

Defendant

AT LAW, NO. 9024

I do hereby certify that I have on this _____ day of Jan, 19 70, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

HARVEY E. YOUNCE,) IN THE CIRCUIT COURT OF
)
Plaintiff,) BALDWIN COUNTY, ALABAMA
)
vs.) AT LAW, NO. 9024
)
HOMER BOYD STREHLE,)
)
Defendant.)

AMENDED COMPLAINT

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) for damages for that heretofore on, to-wit: the 7th day of December, 1968, at approximately 3:30 P.M., the Plaintiff's son, Larry Younce, a minor, was riding a two-wheeled motorcycle vehicle in a Westerly direction on Elberta Dump Road, a public road in the State of Alabama, at a point approximately one mile south and one mile west of the center of the Town of Elberta, Baldwin County, Alabama, where he had a right to be, and the Defendant so negligently operated his motor vehicle at the aforesaid place and time that he ran into, upon and against the Plaintiff's son, Larry Younce, a minor, and the two-wheeled motorcycle vehicle which he was riding, and as a proximate consequence of the aforesaid negligence of the Defendant on the aforesaid date and time, the Plaintiff was injured and damaged in the aforesaid collision as follows, to-wit: The Plaintiff has lost the services of his son, Larry Younce, a minor; he has been made to incur considerable medical expenses in and about his efforts to heal and cure his minor son, Larry Younce who suffered injuries to his head, body and limbs and who fractured and broke his left leg and left ankle; both the Plaintiff and his wife have spent a great deal of time in nursing and taking care of said minor child; and both the Plaintiff and his wife have incurred great expense in transporting their son, Larry Younce, to obtain medical benefits, all to the great damage of the Plaintiff in the aforesaid sum, all to his detriment for which he claims.

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 28 day of Jan 1970, served a copy of the foregoing Pleading on counsel for all

parties to this proceeding by mailing the same by United States mail, properly addressed and first class postage prepaid.

E. H. Chasen

FILED

JAN 29 1970

ALICE J. DUCK CLERK
REGISTER

9024

CECIL G. CHASON

Attorney at Law

CHARLES H. SIMS III
ASSOCIATE

January 27, 1970

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

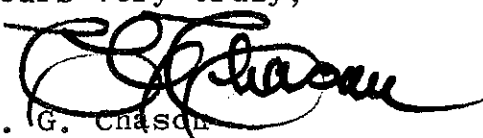
Mrs. Alice J. Duck
Circuit Clerk
Baldwin County
Bay Minette, Alabama 36507

RE: Younce: Case No. 9024
Case No. 9025

Dear Mrs. Duck:

Enclosed please find Amended Complaints in the above style cause, copies of which have been mailed to the attorneys of record for the Defendant. Please file.

Yours very truly,


C. G. Chason

CGC:ec
encs:

HARVEY E. YOUNCE,

Plaintiff,

vs.

HOMER BOYD STREHLE,

Defendant

)

)

)

)

)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 9024

DEMURRER

Comes now the defendant, in the above styled cause, Homer Boyd Strehle, and demurs to the plaintiff's amended complaint as a whole, and to each and every count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, each ground of demurrer heretofore assigned, being grounds One through Six inclusive, separately and severally.

LYONS, PIPES AND COOK
Attorneys for the Defendant

By [Signature]
Walter M. Cook

By [Signature]
James B. Kierce, Jr.

CERTIFICATE OF SERVICE ^{4th}

I do hereby certify that I have on this 4th day of Feb., 1970, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

[Signature]
FILED

FEB 4 1970

ALICE J. DUCK CLERK
REGISTER

9024

FILED

FEB 4 1970

WILLIE J. DUCK CLERK
REGISTER

LYONS, PIPES & COOK

ATTORNEYS AT LAW

2510 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)

36601

AREA CODE 205
TEL. 432-4483
P.O. DRAWER 2525

SAM W. PIPES

WALTER M. COOK

GORDON B. KAHN

G. SAGE LYONS

AUGUSTINE MEAHER, III

JAMES B. KIERCE, JR.

WESLEY PIPES

NORTON W. BROOKER, JR.

July 28, 1970

Mrs. Alice J. Duck
Clerk, Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama 36507

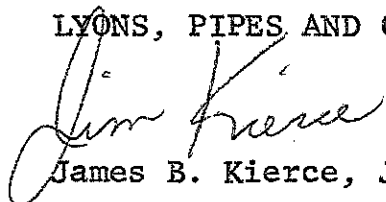
Re: Harvey E. Younce vs. Homer Boyd Strehle
Case No. 9024.
Larry Younce vs. Homer Boyd Strehle
Case No. 9025.

Dear Mrs. Duck:

Enclosed you will find the original of Answers in the
above 2 cases which I request you file on behalf of the
defendant.

Yours truly,

LYONS, PIPES AND COOK



James B. Kierce, Jr.

JBK/see

Enclosures

HARVEY E. YOUNCE,	*	IN THE CIRCUIT COURT OF
	*	
Plaintiff,	*	BALDWIN COUNTY, ALABAMA
	*	
VS.	*	
	*	AT LAW , NO. <u>9024</u>
HOMER BOYD STREHLE,	*	
	*	
Defendant.	*	

ANSWER

Comes now the defendant in the above styled cause, Homer Boyd Strehle, and for answer to the plaintiff's Complaint as a whole, and to each and every count thereof, separately and severally, sets down and assigns the following Pleas, separately and severally, to-wit:

1. Not guilty.
2. That the material allegations are untrue.

3. The defendant says that at the time and place complained of in said count the plaintiff's minor son was a boy thirteen (13) years old; that the plaintiff's minor son possessed such discretion, intelligence and sensitiveness to danger which the ordinary child possesses when he is fourteen (14) years of age; and the defendant further avers that the plaintiff's minor son himself was guilty of negligence which proximately contributed to his own injury and damage, in that at said time and place, the plaintiff's minor son so negligently operated a two-wheeled motorcycle vehicle as to cause or allow the same to run into, upon or against the motor vehicle which the defendant was then and there operating, WHEREFORE, the defendant says that the plaintiff ought not to have and recover of him.

LYONS, PIPES AND COOK
Attorneys for the defendant.

By: Walter M. Cook
Walter M. Cook

By: James B. Kierce, Jr.
James B. Kierce, Jr.

CERTIFICATE OF SERVICE
I do hereby certify that I have on this 29th day of July, 19 70, served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

FILED

JUL 31 1970

ALICE J. DUCK

CLERK
REGISTER

BALDWIN COUNTY)

BALDWIN COUNTY)

BALDWIN COUNTY)

BALDWIN COUNTY)

BALDWIN COUNTY)

HARVEY E. YOUNCE,
Plaintiff,

HARVEY E. YOUNCE,
Plaintiff,

HARVEY E. YOUNCE,
Plaintiff,

HARVEY E. YOUNCE,
Plaintiff,

HARVEY E. YOUNCE,
Plaintiff,


HARVEY E. YOUNCE,
Plaintiff,

HARVEY E. YOUNCE,
Plaintiff,

and left ankle; both the Plaintiff and his wife have spent a great deal of time in nursing and taking care of said minor child; and both the Plaintiff and his wife have incurred great expense in transporting their son, Larry Younce, to obtain medical benefits, all to the great damage of the Plaintiff in the aforesaid sum, all to his detriment for which he claims.


Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury.

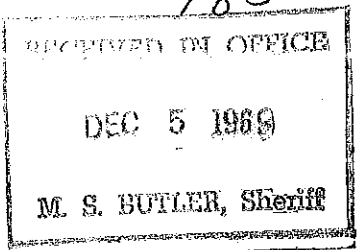

Attorney for Plaintiff

Defendant may be served through the
Secretary of State, State of Alabama,
at Star Route, Box 480, Pensacola, Florida.

FILED
DEC 4 1969
ALICE J. DUCK CLERK
REGISTER

985

9024



Harvey E. Gounce
Pltz

re -

Homer Boyd Strehle
Deft.

Exec. Order No. 3 copies of
Mable Amos
This Dec 5 Dec 69

By W. J. Mason D. S.

A. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 each for
serving process and \$1.00
travel expense on each of
process(es) or a total of \$2.50

W. J. Mason Deputy Sheriff

FILED

DEC 4 1969

ALICE J. DUCK CLERK
REGISTER

C. S. Chason

December 9, 1969

HARVEY E. YOUNCE, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, AT LAW

VS

HOMER BOYD STREHLE, Defendant

CASE NO. 9024

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW

I, Mabel Amos, Secretary of State, hereby certify that on December 5, 1969
I sent by certified mail in an envelope addressed as follows:

"Homer Boyd Strehle
Star Route, Box 480
Pensacola, Florida 32502"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"Homer Boyd Strehle
Star Route, Box 480
Pensacola, Florida 32502"

You will take notice that on December 5, 1969 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: HARVEY E. YOUNCE, Plaintiff VS HOMER BOYD STREHLE, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9024 a 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 5th day of December, 1969

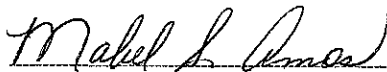
Enclosure (1)

(Signed) Mabel S. Amos
Secretary of State

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on December 8, 1969 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Pensacola, Fl.
on 12/6/69

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9th day of December, 1969



MABEL S. AMOS
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.

CC: Honorable Cecil G. Chason
Attorney at Law
Foley, Alabama 36535

INSTRUCTIONS TO DELIVERING EMPLOYEE	
<input type="checkbox"/> Show to whom, date, and address where delivered	<input checked="" type="checkbox"/> Deliver ONLY to addressee
<i>(Additional charges required for these services)</i>	

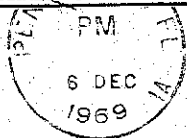
RECEIPT

Received the numbered article described below.

REGISTERED NO.	<div>1 2 3</div>	SIGNATURE OR NAME OF ADDRESSEE <i>(Must always be filled in)</i>
CERTIFIED NO.		<i>Homer B. Strehle</i>
INSURED <i>54892</i>		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
		Deliver to addressee only
DATE DELIVERED		SHOW WHERE DELIVERED <i>(only if requested)</i>
<i>12-6-69</i>		

POST-OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and
complete instructions on other side, where applicable.
Moisten gummed ends, attach and hold firmly to back
of article. Print on front of article RETURN
RECEIPT REQUESTED.

NAME OF SENDER

SECRETARY OF STATE

STREET AND NO. OR P.O. BOX

MONTGOMERY, ALABAMA 36104

POST OFFICE, STATE, AND ZIP CODE



65-10-71648-10

POD Form 3811 Apr. 1967

STATE OF ALABAMA)
BALDWIN COUNTY)

To any sheriff of the State of Alabama

You are hereby commanded to summon HOMER BOYD STRENLE to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, to be held for said County at the place of holding the same, then and there to answer the complaint of HARVEY E. YOUNCE.

Witness my hand, this the 4th day of December, 1968.

Alice J. Duck
Alice J. Duck
Circuit Clerk

HARVEY E. YOUNCE,
Plaintiff,
vs.
HOMER BOYD STRENLE,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 9024

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) for damages for that heretofore on, to-wit: the 7th day of December, 1968, at approximately 3:30 P.M., the Plaintiff's son, Larry Younce, a minor, was riding a two-wheeled motorcycle vehicle in a Westerly direction on Elberta Dump Road at a point approximately one mile south and one mile west of the center of the Town of Elberta, Baldwin County, Alabama, where he had a right to be, and the Defendant so negligently operated his motor vehicle at the aforesaid place and time that he ran into, upon and against the Plaintiff's son, Larry Younce, a minor, and the two-wheeled motorcycle vehicle which he was riding, and as a proximate consequence of the aforesaid negligence of the Defendant on the aforesaid date and time, the Plaintiff was injured and damaged in the aforesaid collision as follows, to-wit: The Plaintiff has lost the services of his son, Larry Younce, a minor; he has been made to incur considerable medical expenses in and about his efforts to heal and cure his minor son, Larry Younce who suffered injuries to his head, body and limbs and who fractured and broke his left leg and

and left ankle; both the Plaintiff and his wife have spent a great deal of time in nursing and taking care of said minor child; and both the Plaintiff and his wife have incurred great expense in transporting their son, Larry Younce, to obtain medical benefits, all to the great damage of the Plaintiff in the aforesaid sum, all to his detriment for which he claims.


Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury.

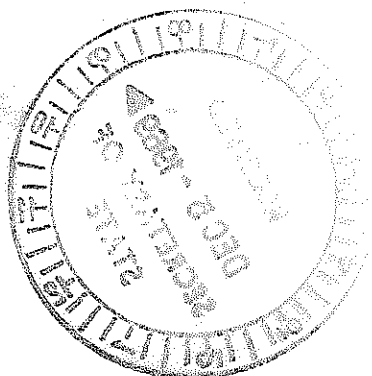

Attorney for Plaintiff

Defendant may be served through the
Secretary of State, State of Alabama,
at Star Route, Box 480, Pensacola, Florida.

FILED

DEC 4 1969

ALICE J. DUCK CLERK
REGISTER



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 and left earlier; both the Plaintiff and his wife have spent a
 great deal of time in nursing and taking care of said victim and
 and both the Plaintiff and his wife have incurred great expense in
 transporting their son, Larry Young, to obtain medical benefits
 all to the great damage of the Plaintiff in the amount of \$500.
 all to his detriment for which he claims

[Signature]
 Attorney for Plaintiff

Plaintiff respectfully demands a trial by jury.

[Signature]
 Attorney for Plaintiff

Defendant may be served through the
 Secretary of State, State of Alabama,
 at Star Route, Box 480, Pensacola, Florida.

FILED
 DEC 4 1969
 ALBERT J. BUCK
 CLERK REGISTER

