES BAGGETT
SECRETARY OF STATE

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

William E. Kirchhoff, Jr.,
P. O. Box 1299
Seminole County
Sanford, Florida

You will take notice that on June 24, 1954, the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint
and affidavit in a case entitled.....

Barney Kennedy, Jr., Administrator, Estate of Barney Kennedy, Sr.,

Deceased, Plaintiff vs William E. Kirchhoff, Jr., Et Als

....., Defendant, in the Circuit Court of Baldwin County
Alabama, At Law, Case No. 1994

a true copy of which summons and complaint and affidavit are attached hereto and the said
service upon me as Secretary of State of the State of Alabama has the force and effect of per-
sonal service upon you, being under provisions of Title 7, Section 199(1) of the 1940 Code of
Alabama and Supplement thereto.

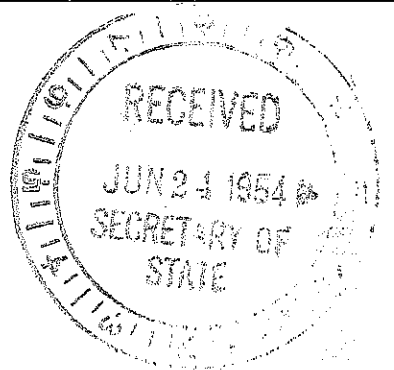
WITNESS MY HAND and the Great Seal of the State of Alabama this the 28th
day of June, 1954.

Mrs. Agnes Baggett
MRS. AGNES BAGGETT
Secretary of State

encl. 2 copy summons and complaint and affidavit

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

7-1054
9.20 AM.
REC
2 mile 1 way



BARNEY KENNEDY, JR.,) IN THE CIRCUIT COURT OF
ADMINISTRATOR, ESTATE OF) BALDWIN COUNTY, ALABAMA
BARNEY KENNEDY, SR.,) AT LAW
DECEASED,)
VS.)
VALLIE MYRICK, NATHAN MYRICK,)
WILLIAM E. KIRCHOFF, JR. AND)
H. D. GRANTHAM)

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. Kirchhoff, 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. Kirchhoff, 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.

J. B. Blackburn

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

James R. Owen
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. Kirchhoff, Jr. and H. D. Cranham 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

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)	

C O U N T O N E

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. Kirchhoff, 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 Robertsedale, 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. Kirchhoff, 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. Kirchhoff, 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. Kirchhoff, 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. Kirchhoff, Jr., Nathan Myrick, and H. D. Grantham, while acting within the line and scope of such employment, plaintiff's intestate, Barney Kennedy, Sr., was crashed, 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.

C O U N T T W O

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, as agent, servant or employee of the defendants William E. Kirchhoff, 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. Kirchhoff, Jr., Nathan Myrick, and H. D. Grantham, which

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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. Kirchhoff, 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. Kirchhoff, 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. Kirchhoff, 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. B. Blackburn
BROOKS & GARRETT
BY: Brook H. Garrett
Attorneys for plaintiff

The plaintiff hereby demands a jury trial.

J. B. Blackburn
BROOKS & GARRETT
BY: Brook H. Garrett
Attorneys for the plaintiff

While being transported from the 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 defendant William E. Birchhoff, Jr., Nathan Myrick, and H. D. Grantman, to as transport him under the terms of their employment arrangement with him, the said defendant Nellie Myrick, being then and there the driver of said pickup truck and the agent, servant or employee of the defendants William E. Birchhoff, Jr., Nathan Myrick, and H. D. Grantman, while acting within the line and scope of her employment,

willfully or wantonly ran or operated said pickup truck so as to lose control of same and cause or allow said pickup truck to turn over the shoulder of said road and to leave said highway and turn 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 willful and wanton conduct on the part of the defendant Nellie Myrick, as the agent, servant, or employee of the defendant William E. Birchhoff, Jr., Nathan Myrick, and H. D. Grantman, while acting within the line and scope of such employment, Plaintiff's intestate, Barney Kennedy, Jr., was crushed, bruised, and mangled so that she died as a proximate result of said injuries, all to the Plaintiff's damage in the sum aforesaid, hence this suit.

[Signature]
 DEPOSED
 AT: [Signature]
 Attorneys for Plaintiff

The Plaintiff hereby demands a jury trial.

[Signature]
 DEPOSED
 AT: [Signature]
 Attorneys for the Plaintiff

110 1494

FILED
 MAY 10 1944
 ALICE A. RICHMOND, CLERK

COPY RETURN

Received this writ on the 1st day of
July A. D. 1954, 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	\$ <u>2.00</u>
Copy	\$ <u>.35</u>
Return	\$ <u>.25</u>
<u>2</u> Miles	\$ <u>.30</u>
Total	\$ <u>2.90</u>

J. L. Hobby Sheriff of
Seminole County, Fla.

By _____
Deputy Sheriff

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.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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.

Cecil G. Mason

Mason & Stone

Attorneys for Defendants.

19921

PLEA

BARNEY 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 2nd day of February,
1955.

Reice J. Rucker
Clerk.

CIVIL
DOCKET

PARTIES TO SUIT

Barney Kennedy, Jr., Administrator,

Estate of Barney Kennedy, Sr.

VS. PLAINTIFF.

William E. Kirchhoff, Jr., Et Als

DEFENDANT.

DR.

PAGE 1514

J. L. Hobbs

SHERIFF

Seminole

COUNTY

TO

Hon. J.B. Blackburn

ATTORNEY.

Bay Minette, Alabama

Summons

Baldwin County, Alabama

CAUSE OF ACTION.

Circuit

COURT.

DATE RECEIVED July 1 1954

DATE SERVED July 10 1954

SERVED BY R. E. Carroll D.S.

DEPOSIT MADE BY _____

SERVICE @ \$2.00 (EXCEPT WITNESS SUBPOENAS 25c EACH) _____

COPIES @ 25c. FIRST 100 WORDS 10c. EACH ADDITIONAL 100 WORDS OR FRACTION

RETURN @ 25c (EXCEPT WITNESS SUBPOENAS 10c EACH) _____

2 MILES @ 15c _____

TOTALS

DR.
CHARGES

CR.
DEPOSIT

BALANCE
DUE

REFUND
DUE

2.00

.35

.25

.30

2.90

*Paid check # 7273
J. L. Hobbs, Sheriff
J. V. Gonzalez, D.S.*

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,
BALDWIN COUNTY, ALABAMA.

LAW SIDE

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, seperately and severally and assign the following seperate 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.

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.

Paul D. Shuman

James Stone
Attorneys for the Defendants, Vallie
Myrick, Nathan Myrick, and H. D.
Grantham.

DEMURRER

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,
BALDWIN COUNTY, ALABAMA.

LAW SIDE

Filed June 16, 1953


Clerk

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 in such accident.

(b) H. D. Grantham.

(c) She was the driver of such truck to the best of my in-
formation.

(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.
- (f) Answered above.

In answer to Interrogatory Number Five Defendant saith:-

- (a) I was not present when the accident occurred 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 occurred. 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 saith:-

- (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.

Nathan F. Myrick

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.

Nathan F. Myrick

Sworn to and subscribed before me on this the 7th day of March, 1955.

Frances G. Mallory
Notary Public, Baldwin County
State of Alabama

Kennedy
vs
Myrick

JURY LIST

Spring Term, March 12, 1956

NO.	NAME	OCCUPATION	ADDRESS
1	Fell, Walter	merchant	Gulf Shores
2	Stapleton, H. Royal	merchant	Bay Minette
3	Boone, John A.	farmer	Little River
4	Hansen, C. Dean	merchant	Foley
5	Bryant, William A. Jr.	farmer	Stockton
6	Harding, Robert C. Jr.	merchant	Foley
7	Dvorak, Joseph	merchant	Silverhill
8	Dubuisson, Edward F.	fisherman	Gulf Shores
9	Avera, Leon W.	farmer	Summerdale
10	Bonner, Travis	farmer	Elsasser
11	Kleinschmidt, Walter C.	farmer	Elberta
12	Cooper, Quitman	bldg. supply dealer	Gulf Shores
13	Beverly, Ernie	farmer	Robertsdale
14	Kaiser, Paul	farmer	Gulf Shores
15	Egerton, Donald Eugene	millman	Bay Minette
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, Herbert C.	farmer	Daphne
21	Kaiser, Mike, Jr.	farmer	Elberta
22	Engel, George	farmer	Summerdale
23	Kimbler, Lewis S.	farmer	Gateswood
24	Cooper, Nolan, Jr.	farmer	Robertsdale, Rt.
25	Comstock, Arthur Dean	carpenter	Elberta
26	Hadley, Clayton	farmer	Rabon
27	Morgan, J. T.	farmer	Robertsdale
28	Waters, John	farmer	Gateswood
29	Houch, Fred	barber	Gulf Shores
30	Campbell, Asie	farmer	Resinton
31	Clayton, A. I.	farmer	Robertsdale
32	Bertolla, J. P.	farmer	Loxley
33	Zyrek, Frank A.	farmer	Silverhill
34	Bemis, Harry C.	carpenter	Gulf Shores
35	Foster, Walter		

P. XXXXX XXXXX X

Q. XXXXX XXXXX X



MRS. AGNES BAGGETT
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

June 28, 1954

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

Re: Barney Kennedy, Jr., Et Als
vs
William E. Kirchhoff, Jr., Et Als

Dear Mr. Hobby:

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

Title 7, Section 199(1) of the 1940 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 duly 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 oath, shall be filed in the office of the clerk or register of the court wherein such 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 attorney and I shall greatly appreciate your handling this as promptly as possible, and as quickly as you will have completed service upon William E. Kirchhoff by serving upon him the original, then please make your return on the copy thereof, direct to the Honorable Mrs. Alice J. Duck, Clerk Circuit Court of Baldwin County, Bay Minette, Alabama.

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

Sincerely yours,

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

cc: Hon. J. B. Blackburn, Attorney
Bay Minette, Alabama

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



MRS. AGNES BAGGETT
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE

MONTGOMERY 4, ALABAMA

March 30, 1954

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

Re: Barney Kennedy, Jr., Et Als

vs

William E. Kirchoff, Jr., Et Als

Dear Mr. Reddish:

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 1940 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 enclosing a check, issued by the Honorable 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. Kirchoff by serving upon him the original, and making your return on the copy thereof to the Honorable Mrs. Alice J. Duck, Clerk, Circuit Court of Baldwin County, Bay Minette, Alabama.

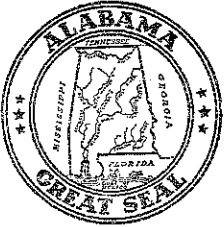
Thanking you most kindly in advance for your courtesies in this matter,
I am

Yours very truly,

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Encs. 3
cc: Hon. J.B. Blackburn, Attorney
Bay Minette, Alabama

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



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

March 30, 1954

MRS. AGNES BAGGETT
SECRETARY OF STATE

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

Re: Barney Kennedy, Jr., Et als
vs
William E. Kirchoff, Jr., Et als

Dear Mr. Bradford:

Enclosed is copy of the letter to Hon. 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 Baggett
Mrs. Agnes Baggett
Secretary of State

Enc.

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

March 30, 1951



MRS. AGNES BAGGETT
SECRETARY OF STATE

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

Re: Barney Kennedy, Jr., Et al
vs
William E. Kirschoff, Jr., Et al

Dear Mr. Bradford:

Enclosed is copy of the letter to Hon. P. B. Reddish, Sheriff
of Baldwin 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 send-
ing 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,

Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

Barney Kennedy
Wm E Kirschoff

Enc.



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

March 25, 1954

MRS. AGNES BAGGETT
SECRETARY OF STATE

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

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

Dear Mr. Blackburn:

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

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

On March 24, 1954 said letter (Registry No. 52239) was returned to me with reason for non-delivery given: "Unclaimed."

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

Sincerely yours,

Mrs. Agnes Baggett
Mrs. Agnes Baggett
Secretary of State

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

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

March 22, 1934



MRS. AGNES BAGGETT
SECRETARY OF STATE

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

Dear Mr. Blackburn:

Please refer to your file in this matter and be advised that
On March 9, 1934 I sent by registered mail, return receipt requested
deliver to addressee only, my notice together with copy of summons and
complaint in the above cause to the defendant, William E. Kennedy, Jr.,
P. O. Box 1299, Sanford, Florida.
On March 24, 1934 said letter (Registry No. 52332) was returned to
me with reason for non-delivery given: "Unclaimed."
Kindly advise me of any further efforts you wish made in this
connection.

Sincerely yours,

Agnes Baggett
Agnes Baggett
Secretary of State

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

Barney Kennedy vs Wm E Kennedy



MRS. AGNES BAGGETT
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

April 2, 1954

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

Re: Barney Kennedy, Jr., Et Al
vs
William E. Kirchhoff, Jr., Et Al

Dear Mr. Blackburn:

Enclosed is copy of the letter I received this afternoon from Honorable 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. Hobby, Sheriff of Seminole County at Lake Mary, Florida which will prove self-explanatory.

Sincerely yours,

Mrs. Agnes Baggett
Secretary of State

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

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

C
O
P
Y

April 1, 1954

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

Dear Mrs. Baggett:

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

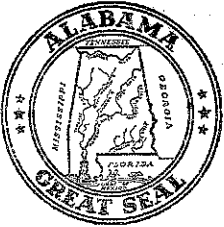
Since his address is Sanford, papers should be sent to Sheriff
J. L. Hobby, Seminole County, Sanford, Florida.

Very truly,

Signed) P. D. Reddish

P. D. Reddish

d



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

April 2, 1954

MRS. AGNES BAGGETT
SECRETARY OF STATE

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

Re: Barney Kennedy, Jr., Et Als

vs

William E. Kirchhoff, Jr., Et Als

Dear Mr. Hobby:

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

Title 7, Section 199 of the 1940 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 the service. I am enclosing a check, issued by the Honorable 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. Kirchhoff, 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 advised by the attorney, Mr. Blackburn, that he knows the address shown in my notice to be Kirchhoff's correct address.

Both Mr. Blackburn and I shall greatly appreciate your efforts to complete this service upon William E. Kirchhoff by serving upon him the original, and making your return on the copy thereof, direct to the Honorable 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

Very truly your,

Mrs. Agnes Baggett
Secretary of State

Encs. 5
cc: Hon. J. B. Blackburn, Attorney
Bay Minette, Alabama

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

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA



MRS. AGNES BAGGETT
SECRETARY OF STATE

April 3, 1934

1994

Hon. J. I. Bailey
Tomball,
Tomball County
Tomball, Texas

Re: Ramsey Kennedy, Jr., et al.
William L. Nichols, Jr., et al.

Dear Mr. Nichols:

Enclosed in duplicate is my notice with copy of summons and complaint
in a suit now pending against William L. Nichols, Jr., et al., in the Circuit
Court of Baldwin County, Bay Minnato, Alabama.

Under Section 199 of the 1901 Code of Alabama provisions, among other
things, that service of process may be had by a sheriff, deputy sheriff, or other
fully commissioned public official within the jurisdiction of defendant's residence.
This state further provides a fee of \$5.00 for such officer's fee in process.
The service I am enclosing a check, issued by the Honorable J. I. Bailey,
Attorney at Law, Tomball, Texas, which I have endorsed to you. If there are additional
charges you will please write Mr. Nichols direct.

I have twice attempted service upon the defendant, William L. Nichols,
Jr., at Tomball, Alabama, by registered mail, return receipt requested, delivery
to addressee only for each time the letter was returned to me unclaimed. I am
advised the attorney, Mr. Nichols, that he knows the address shown in my
notice to Mr. Nichols's correct address.

Both Mr. Nichols and I shall greatly appreciate your efforts to complete
this service on William L. Nichols, Jr., Nichols, Jr., upon me and the state, and please
return on the copy thereof, direct to the Honorable J. I. Bailey,
Attorney at Law, Tomball, Texas, direct to the Honorable J. I. Bailey.

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

Very truly yours,

Mrs. Agnes Baggett
Secretary of State

Hon. J. I. Bailey, Attorney
Tomball, Texas

The Honorable
J. I. Bailey, Judge
Circuit Court of Baldwin County
Bay Minnato, Alabama

closed in file 41

William L. Nichols, Jr.