STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Maryland National Insurance Company 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 The Farmers and Merchants Bank of Foley, Alabama, a corporation.

Witness my hand this 6 day of ~~October, 1969.~~ Feb. 1970

Alice J. Duck

Clerk

The Farmers and Merchants Bank of Foley, a corporation,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
Maryland National Insurance Company, a corporation,	X	AT LAW NO. 9109
Defendant.	X	

COUNT ONE

The Plaintiff claims of the Defendant the sum of Twenty Six Thousand, Six Hundred and Fifty-six Dollars and Thirty Six Hundredths ($26,656.36), the value of a boat, to-wit the "Capt. Joe L." which the Defendant, on the first day of July, 1967 insured against lost or injury by the perils of the seas, and other perils in the policy of insurance mentioned, in the island and coastwise waters of the United States Gulf of Mexico and other waters which said boat was wholly lost by sinking on March 13, 1968 of which the

Defendant has had notice.

CHASON, STONE & CHASON

By: John E. Chason

The Plaintiff respectfully demands a trial of this cause by jury.

CHASON, STONE & CHASON

By: John E. Chason

FILED

FEB 6 1970

ALICE J. BUCK CLERK REGISTER

242-9-70

1636

RECEIVED IN OFFICE

FEB 9 1970

M. S. BUTLER, Sheriff

9109

The Farmers and Merchants Bank of Foley, a corporation,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
vs.	X	
Maryland National Insurance Company, a corporation,	X	AT LAW NO.
Defendant.	X	

* * * * * * * * * * * * * * * * * * * *

SUMMONS AND COMPLAINT

* * * * * * * * * * * * * * * * * * * *

FILED

FEB 6 1970

ALICE J. BUCK CLERK REGISTER

Serve: Roy Frank Ussery
Supt. of Ins. State
of Ala. Montgomery

M. S. Butler, Sheriff of Montgomery County, Alabama, Claim $1.50 each for serving 1 process(es) and $1.00 travel expense on each of 1 process(es) or a total of $2.50

W. L. Mason Deputy Sheriff

Received 6 day of February 19 70
and on 9 day of Feb 19 70
I served a copy of the within Roy Frank Ussery
on
By service on
TAYLOR WILLIAMS, Sheriff
By D. S.

Executed by serving 2 copies of the within on Frank Ussery Superintendent of Insurance, State of Alabama
This The 7 day of Feb 19 70
Sheriff of Montgomery County
M. S. Butler,
By W. L. Mason D. S.

HAMILTON, BUTLER, RIDDICK & LATOUR
ATTORNEYS AND COUNSELLORS AT LAW
AMERICAN NATIONAL BANK BUILDING
P. O. BOX 1743
MOBILE, ALABAMA
36601

THOMAS A. HAMILTON
CHARLES R. BUTLER
HARRY H. RIDDICK
OLIVER J. LATOUR, JR.
JAMES W. TARLTON, III

CHARLES R. BUTLER, JR.
JOSEPH M. ALLEN, JR.
JANELLA J. WOOD

PETER HAMILTON (1836-1888)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

CABLE ADDRESS:
HAMILTONS

TELEPHONE: 432-7517
AREA CODE 205

February 25, 1970

Honorable Alice J. Duck
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Re: The Farmers and Merchants Bank of Foley v. Maryland National Insurance Company
Circuit Court of Baldwin County
Case No. 9109

Dear Mrs. Duck:

You will find enclosed Notice that the above styled matter has been removed to the United States District Court, Southern District of Alabama. Enclosed likewise is a copy of the petition for removal and the removal bond. Would you please note on the extra copy of the notice of removal that it has been filed in your court and then return it to me in the enclosed stamped, self-addressed envelope.

Thank you in advance for your attention and cooperation in this matter.

Very truly yours,

For the Firm

OJL:jp
Enclosures

cc: John E. Chason, Esq.

STATE OF ALABAMA
DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama, hereby certify that on the 9th day of February, 1970, I sent by registered mail in an envelope as follows:

Maryland National Insurance Company
1447 Peachtree Street, N. E.
Atlanta, Georgia 30309

REGISTERED MAIL
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

The Farmers and Merchants Bank of Foley, Plaintiff

VERSUS

Maryland National Insurance Company, Defendant

in the Circuit Court of Baldwin County
(Name of Court)

And that on the 17th day of February, 1970, I received the return card showing receipt by the designated addressee of said envelope on the 12th day of February, 1970.

Witness my hand and official seal this the 18th day of February, 1970.

R. Frank Ussery
SUPERINTENDENT OF INSURANCE

FILED
FEB 1 9 1970
ALICE J. BUCK CLERK REGISTER

VOL 64 PAGE 487

6189

THE FARMERS AND MERCHANTS BANK OF FOLEY, a corporation,	*	IN THE CIRCUIT COURT OF
	*	BALDWIN COUNTY, ALABAMA
Plaintiff,	*	AT LAW
v.	*	
MARYLAND NATIONAL INSURANCE COMPANY, a corporation,	*	
Defendant.	*	CASE NO. 9109

TO: HONORABLE ALICE J. DUCK
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

TO: JOHN E. CHASON, ESQ.
Chason, Stone & Chason
119 Hoyle Avenue
Bay Minette, Alabama

Please take notice that the Maryland National Insurance Company, the Defendant in the above styled cause, has this date filed its petition and bond for removal, copies of which are attached hereto, in the office of the Clerk of the United States District Court for the Southern District of Alabama, Southern Division.

HAMILTON, BUTLER, RIDDICK & LATOUR

BY: _____
Attorney for Defendant
P. O. Box 1743
Third Floor, American National Bank Building
Mobile, Alabama

FILED
FEB 26 1970
ALICE J. DUCK CLERK REGISTER

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION

MARYLAND NATIONAL INSURANCE COMPANY, a corporation,	*	
Petitioner,	*	
v.	*	CIVIL ACTION
THE FARMERS AND MERCHANTS BANK OF FOLEY, a corporation,	*	NO. 5897-70-T
Respondent.	*	

PETITION FOR REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION:

The Petition of the Maryland National Insurance Company for removal of this action from the Circuit Court of Baldwin County, Alabama, to the United States District Court for the Southern District of Alabama, Southern Division, respectfully shows to Your Honors as follows:

1. That Your Petitioner, Maryland National Insurance Company, is the Defendant in that certain civil action brought against it in the Circuit Court of Baldwin County, Alabama, entitled: "The Farmers and Merchants Bank of Foley, a corporation, Plaintiff, v. Maryland National Insurance Company, a corporation, Defendant", being Case Number 9109 on the law docket of said Court. A copy of the Summons and Complaint in that action is attached hereto and constitutes all process, pleadings, and orders served upon Petitioner in such action.

2. That Plaintiff requested service of process consisting of said Summons and Complaint be made upon the Defendant pursuant to Title 28, Sec. 413, Code of Alabama, by serving the Superintendent of Insurance for the State of Alabama. The said Superintendent of Insurance was served with process on, to-wit, February 9,

1970, and forwarded to Petitioner a copy of the Summons and Complaint which was received by Petitioner on, to-wit, February 10, 1970, at Atlanta, Georgia.

3. That the controversy herein between the said The Farmers and Merchants Bank of Foley and Maryland National Insurance Company is a controversy between citizens of different states in that at the time of the service of the Summons and Complaint, Petitioner was, and now is, a corporation duly organized and existing under and by virtue of the laws of the State of Georgia and is a citizen of the State of Georgia with its principal place of business in Atlanta, Georgia. At the time of service of the said Summons and Complaint, The Farmers and Merchants Bank of Foley, a corporation, was, and now is, a corporation duly organized and existing under and by virtue of the laws of the State of Alabama, and is a citizen of the State of Alabama, with its principal place of business in Baldwin County, Alabama.

4. That the matter in controversy exceeds the sum of $10,000, exclusive of interest and costs.

5. That this is a civil action brought in a State Court of which the United States District Courts have original jurisdiction because of diversity of citizenship, amount involved, and the Defendant is not a citizen of the State of Alabama in which this action was brought.

6. That Your Petitioner files and presents herewith a bond, with good and sufficient surety, in the penal sum of $500 conditioned as required by the Acts of Congress on that behalf duly made and provided, that Petitioner will pay all costs and disbursements incurred by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.

WHEREFORE, Your Petitioner prays that this cause be removed to this Court and proceed in this Court as allowed by law.

HAMILTON, BUTLER, RIDDICK & LATOUR

BY: _____

Attorneys for Petitioner
P. O. Box 1743
Third Floor, American National Bank Building
Mobile, Alabama 36601

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared OLIVER J. LATOUR, JR., who is known to me, and who by me being first duly sworn on oath deposes and says that he is a partner in the law firm of Hamilton, Butler, Riddick & Latour and he is one of the attorneys for the Petitioner in the above styled cause; that he has read the foregoing petition and knows the contents thereof and that the same are true and correct.

_____
OLIVER J. LATOUR, JR.

Sworn to and subscribed before me
this 25th day of February, 1970.

Joyce A. Dorris
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA
My Commission Expires: 11/14/71

FILED
FEB 26 1970
ALICE J. DUCK CLERK REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Maryland National Insurance Company 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 The Farmers and Merchants Bank of Foley, Alabama, a corporation.

Witness my hand this 6 day of ~~October, 1969.~~ Feb 1970

Alice J. Kluck
Clerk

The Farmers and Merchants Bank of Foley, a corporation,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
Maryland National Insurance Company, a corporation,	X	AT LAW NO. 9109
Defendant.	X	

COUNT ONE

The Plaintiff claims of the Defendant the sum of Twenty Six Thousand, Six Hundred and Fifty-six Dollars and Thirty Six Hundredths ($26,656.36), the value of a boat, to-wit the "Capt. Joe L." which the Defendant, on the first day of July, 1967 insured against lost or injury by the perils of the seas, and other perils in the policy of insurance mentioned, in the island and coastwise waters of the United States Gulf of Mexico and other waters which said boat was wholly lost by sinking on March 13, 1968 of which the

Defendant has had notice.

CHASON, STONE & CHASON

By: John S. Chason

The Plaintiff respectfully demands a trial of this cause by jury.

CHASON, STONE & CHASON

By: John S. Chason

FILED

FEB 6 1970

ALICE J. BUCK CLERK REGISTER

STATE OF ALABAMA)

COUNTY OF MOBILE)

KNOW ALL MEN BY THESE PRESENTS, that we, MARYLAND NATIONAL INSURANCE COMPANY, a corporation, as Principal, and WESTERN SURETY COMPANY OF SIOUX FALLS, SOUTH DAKOTA _____, as Surety, are held and firmly bound unto THE FARMERS AND MERCHANTS BANK OF FOLEY, a corporation, its successors and assigns, in the sum of FIVE HUNDRED AND NO/100 DOLLARS ($500.00) for the payment of which, well and truly to be made, we, and each of us bind ourselves, our successors and assigns, jointly and severally by these presents.

WHEREAS, the said Maryland National Insurance Company has petitioned the United States District Court for the Southern District of Alabama, Southern Division, for the removal to said Court of an action now pending in the Circuit Court of Baldwin County, Alabama, wherein the said The Farmers and Merchants Bank of Foley, a corporation, is Plaintiff and the said Maryland National Insurance Company, a corporation, is Defendant, and being Numbered 9109 upon the Law Docket of said Court;

NOW, THEREFORE, the condition of the above obligation is such that the said Maryland National Insurance Company shall pay all costs and disbursements incurred by reason of the said Removal proceedings should it be determined that the said action was not removable or was improperly removed, then this obligation shall be null and void, otherwise it shall remain in full force and effect.

WITNESS our hands and seals this 25 day of February, 1970.

MARYLAND NATIONAL INSURANCE COMPANY

BY: _____
Its Attorney-In-Fact

HAMILTON, DENNISTON, BUTLER & RIDDICK
MOBILE, ALABAMA

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WESTERN SURETY COMPANY OF

SIOUX FALLS, SOUTH DAKOTA

By: S. Croom

Its Attorney-in-Fact

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Joyce A. Davis, a Notary Public in and for said County in said State, hereby certify that Oliver J. Latour, Jr., whose name as Attorney-In-Fact of Maryland National Insurance Company is signed to the foregoing bond, and who is known to me, acknowledged before me on this date, that, being informed of the contents of said bond, he, as such Attorney-In-Fact and with full authority, executed the same voluntarily for and as the act of said Maryland National Insurance Company.

Given under my hand and official seal this 25th day of February, 1970.

Joyce A. Davis

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

My Commission Expires: 11/14/71

(AFFIX NOTARIAL SEAL)

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, the undersigned authority, in and for said County in said State, hereby certify that S. G. Croom whose name as Attorney-In-Fact for Western Surety Company of Sioux Falls, South Dakota is signed to the foregoing bond and who is known to me, acknowledged before me on this date that being informed of the contents of the bond, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in his capacity as aforesaid.

Given under my hand and official seal this 25th day of February, 1970.

Joyce A. Davis

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

My Commission Expires: 11/14/71

(AFFIX NOTARIAL SEAL)

FILED

FEB 26 1970

ALICE J. DUCK CLERK REGISTER