# RELEASE

KNOW ALL MEN BY THESE PRESENTS:
That I Harvey E. Younce
That I Harvey E. Younce for the sole consideration of THREE THOUSAND AND NO/100 \$3,000.00) dollars, to
me in hand paid by Homer Boyd Strehle
, PAYER,
the receipt whereof is hereby acknowledged, have released and discharged, and by these presents do for
myself my heirs, executors, administrators, and assigns release and forever discharge the said Payer
and all other persons, firms, and corporations, both known and unknown, of and from any and all claims, demands, damages, actions, causes of action, or suits at law or in equity, of whatsoever kind or nature, for or because of any matter or thing done, omitted or suffered to be done by anyone prior to and including the date hereof on account of all injuries both to person or property resulting, or to result, from an accident which occurred on or about the 7 th day of December 19 68, at Elberta, Alabama, at which time my minor son, Larry Younce, was injured.
I understand said Payer, by reason of agreeing to this compromise payment, neither admits nor
denies liability of any sort, and said Payer has made no agreement or promise to do or omit to do any
act or thing not herein set forth and I further understand that this release is made as a compromise
to avoid expense and to terminate all controversy and/or claims for injuries or damages of whatsoever nature, known or unknown, including future developments thereof, in any way growing out of or connected with said accident.
I admit that no representation of fact or opinion has been made by the said Payer or anyone on
her, his, or their behalf to induce this compromise with respect to the extent, nature or permanency of said injuries or as to the likelihood of future complications or recovery therefrom and that the sum paid is solely by way of compromise of a disputed claim, and that in determining said sum there has been taken into consideration the fact that serious or unexpected consequences might result from the present injuries, known or unknown, from said accident, and it is therefore specifically agreed that this release shall be a complete bar to all claims or suits for injuries or damages of whatsoever nature resulting or to result from said accident.
IN WITNESS WHEREOF I have hereunto set my hand this 35 th
IN WITNESS WHEREOF I have hereunto set my hand this 35 th day of September, 1970. CAUTION: READ BEFORE SIGNING.
In the presence of
Thomas W. Underworks Harvey E. younce
Thomas W. Underworks Harvey E. Younce Jounel Harvey E. Younce Jounel  Lerging Doll Address P.O. Bot 182  Eller of pla.
SEP 2 8 1970

A CLERK REGISTER

THE STATE OF ALA	<u>.</u>	PROBATE COURT.	No
		SHIP OVER THE ESTA	
Larry Young	<u>e                                     </u>	a minor, over	the age of fourteen years,
		a minor,	_the age of fourteen years,
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are hereby granted to qualified and given bond as resaid guardianship.	Harve	y E. Younce is authorized to discharge	, who has duly all the functions attached to
	day ofO	ctober , A.D. 19	70
Code 1940—Tit. 21, Sec	. 1.		, Judge of Probate.

S COUNTRY OF ALABAMA THE STATE OF ALABAMA	the 2nd / Iday of October 1970	Given under my hand and seal of office, this the	hand and sea	ermo	iven und	_	or deep.
THE STATE OF ALABAMA  PROBATE OF ALABAMA  LETTERS OF GUARDIANSHIP T  Harry D'Olive  Ounty and State, hereby certify that the within and foregoing is a true, correct and complete copy of the  Harvey E. Younge	counce, a minor, ne are in full force and effect.	office and sam	estate of	of the urs of r	iuardian o	as C	
THE STATE OF ALABAMA  County  THE STATE OF ALABAMA  ESTATE OF  Baldwin County  Letters of Guardianship T  County  D'Oliva  Letters of Probate in and foregoing is a true, correct and complete copy of the	τj		hip issued to	ardians	ers of Cu	Lett	
THE STATE OF ALABAMA  Country  Ballowin  Country  Country  LETTERS OF GUARDIANSHIP T  Judge of Probate in and for said	and foregoing is a true, correct and complete copy of the	hat the within	reby certify	ate, he	nty and St	Cou	
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Judge of Probate.

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LARRY YOUNCE, who sues by his next friend, HARVEY E. YOUNCE,

Plaintiff,

Vs.

HOMER BOYD STREHLE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9025

Come the parties in the above-styled cause, acting by and through their respective attorneys of record, and specefically and by consent and mutual agreement, waive demand for jury heretofore made in said cause.

C. G Chason Attorney for Plaintiff

LYONS, PIPES AND COOK Attorneys for the Defendant By

# AGREED STATEMENT OF FACTS

The parties to this cause, acting by and through their respective attorneys of record, hereby mutually agree that the following statement of facts are true and correct and to be used by the Court in rendition of judgment:

That Larry Younce is a minor whose suit was filed by and through his next friend, Harry E. Younce who is his father; that Homer Boyd Strehle is over the age of twenty-one years; that on, to-wit, the 7th day of December, 1968, at approximately 3:30 p.m., the Plaintiff, Larry Younce, was riding on a two-wheeled motorcycle vehicle on the 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 said roadway is a public road in the State of Alabama; that the Defendant was operating a motor vehicle at the time and place

above referred to, driving from private property along a private driveway onto the public road being traveled by the Plaintiff, Larry Younce, and that at such time and place the Defendant, Homer Boyd Strehle, ran the vehicle he was operating into or upon or against the Plaintiff, Larry Younce, and the two-wheeled motor-cycle vehicle which he was riding; that as a proximate consequence of the negligence of the Defendant, the Plaintiff, Larry Younce, suffered injuries to his head, body and limbs; that said Plaintiff suffered fractured and broken left leg and fractured and broken left ankle; that to a degree Plaintiff, Larry Younce, will be permanently injured.

C. Chason Attorney for Plaintiff

LYONS, PIPES AND COOK Attorneys for Defendant

Attorneys for Defendant

SEP 2 8 1970

CLERK

LARRY YOUNCE, Plaintiff, who sues by his next friend, HARVEY E. YOUNCE,

VS.

HOMER BOYD STREHLE,

Defendant

WITHDRAWAL OF JURY DEMAND AND AGREED STATEMENT OF FACTS

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA LAW SIDE

CECIL G. CHASON

Attorney at Law-P. O. DRAWER 458

216 W. LAUREL AVENUE

FOLEY, ALABAMA 36535

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ã;

LARRY YOUNCE, who sues by his next friend, HARVEY E. YOUNCE,

Plaintiff,

Vs.

HOMER BOYD STREHLE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9025

Comes the Plaintiff in the above-styled cause by his attorney, and comes the Defendant by his attorney, and jointly file an agreement and motion to remove said cause from the jury docket of this county so that judgment might be rendered, and said removal being approved by the Court, and the Plaintiff and the Defendant, acting by and through their respective attorneys, having filed an Agreed Statement of Facts in this cause, and the Court being satisfied that the Plaintiff is entitled to recover from the Defendant, assesses the damages as Six Thousand, Five Hundred Dollars (\$6,500.00).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED By the Court that the Plaintiff have and recover from the Defendant the sum of Six Thousand, Five Hundred Dollars (\$6,500.00) as damages together with the costs in this behalf expended for which let execution issue.

This the 28 day of September, 1970.

SE# 2 8 1970

ALLOW CLERK REGIST

Circuit Judge Circuit

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C. G. C.

EVOL 65 PAGE 423

LARRY YOUNCE, Plaintiff who sues by his next friend, HARVEY E. YOUNCE

VS.

HOMER BOYD STREHLE,

 $\hat{\mathcal{Q}}, \mathcal{N}_{\alpha}$ 

Defendant

JUDGMENT

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

CECIL G. CHASON

Attorney at Law\_

P. O. DRAWER 458 216 W. LAUREL AVENUE FOLEY, ALABAMA 36535

LARRY YOUNCE, Plaintiff who sues by his next friend, Harvey E. Younce,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW, NO. 9025
HOMER BOYD STREHLE,	)	
Defendant.	)	

#### 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 Five inclusive, separately and severally.

LYONS, PIPES AND COOK Attorneys for the Defendant

Walter M. Cook

Van B. King

James B. Kierce,

CERTIFICATE OF SERVICE

I do hereby of life that I have gardis for all the formed a pleasing of counsel for all parties of this pure eding he maining the same by United States well, possely addressed, and first class postage repaid.

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SEB 4 ALC J. BUR LARRY YOUNCE, Plaintiff, who sues by his next friend, HARVEY E. YOUNCE,

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IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

HOMER BOYD STREHLE,

VS.

X

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Defendant.

AT LAW , NO. 9025

#### 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.
- The defendant says that at the time and place 3. complained of in said count the plaintiff was a boy thirteen (13) years old; that the plaintiff 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 himself was guilty of negligence which proximately contributed to his own injury and damage, in that at said time and place, the plaintiff 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.

CERTIFICATE OF SERVICE I do here day of 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.

By: JUL3 1 1970

Walter M. Çook

rence amo James B. Kierce,

65 PAGE 422

REGISTER

CLERK- VOL

LARRY YOUNCE, Plaintiff
who sues by his next friend,
HARVEY E. YOUNCE,

vs.

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW, NO. 9025

Defendant.

#### AMENDED COMPLAINT

The Plaintiff, Larry Younce, a minor, who sues by his next friend, Harvey E. Younce, his father, claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) damages for that heretofore on, to-wit: the 7th day of December, 1968, at approximately 3:30 P.M., the Plaintiff was riding on 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 City 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 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, Larry Younce, suffered injuries to his head, body and limbs; he fractured and broke his left leg; he fractured and broke his left ankle; the muscles, nerves and ligaments of his left leg were torn, lacerated, bruised and contused; he was caused to suffer physical pain and mental anguish and will be made to suffer in the future; and his capacity to work and earn money has been permanently impaired, all to the great damage to the Plaintiff in the aforesaid sum, and all to his detriment for which he claims.

## CERTIFICATE OF SERVICE

I do hereby certify that I have on this **29** day of **10** 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.

- Charan

JAH 2 9 1970

ALICE J. BUGGE REGISTER

c. g. c.

J. J. J.

EVOL 65 PAGE 420

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9025

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LARRY YOUNCE, Plaintiff, who sues by his next friend, HARVEY E. YOUNCE,

vs.

HOMER BOYD STREHLE,

BALDWIN COUNTY, ALABAMA

At Law, No. 9025

Defendant.

Comes now the defendant in the above entitled cause, and demurs to the plaintiff's complaint, and to each count thereof, separately and severally, and as grounds for said demurrer sets down and assigns the following, separately and severally:

- 1. Said count fails to allege the violation of any duty owed by this defendant to the plaintiff's minor son.
- 2. Said count fails to allege facts showing the violation of any duty owed by this defendant to the plaintiff's minor son.
- 3. For aught that appears from said count, the accident did not occur on a public street.
- 4. For aught that appears from said count the plaintiff's minor son was not at a place where he had a legal right to be at the time and place complained of.
- 5. For aught that appears from said count, the damages suffered by the plaintiff's minor son were not the proximate result of any act or failure to act on the part of this defendant.

LYONS, PIPES AND COOK Attorney for Defendant

By Walter M. Cook

JAN 12 1970

AIR I DEEK GERR

I do headly extrify that I have on visit day of the foregoing pleasing on comed in all parties this proceeding by facility to the proceeding by facility to the proceeding by facility and states made proceeding the facility of the first class postage process.

December 9, 1969

LARRY YOUNCE, Plaintiff, who sues by his next friend, HARVEY E. YOUNCE, Plaintiff

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

VS

HOMER BOYD STREHLE, Defendant

CASE NO. 9025

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

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

December 5, 1969

"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: LARRY YOUNCE, Plaintiff who sues by his next friend, HARVEY E. YOUNCE, Plaintiff VS HOMER BOYD STREHLE, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW Case No. 9025 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 day of December, 1969

Enclosure (1)

(Signed) MabelSAmos 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 Dec. 6, 1969

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

9th

day

m 111

MABEL S. AMOS Secretary of State

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

CC: Honorable Cecil G. Chason

Attorney at Law

KXXX Foley, Alabama 36535

EVOL 65 PAGE 41.7.

STATE OF ALABAMA)

To any sheriff of the State of Alabama

BALDWIN COUNTY)

You are hereby commanded to summon HOMER BOYD STREHLE 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 LARRY YOUNCE, a minor, who sues by his next friend, HARVEY E. YOUNCE.

Witness my hand, this the 4 th day of December, 1969.

Alice J. Duck L. Luck Circuit Clerk

LARRY YOUNCE, Plaintiff, who sues by his next friend, HARVEY E. YOUNCE,

vs.

HOMER BOYD STREHLE,

Defendant.

In the Circuit Court of Baldwin County, Alabama At Law, No. 9025

The Plaintiff, Larry Younce, a minor, who sues by his next friend, Harvey E. Younce, his father, claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) damages for that heretofore, on, to-wit: the 7th day of December, 1968, at approximately 3:30 P.M., the Plaintiff was riding on 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 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, Larry Younce, suffered injuries to his head, body and limbs; he fractured and broke his left leg; he fractured and broke his left ankle; the

muscles, nerves and ligaments of his left leg were torn, lacerated, bruised and contused; he was caused to suffer physical pain and montal anguish and will be made to suffer in the future; and his capacity to work and earn money has been permanently impaired, all to the great damage to the Plaintiff in the aforesaid sum, and all to his detriment for which he claims.

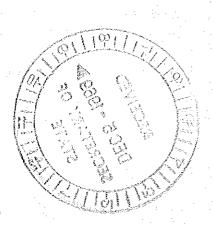
Plaintiff respectfully demands a trial by jury.

The Reality

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

DEC 4 1969

ALCE J. DELIK CLERK REGISTER



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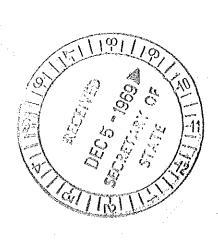
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Defendant may be served through the Secretary of State, Dirich of Alekson.

DEC 4 1969

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STATE OF ALABAMA)

One of the State of Alabama

BALDWIN COUNTY)

You are hereby commanded to summon HOMER BOYD STREHLE 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 LARRY YOUNCE, a minor, who sues by his next friend, HARVEY E. YOUNCE.

Witness my hand, this the

Local day of December, 1969.

Alice J. Duck Circuit Clerk

LARRY YOUNCE, Plaintiff, who sues by his next friend, HARVEY E. YOUNCE,

vs.

HOMER BOYD STREHLE,

Defendant.

In the Circuit Court of
Baldwin County, Alabama
At Law, No. 90-25

The Plaintiff, Larry Younce, a minor, who sues by his next friend, Harvey E. Younce, his father, claims of the Defendant the sum of One Hundred Thousand Dollars (\$100,000.00) damages for that heretofore on, to-wit: the 7th day of December, 1968, at approximately 3:30 P.M., the Plaintiff was riding on 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 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, Larry Younce, suffered injuries to his head, body and limbs; he fractured and broke his left leg; he fractured and broke his left ankle; the

muscles, nerves and ligaments of his left leg were torn, lacerated, bruised and contused; he was caused to suffer physical pain and mental anguish and will be made to suffer in the future; and his capacity to work and earn money has been permanently impaired, all to the great damage to the Plaintiff in the aforesaid sum, and all to his detriment for which he claims

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.

DEC 4 1969

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Larry younce, who sues by his next griends
Harvey E. younce

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DEC 5 1969

M. S. Butter, Cheriff of Montgomery County, Alabama, Claim \$1.50 each for serving \_\_\_\_ process(<del>cs) and</del> \$1.00 travel expense on each of processies; or a total \$2.50

C. S. Chason

9025

## CECIL G. CHASON

THOMAS W. UNDERWOOD, JR. ASSOCIATE

Attorney at Law

October 9, 1970

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

Mrs. Eunice Blackmon Office of the Clerk of the Circuit Court Baldwin County Courthouse Bay Minette, Alabama

Re: Larry Younce, a minor, vs Homer Boyd Strehle

Dear Eunice:

I checked the law on the guardianship and believe the general provisions of Title 21, particularly Section 42 of Title 21, and the cases cited under this section definitely give the Clerk authority to make payment directly to a duly appointed guardian. I believe you must have been thinking of the provisions of Section 99 of Title 21 which provides that a debt to a minor to a maximum of \$1,500.00 may be discharged by payment to the Judge of Probate.

I understood you to say that you could make the payment on the 10th of this month, and I suggest that the check be made to Harvey Younce as Guardian for Larry Younce, a minor. I am enclosing a copy of Letters of Guardianship for your file.

Yours very truly,

CGC/vd

Enc.



# SPENCER - WILLIAMS REALTY CO.

HIGHWAY 98 EAST \_\_ P. O. BOX 26 \_\_ SEMMES, ALABAMA 36575 - (205) 649-3333

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