

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

NOTICE OF ENTRY
 OF
 ORDER OF DISCHARGE

In the Matters of:

<u>Name of Bankrupt</u>	<u>Bankruptcy Number</u>	<u>Date Petition Filed</u>
JAMES HORACE SCIPLE	33,406	October 31, 1972
✓ RONNIE LEE POTTER	33,415	October 31, 1972
WILLIAM ROSTER HURST	33,421	October 31, 1972

NOTICE

To the creditors of the above named bankrupts and all other parties in interest.

Notice is hereby given of the entry on February 2, 1973 of orders of discharge which have become final and which release the above named persons, adjudged bankrupts on petitions filed on the dates shown above following the names of each of said persons, from all dischargeable debts and declare any judgment theretofore or thereafter obtained in any other court null and void as a determination of the personal liability of each of the above bankrupts with respect to any of the following: (a) debts not excepted from the discharge under §17a or §17b of the Bankruptcy Act; (b) debts discharged under §17c(2) of the Bankruptcy Act; and (c) debts determined to be discharged under §17c(3) of the Bankruptcy Act. The said orders of discharge enjoin all creditors whose debts are discharged from instituting or continuing any action or employing any process to collect such debts as personal liabilities of the bankrupts above named.

No debts of the above named bankrupts have been determined by the Bankruptcy Court to be nondischargeable and there are no applications pending in the above named matters to determine dischargeability of particular debts.

Dated: February 2, 1973

SIDNEY J. GRAY

Referee in Bankruptcy

Only the bankrupt whose name is checked
 above has listed you as a creditor.

Certified copies of the orders of discharge may be obtained from the Referee in Bankruptcy or, if cases are closed, from the Clerk of Court

for registration in other districts.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF ALABAMA

ORDER FOR AND NOTICE OF —
 FIRST MEETING OF CREDITORS;
 LAST DAY FOR FILING
 OBJECTIONS TO DISCHARGE AND
 APPLICATIONS TO DETERMINE
 DISCHARGEABILITY OF DEBTS

The following having been adjudged bankrupt upon petitions filed as follows, to wit:

JAMES HORACE SCIPLE - Case No. 33,406
 3808 Cabana Club, Apartment 106, Mobile, Alabama 36609
 Social Security No. 419-52-2954
 Date Petition Filed - October 31, 1972
 Bankrupt's Attorney - Albert S. Gaston

WILLIAM HANNEN DUMAS - Case No. 33,407
 626 Euclid Avenue, Mobile, Alabama 36606
 Social Security No. 417-58-4004
 Date Petition Filed - October 31, 1972
 Bankrupt's Attorney - Albert S. Gaston

✓ RONNIE LEE POTTER - Case No. 33,415
 360 South School Street, Fairhope, Alabama 36532
 Social Security No. 422-64-5673
 Date Petition Filed - October 31, 1972
 Bankrupt's Attorney - Irving Silver

Case no. 9104
 Judgment
 by consent for Pkg
 for 15,000.00 -

WILLIAM ROSTER HURST - Case No. 33,421
 2020 Wells Avenue, Mobile, Alabama 36617
 Social Security No. 422-28-7216
 Date Petition Filed - October 31, 1972
 Bankrupt's Attorney - William M. Clarke

1. IT IS ORDERED AND NOTICE IS HEREBY GIVEN that the respective FIRST MEETINGS OF CREDITORS of said Bankrupts are to be held at Room 331, United States Court House, Mobile, Alabama on November 20, 1972 at 10:00 o'clock A.M., at which place and time creditors may attend, prove their claims, appoint a trustee, appoint a committee of creditors, examine the Bankrupt, and transact such other business as may properly come before said meetings; and it is ORDERED that the Bankrupts with their attorneys of record, if any, be in attendance at said meetings. Creditors must file their claims within six months from the date of said first meetings if they wish to participate in the distribution of any assets of said Bankrupt estates.

2. IT IS FURTHER ORDERED AND NOTICE IS HEREBY GIVEN that January 22, 1973 is fixed as the last day for the filing of objections to the discharge of the said Bankrupts and for the filing of applications, as provided in section 17c(2) of the Bankruptcy Act, to determine the dischargeability of debts claimed to be nondischargeable pursuant to clauses (2), (4) or (8) of section 17a of the Bankruptcy Act.

DATED: November 2, 1972

ONLY THE BANKRUPT WHOSE NAME IS CHECKED
 ABOVE HAS LISTED YOU AS A CREDITOR

SIDNEY J. GRAY

Referee in Bankruptcy

MEMO-LETTER

JOHN V. DUCK
Attorney at Law
P. O. DRAWER Y - FAIRHOPE, ALABAMA

MESSAGE

REPLY

TO Mrs. Alice J. Duck

Bay Minette, Ala.

DATE

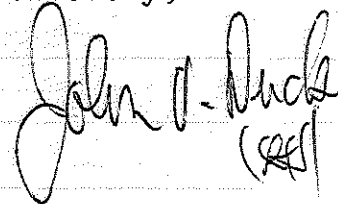
DATE February 27, 1970

Re: Fye vs. Potter. Civil Case No. 9104

Dear Mrs. Duck:

Enclsoed please find Demurrer to be filed
in captioned case.

Sincerely,



John V. Duck
(JSD)

SIGNED

SIGNED

RICHARD F. FYE, a minor, suing)
by and through his mother and)
next of friend, ORA DEE RUSSELL,)

Plaintiff,)

vs.)

RONNIE LEE POTTER and)
AUBREY POTTER,)

Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW, CASE NO. 9104

DEMURRER

Comes now the Defendants in the above styled cause, jointly and severally, and demurs to the Complaint filed herein, and to each and every count thereof, jointly and severally, upon the separate and several grounds:

1. That the said Bill of Complaint fails to state a cause of action.

2. That there is a misjoinder of parties Plaintiff.

3. That there is a misjoinder of parties Defendant.

4. That the same attempts to allege wilfull conduct on the part of the Defendant, RONNIE LEE POTTER, without alleging sufficient facts in support thereof.

5. The same fails to state a count of wilfull or wanton conduct against the Defendants.

6. That the said Bill of Complaint fails to sufficiently describe the place of said accident.


ATTORNEY FOR DEFENDANTS

Defendants respectfully demand a trial by jury.


ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 25 day of February 1970


Attorney for Defendants

FILED

MAR 2 1970

ALICE J. DUCK

CLERK
REGISTER

EVOL

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9104

694


STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Ronnie Lee Potter and Aubrey Potter, 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 the same, then and thereto answer the complaint of Richard F. Fye, a minor, suing by and through his mother and next of friend, Ora Dee Russell.

Witness my hand, this the 2 day of Feb, 1970.


Alice J. Duck, Clerk

RICHARD F. FYE, a minor, X
suing by and through his X
mother and next of friend, X
Ora Dee Russell, X

Plaintiff, X

vs. X

RONNIE LEE POTTER and X
AUBREY POTTER, X

Defendants. X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9104

1.

Plaintiff claims of the Defendants the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS as damages for that heretofore on, to-wit: the 23rd day of February, 1969, at the intersection of Fairhope Avenue and Section Street in the City of Fairhope, County of Baldwin, the Plaintiff was driving his motor cycle in a westerly direction on Fairhope Avenue, a place where he had a right to be; at which time and place, the Defendant Ronnie Lee Potter so negligently operated the motor vehicle he was driving so as to collide with the Plaintiff's motor cycle, and as a direct and proximate result of the negligence aforesaid, the Plaintiff was injured and damaged as follows: His left leg was crushed and torn, eight inches of the main artery in the leg was destroyed, his left shoulder was broken, he received a concussion of the brain, he was bruised,

wrenched and sprained about the body and he was permanently injured, and his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical and mental anguish. He has not been able to return to school or to perform his regular duties and activities, and that he is in a cast from his waste down to his left ankle; that he was caused to incur great expenses in and about procuring doctors, medicine, medical aid and attention, and hospital care and treatment of said injuries and that he will be required to do so indefinitely.

2.

Plaintiff claims of the Defendants the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS as damages, for that heretofore on, to-wit: the 23rd day of February, 1969, at the intersection of Fairhope Avenue and Section Street in the City of Fairhope, County of Baldwin, the Plaintiff was driving his motor cycle in a westerly direction on Fairhope Avenue, a place where he had a right to be; and at which time and place, the Defendant Ronnie Lee Porter so wantonly operated the motor vehicle he was driving so as to wantonly collide with the Plaintiff's motor cycle, and as a direct and proximate result of the wanton negligence, the Defendant, Ronnie Lee Potter, wantonly injured and damaged the Plaintiff as follows: His left leg was crushed and torn, eight inches of the main artery in the leg was destroyed, his left shoulder was broken, he received a concussion of the brain, he was bruised wrenched and sprained about the body and he was permanently injured, and his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical and mental anguish. He has not been able to return to school or to perform his regular duties and activities, and that he is in a cast from his waste down to his left ankle; that he was caused to incur great expenses in and about

procuring doctors, medicine, medical aid and attention, and hospital care and treatment of said injuries and that he will be required to do so indefinitely.

3.

Plaintiff claims of the Defendants the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS as damages for that heretofore on, to-wit: the 23rd day of February, 1969, at the intersection of Fairhope Avenue and Section Street in the City of Fairhope, County of Baldwin, the Plaintiff was driving his motor cycle in a westerly direction on Fairhope Avenue, a place where he had a right to be; at which time and place, the Defendant, Ronnie Lee Potter, while acting within the line and scope of his employment, as a servant, agent or employee of the Defendant Aubrey Potter, so negligently operated the motor vehicle he was driving so as to collide with the Plaintiff's motor cycle, and as a direct and proximate result of the negligence aforesaid, the Plaintiff was injured and damaged as follows: His leg was crushed and torn, eight inches of the main artery in the leg was destroyed, his left shoulder was broken, he received a concussion of the brain, he was bruised, wrenched and sprained about the body and he was permanently injured, and his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical and mental anguish. He has not been able to return to school or to perform his regular duties and activities, and that he is in a cast from his waste down to his left ankle; that he was caused to incur great expenses in and about procuring doctors, medicine, medical aid and attention, and hospital care and treatment of said injuries and that he will be required to do so indefinitely.

4.

Plaintiff claims of the Defendants the sum of ONE HUNDRED FIFTY THOUSAND (\$150,000.00) DOLLARS as damages, for that heretofore

on, to-wit: the 23rd day of February, 1969, at the intersection of Fairhope Avenue and Section Street in the City of Fairhope, County of Baldwin, the Plaintiff was driving his motor cycle in a westerly direction on Fairhope Avenue, a place where he had a right to be; and at which time and place, the Defendant, Ronnie Lee Potter, while acting within the line and scope of his employment, as a servant, agent or employee of the Defendant, Aubrey Potter, so wantonly operated the motor vehicle he was driving so as to wantonly collide with the Plaintiff's motor cycle, and as a direct and proximate result of the wanton negligence, the Defendant, Ronnie Lee Potter, wantonly injured and damaged the Plaintiff as follows: His left leg was crushed and torn, eight inches of the main artery in the leg was destroyed, his left shoulder was broken, he received a concussion of the brain, he was bruised, wrenched and sprained about the body and he was permanently injured, and his whole physical being was shaken and shocked, and he was made sick and sore and was caused to suffer great physical and mental anguish. He has not been able to return to school or to perform his regular duties and activities, and that he is in a cast from his waste down to his left ankle; that he was caused to incur great expenses in and about procuring doctors, medicine, medical aid and attention, and hospital care and treatment of said injuries and that he will be required to do so indefinitely.

WILTERS & BRANTLEY

BY:

Larry J. Wilters
Attorneys for the Plaintiff

Defendants address:
104 Magnolia Avenue
Fairhope, Alabama

FILED

FEB 2 1970

ALICE J. BEECH

CLERK
REGISTRAR

5 APR 1972 68 PAGE 441 70
4 APR 1972
Ronnie Lee Potter
Zannie Lee Potter
W. Cook

9104
Richard J. Fye, a minor
suing by & through his
mother & next of friend
Ura Lee Russell

vs.
Ronnie Lee Potter SM
Aubrey Potter ^{FATHER}

10411 HENOLD AVE.
928-

APR 5 1972
TAYLOR WILKINS
SHERIFF

Walters + Brantley

Received \$
and on 5 day of February 1972
I served a copy of the within S & C
on Ronnie Lee Potter &
Aubrey Potter
By _____

TAYLOR WILKINS SHERIFF
By _____ J.D.S.
RONNIE LEE POTTER IN SERVICE
NOT FOUND IN THIS COUNTY

Returned 5 day of February 1972
Not found in my county after diligent search and in-
quiry.

Sgt. J. Wilkins, Sheriff
By _____ W. Cook Deputy Sheriff
Fees: 70
Non Cents per mile Total \$ 7.00
TAYLOR WILKINS Sheriff
By _____