

No. 26306STATE OF ALABAMA
Jefferson CountyCIRCUIT COURT
Tenth Judicial CircuitNorma P. Ard

VS.

Ethel B. MilesClem Hicks

CLERK'S FEES	RATE	AMOUNT
Filing suit for not over \$100	\$ 6.00	
Filing suit over \$100 & not over \$1,000	10.00	
Filing suit for not less than \$1,000	20.00	<u>20 00</u>
Transfers and appeals from Probate	20.00	
Filing detinue or ejectment	10.00	
Appeals from Civil Court of Jeff. Co.	15.00	
Appeals from courts of \$100 jurisdiction	6.00	
Appeals from Dept. of State	10.00	
Filing Mandamus, Cert., etc.	15.00	
Filing Workmen's Comp. Settlement	10.00	
Filing ancillary proceeding	6.00	
Filing motion to sell real property	6.00	
Execution issued by State	3.00	
Application Habeas Corpus	6.00	
Filing any proceeding not otherwise provided for	10.00	
Certified copies		
Making Transcript for appeals		
Filing Bond on appeal	.75	
Transcript of evidence	10.00	
Filing papers on appeal	.10	
Issuing notices of appeals	.75	
Copies	.75	
Certificate of appeal		
THIS AMOUNT CARRIED FOR'D.		<u>20 00</u>

SHERIFF'S FEES	RATE	AMOUNT
Serving any summons or other process	\$2.50	
Serving subpoenas	.75	
Levying Attachment	6.00	
Entering and returning same	.25	
Impanelling jury	.75	
Collecting cost under execution	1.50	
Approving Bond	2.00	
Serving Attachment for contempt	1.50	
Making deed	2.50	
Writ of Restitution	5.00	
Seizing Personal Property	7.50	
1/2 Commission		
Recording Levy		
Notice of Levy	1.50	
Publication		
Drayage and Storage		
Mileage (O.C.)		
THIS AMOUNT CARRIED FOR'D.		

RECAPITULATION	AMOUNT
<u>4-3-70 Judgment Transferred to Baldwin Co.</u>	
10% Damages	
Interest from	
Clerk (County)	<u>20 00</u>
Clerk's 1/2 Commission	
Sheriff (County)	
Witnesses	
Court of General Sessions	
Probate Court	
Civil Court of Jefferson County	
Pltff's. Secy. State Fee	<u>5 00</u>
Commissioner	
Publisher	
Hospital Record	
Sheriff other Counties	<u>250</u>
" " "	<u>650</u>
" " "	
" " "	
Garnishee	
State Trial Tax	<u>3 00</u>
Library Tax	<u>1 00</u>
TOTAL JUDGMENT AND FEES	<u>38 00</u>

SEE  FOR TOTAL

Make check for above amount payable to Julian Swift, Clerk Circuit Court, Birmingham, Alabama. Payable within thirty days.

NORMA P. ARD,

X

Plaintiff,

X

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

X

ETHEL B. MILES, CLEM
HICKS, et al.,

X

AT LAW

X

Defendants.

X

DEMURRER

Come now the Defendants in the above styled cause and demur to the Complaint filed in said cause and each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not allege any duty owing by the Defendants to the Plaintiff.
3. That said complaint does not sufficiently set out the place where the accident occurred.
4. That said complaint does not allege whether the Plaintiff was driving the vehicle in which she was riding.
5. That said complaint does not allege which Defendant was driving the vehicle which collided with the car in which the Plaintiff was riding.
6. That said complaint does not allege which Defendant was the owner and which Defendant was the operator of the vehicle that collided with the car in which the Plaintiff was riding.
7. That there is a misjoinder of parties defendant in said cause.

Chason Stone & Chason
Attorneys for Defendants

Defendants demand a trial of this cause by a jury.

CHASON, STONE & CHASON

By: *John Chason*
Attorneys for Defendants

Certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 21 day

of April 1970

Filed 4-21-70
Alice J. Duck
Clerk

NORMA P. ARD,

Plaintiff,

VS.

ETHEL B. MILES, CLEM HICKS,
et al.,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

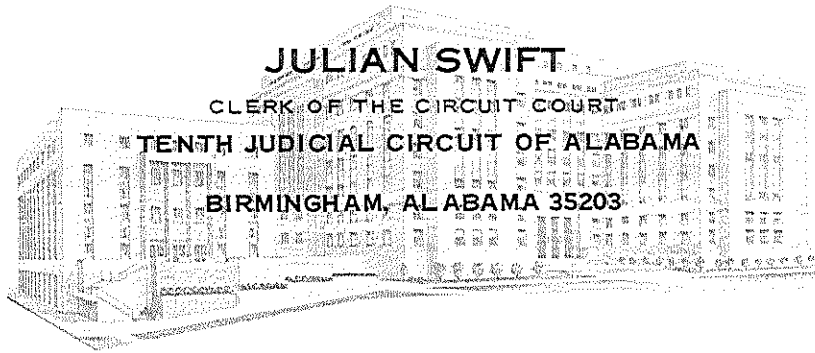
DEMURRER

* * * * *

Filed 4-21-70
Alice Duck
clerk

700,9242

MRS. BEATRICE PORTER,
CHIEF CLERK



April 30, 1970

Honorable Alice J. Duck, Clerk:

MINUTE ENTRY

6306 Norma P. Ard) Present and Presiding,
vs) Whit Windham,
Ethel B. Miles, et als) Judge of Circuit Court.

On this the 3rd day of April, 1970, came the parties by their attorneys, and the court having sustained the defendants' plea in abatement, whereupon,

It is ordered and adjudged by the court that this cause be and the same is hereby transferred to the Circuit Court of Baldwin County, holding at Bay Minette, Alabama, pursuant to Title 7, Section 64 (1&2).

I do hereby certify, that the above is a true and correct copy of the Minute Entry found in Minute Book 308, on Page 31.

FILED

MAY 1 1970

ALICE J. DUCK CLERK
RECORDED

Julian Swift
Julian Swift, Clerk

FILED IN OFFICE

February 5, 1970

NORMA P. ARD, Plaintiff

FEB 9 1970

IN THE CIRCUIT COURT, TENTH
JUDICIAL CIRCUIT OF ALABAMA

VS

JULIAN SWIFT
CLERK

CLEM HICKS, et al, Defendants

CASE NO. 26306

TO THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA

I, Mabel Amos, Secretary of State, hereby certify that on January 30, 1970
I sent by certified mail in an envelope addressed as follows:

"Clem Hicks
VI-2 N. A. S.
Whiting Field, Milton, Florida 32570"

"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:

"Clem Hicks
VI-2 N.A.S.
Whiting Field, Milton, Florida 32570

You will take notice that on January 30, 1970 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: NORMA P. ARD, Plaintiff VS CLEM HICKS, et al, Defendants

in the CIRCUIT COURT, TENTH JUDICIAL CIRCUIT OF ALABAMA
Case No. 26306 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 30th day of January, 1970

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 February 4, 1970 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Milton, Fl.
on Feb. 3, 1970

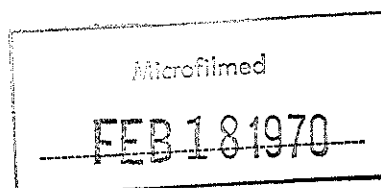
WITNESS MY HAND and the Great Seal of the State of Alabama this the 5th day of February, 1970

Mabel S. Amos

MABEL S. AMOS
Secretary of State

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

CC: Honorable James J. Thompson, Jr.
Hare, Wynn, Newell and Newton
700 City Federal Building
Birmingham, Alabama 35203



FILED IN OFFICE

JAN 9 1970

26366

STATE OF ALABAMA) IN THE JUDICIAL CIRCUIT COURT
JEFFERSON COUNTY) OF JEFFERSON COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA - Greetings:

You are hereby commanded to summon Ethel B. Miles; Clem Hicks; Defendants A and B, the owner and operator respectively of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made on the occasion made the basis of this suit; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown to plaintiff but will be added by amendment when ascertained, to appear before the Circuit Court of said county, at the place of holding same, within thirty days from service of this process, then and there to answer the complaint of NORMA P. ARD.

Witness my hand this 9 day of Jan, 1970.

J. J. Smith
Clerk

COMPLAINT

NORMA P. ARD,

Plaintiff

vs.

ETHEL B. MILES; CLEM HICKS; Defendants A and B, the owner and operator respectively of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made on the occasion made the basis of this suit; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown but will be added by amendment when ascertained,

Defendants

COUNT ONE

Plaintiff claims of the defendants the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages for that heretofore on to-wit, October 10, 1969, plaintiff was riding in a motor vehicle on a public highway in Baldwin County, Alabama on to-wit, Alabama Highway No. 59 at or near its intersection with Baldwin County Highway No. 32, and at the same time and place, the defendants caused or allowed a motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said collision, the plaintiff was damaged and injured

FILED

MAY 1 1970

CLERK
REGISTER

Microfilmed
JAN 27 1970

26306
as follows:

She was knocked, shocked, bruised and contused; she was made sick and sore; her arms, head and legs were injured; she was injured in the various and separate parts of her body; her ribs were injured; and her legs were cut and bruised; and she was internally injured and permanently injured, all to her detriment for which she claims.

Plaintiff avers that defendants negligently caused or negligently allowed the motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said negligence, the plaintiff was damaged and injured as hereinabove set forth.

COUNT TWO

Plaintiff refers to and adopts all the words and figures of Count One of her complaint down to and including the words "all to her detriment for which she claims" and adds thereto the following:

Plaintiff avers that defendants wantonly injured her by wantonly causing or wantonly allowing the motor vehicle of which they were in charge or control to collide with the vehicle in which plaintiff was riding, and as a proximate consequence of said wanton conduct, plaintiff was damaged and injured as hereinabove set forth.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

Plaintiff demands a trial by a struck jury in the above styled cause.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

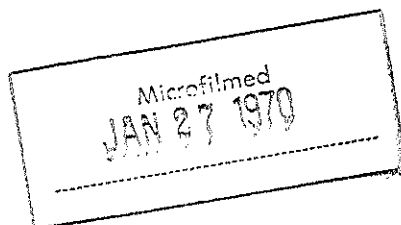
By James J. Thompson, Jr.

Plaintiff's address:
Post Office Box 315
Robertsdale, Alabama

Serve defendant Ethel B. Miles at: General Delivery, Robertsdale, Alabama

Serve defendant Clem Hicks through Secretary of State at: VI-2, N.A.S.,
Whiting Field, Milton, Florida 32570

TRIAL COUNSEL: James J. Thompson, Jr.
700 City Federal Building
Birmingham, Alabama 35203



1529 26306

RECEIVED IN OFFICE
JAN 30 1970
M. S. BUTLER, Sheriff

3

C. A.

Executed by serving 3 copies of
the within on W. L. Moore
Secretary of the State of
Alabama.
This the 30 day of Jan 1970

Sheriff of Montgomery County
M. S. Butler
By W. L. Moore D. S.

Microfilmed
2-6-70

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 \$1.50

W. L. Moore Deputy Sheriff

W. L. Moore
JAN 30 1970

JAN 30 1970

STATE OF ALABAMA) 9 IN THE TENTH JUDICIAL CIRCUIT COURT

JEFFERSON COUNTY) OF JEFFERSON COUNTY, ALABAMA

JULIAN SWIFT
CLERK

TO ANY SHERIFF OF THE STATE OF ALABAMA - Greetings:

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Witness my hand this 9 day of Jan, 1970.

Julian Swift
Clerk

COMPLAINT

NORMA P. ARD,

Plaintiff

vs.

ETHEL B. MILES; CLEM HICKS; Defendants A and B, the owner and operator respectively of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendant C, the person for whose benefit the trip was being made on the occasion made the basis of this suit; Defendant D, the employer of the operator of the vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit; Defendants E, F and G, the person, firm or corporation respectively, responsible for the maintenance, inspection and repair of the motor vehicle that collided with the vehicle in which plaintiff was riding on the occasion made the basis of this suit, all of whose true names are otherwise unknown but will be added by amendment when ascertained,

Defendants

COUNT ONE

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Microfilmed

JAN 27 1970

26306
as follows:

She was knocked, shocked, bruised and contused; she was made sick and sore; her arms, head and legs were injured; she was injured in the various and separate parts of her body; her ribs were injured; and her legs were cut and bruised; and she was internally injured and permanently injured, all to her detriment for which she claims.

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HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

By James J. Thompson, Jr.

Plaintiff demands a trial by a struck jury in the above styled cause.

HARE, WYNN, NEWELL and NEWTON
Attorneys for Plaintiff

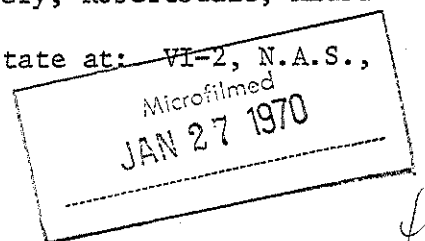
By James J. Thompson, Jr.

Plaintiff's address:
Post Office Box 315
Robertsdale, Alabama

Serve defendant Ethel B. Miles at: General Delivery, Robertsdale, Alabama

Serve defendant Clem Hicks through Secretary of State at: VI-2, N.A.S.,
Whiting Field, Milton, Florida 32570

TRIAL COUNSEL: James J. Thompson, Jr.
700 City Federal Building
Birmingham, Alabama 35203



Original

9-25-50

Microfilmed
8-10-70
B

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY *Brown*
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff
BY *T. Brown*
D. S.
*30 miles R. F.
R-Rate*

Received 30 day of *January* 19 *70*
and on 30 day of *Jan* 19 *70*
I served a copy of the within *Att. 11000*
on *Att. 11000*
By service on _____

9 6 306

50

FEB 17 1970

JULIAN SWIE
CLERK

NORMA P. ARD,

PLAINTIFF,

VS.

ETHEL B. MILES, et al,

DEFENDANTS.)

IN THE CIRCUIT COURT FOR

THE TENTH JUDICIAL CIRCUIT

OF ALABAMA

CASE NO. 26306

PLEA IN ABATEMENT

Come the Defendants, ETHEL B. MILES and CLEM HICKS, separately and severally, by and through their attorneys and appearing specially for the purpose of filing this plea in abatement and for no other purpose whatsoever and without submitting this defendant to the jurisdiction of this Court, aver that the motor vehicle collision made the basis of this suit occurred in Baldwin County, Alabama and that neither of the defendants are residents of Jefferson County, Alabama, the Defendant, ETHEL B. MILES residing in Baldwin County, Alabama, and the Defendant, CLEM HICKS, residing in the City of Milton, Florida, and that, therefore, this Honorable Court does not have jurisdiction of this cause and this cause was improperly filed in the Circuit Court for the Tenth Judicial Circuit of Alabama, and should be transferred to the Circuit Court of Baldwin County, Alabama.

WHEREFORE, PREMISES CONSIDERED, this defendant moves the Court to transfer this cause to the Circuit Court of Baldwin County, Alabama pursuant to the provisions of Title 7, Section 64(1) of the 1940 Code of Alabama.

RIVES, PETERSON, PETTUS, CONWAY & BURGE
Seventeenth Floor
Twenty-one Twenty-one Building
Birmingham, Alabama 35203
Telephone: 328-8141

By

Herbert W. Peterson
Attorneys for Defendants,
ETHEL B. MILES and CLEM HICKS

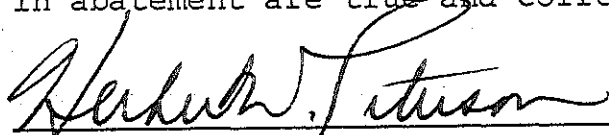
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FEB 25 1970

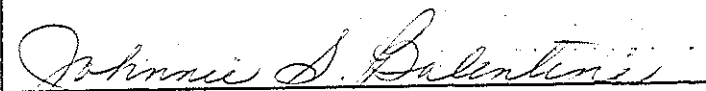
26306

STATE OF ALABAMA)
 (
JEFFERSON COUNTY)

Personally appeared before me, the undersigned authority in and for said county in said state, Herbert W. Peterson, who is known to me and being by me first duly sworn deposes and says that he is attorney for the Defendants, Ethel B. Miles and Clem Hicks, in the above styled cause and that the averments of the above and foregoing plea in abatement are true and correct.

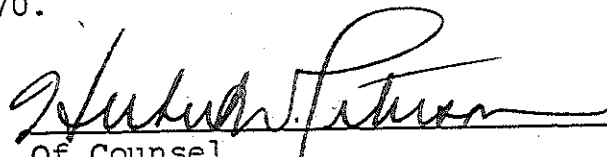

Herbert W. Peterson

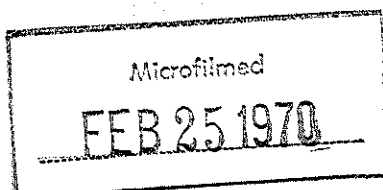
SWORN to and subscribed before
me, this 17th day of February, 1970.


NOTARY PUBLIC

CERTIFICATE AS TO SERVICE

I, Herbert W. Peterson, hereby certify that a copy of the above and foregoing Plea in Abatement has been served upon Messrs. Hare, Wynn, Newell & Newton, City Federal Building, Birmingham, Alabama, attorneys for plaintiff in the above styled cause, by mailing a copy of the same to the office of said attorneys, properly addressed and postage prepaid, on this the 17 day of February, 1970.


Of Counsel



12

NORMA P. ARD,)	
)	
PLAINTIFF,)	IN THE CIRCUIT COURT OF
-vs-)	BALDWIN COUNTY, ALABAMA
ETHEL B. MILES, CLEM)	AT LAW
HICKS, et al,)	CASE NO. _____
DEFENDANTS.)	

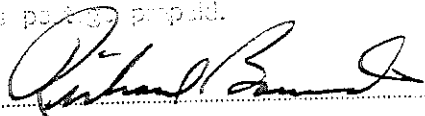
Comes now Cunningham, Bounds & Byrd and appear in the above cause as additional attorneys on behalf of the Plaintiff.

CUNNINGHAM, BOUNDS & BYRD

BY: 
 RICHARD BOUNDS

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 24 day of April 1970, served a copy of the foregoing pleading on Richard Bounds by mailing the same by United States mail, properly addressed, and first class postage prepaid.



FILED

APR 27 1970

ALICE J. DUCK CLERK
 REGISTER

No. 26306

This is a Branch of the original suit and all the summons constitute one suit, and are for one and the same cause of action.

Witness my hand, this 9 day of Jan, 1920.

Julian Swift
Circuit Clerk

4

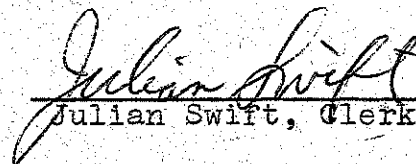
STATE OF ALABAMA

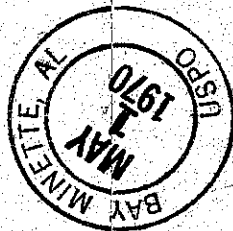
JEFFERSON COUNTY

IN THE CIRCUIT COURT OF THE
TENTH JUDICIAL CIRCUIT OF ALABAMA

I, the undersigned, Clerk of the Circuit Court do hereby certify that the enclosed papers numbered from 1 to 7, 1 to 19, 1 to 9 and 1 to 7, are all of the original papers filed together with a transcript of all the minutes and orders of court in the cases of Bertha Lovetto vs Ethel B. Miles, et als, Philip Lovetto vs Ethel B. Miles, et als, Merriel S. Ard vs Ethel B. Miles, et als, and Norma P. Ard vs Ethel B. Miles, et als, cases numbered respectively; 26303, 26304, 26305 and 26306.

I further enclose a statement of court costs accrued to date.


Julian Swift, Clerk



FILED

MAY 1 1970

ALICE J. DICK CLERK

PLEASE FURNISH SERVICE INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.	
<input type="checkbox"/> Show to whom, date and address where delivered.	<input checked="" type="checkbox"/> Deliver ONLY to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.		SIGNATURE OR NAME OF ADDRESSEE (<i>Must always be filled in</i>)
CERTIFIED NO. 52101	1	<i>Clem Hicks</i>
INSURED NO.	2	SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
DATE DELIVERED FEB 9 1970	3	Deliver to addressee only
SHOW WHERE DELIVERED (<i>only if requested</i>)		
FEB 18 1970		

GPO 655-16-71549-11 347-198

21 over

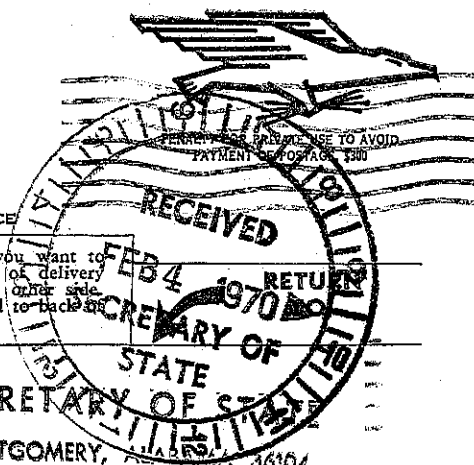
POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POD Form 3811 Apr. 1969 655-10-7168-11



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.



FEB 18 1970

MONTGOMERY, ALABAMA 36104