

JAMES D. LEWIS,	: IN THE CIRCUIT COURT OF
PLAINTIFF,	: BALDWIN COUNTY, ALABAMA
VS.	: AT LAW
REX HILMAN DEASE,	:
DEFENDANT.	: CASE NO: 9130

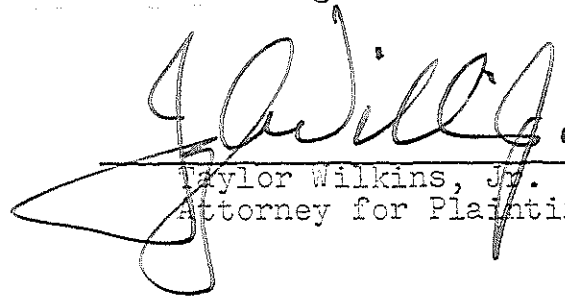
COUNT ONE

Plaintiff claims of the defendant the sum of TWENTY-FIVE THOUSAND and NO/100 (\$25,000.00) DOLLARS as damages for that heretofore and on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so negligently operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there operating his automobile on said public road and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, his head was contused, he suffered an injury to his hip, he incurred medical expenses for the treatment of his injuries and lost time from his employment, his car was bent, broken, smashed and rendered less valuable, and he was caused to suffer great physical and mental pain, for all of which he claims damages as aforesaid, hence this suit.

COUNT TWO:

Plaintiff claims of the defendant the sum of TWENTY-FIVE THOUSAND and NO/100 (\$25,000.00) DOLLARS as damages for that heretofore, on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so wantonly operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there operating his automobile on said public road and

as a proximate result of the wanton negligence of the defendant as aforesaid, plaintiff was made sick, sore, and lame, his head was contused, he suffered an injury to his hip, he incurred medical expenses for the treatment of his injuries and lost time from his employment, his car was bent, broken, smashed and rendered less valuable, and he was caused to suffer great physical and mental pain, for all of which he claims damages as aforesaid, hence this suit.


Taylor Wilkins, Jr.
Attorney for Plaintiff

FILED

FEB 18 1970

ALICE J. BERRY 9077

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

}

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Rex Hilman Dease.....

.....
.....
.....

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against.....

Rex Hilman Dease..... Defendant.....

by James D. Lewis.....

....., Plaintiff.....

Witness my hand this 18 day of February 1970..

Becky W. Smith, Clerk

42-20-70

VOL

65 PAGE 503

No. 9130

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

JAMES D. LEWIS

Plaintiffs

vs.

REX HILMAN DEASE

Defendants

SUMMONS AND COMPLAINT

Filed FEB 12 1970 19.....

Clerk

ALICE J. BOCK
CLERK
REGISTER

Defendants Address is:
8230 Lawton Road
Pensacola, Florida

Taylor Wilkins
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Received In Office

M. S. BUTLER, Sheriff

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Executed by serving 3 copies to

the within on Mable Jones

Secretary of State of The State of

Alabama.

THIS COPY OF Feb 20 19.....

Sheriff of Baldwin County

M. S. Butler

By W. L. Moser D. S.

M. S. Butler, Sheriff of Montgomery

County, Alabama, Credit \$1.50 each for

serving process and \$1.00

travel expense on each of

process of a total of \$2.50

W. L. Moser Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

JAMES D. LEWIS, : IN THE CIRCUIT COURT OF
PLAINTIFF, : BALDWIN COUNTY, ALABAMA
VS. : AT LAW
REX HILMAN DEASE, :
DEFENDANT. : CASE NO: 9130

STATE OF ALABAMA
BALDWIN COUNTY

AFFIDAVIT

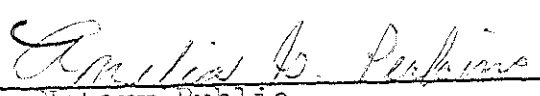
Comes now Taylor Wilkins, Jr., attorney of record for the plaintiff in the above cause, being duly sworn on oath, deposes and says:

That in the belief of such affiant defendant, Rex Hilman Dease, the operator of the vehicle referred to in the complaint, is a non-resident of the State of Alabama, residing at 8230 Lawton Road, Pensacola, Florida, and that the defendant was a non-resident at the time of the accident made the basis of this suit and that the sheriff of Baldwin County nor any sheriff of the State of Alabama can serve process upon him in this cause; that to the best of affiant's knowledge, information and belief the P. O. Box address of said defendant is as follows: 8230 Lawton Road, Pensacola, Florida.

The plaintiff request that process shall be issued as provided for by Title 7, Section 199 of the Code of Alabama, 1940 as recompiled in 1958.


Taylor Wilkins, Jr.

Subscribed and sworn to before me on this 18th day of
February, 1970


Notary Public
Baldwin County, Alabama

FILED

FEB 18 1970

ALICE J. DUCK CLERK
REGISTER

February 25, 1970

JAMES D. LEWIS, Plaintiff

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

VS

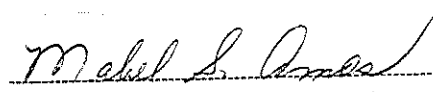
REX HILMAN DEASE, Defendant

CASE NO. 9130

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

I, Mabel Amos, Secretary of State, hereby certify that on February 20, 1970
I sent by certified mail in an envelope addressed as follows:"Rex Hilman Dease
8230 Lawton Road
Pensacola, Florida 32504""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:"Rex Hilman Dease
8230 Lawton Road
Pensacola, Florida 32504You will take notice that on February 20, 1970 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: JAMES D. LEWIS, Plaintiff VS REX HILMAN DEASE, Defendantin the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9130 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 20th
day of February, 1970

Enclosure (1)

(Signed) Mabel Amos
Secretary of StateI 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 25, 1970 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Pensacola, Fl.
2/24/70WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th day
of February, 1970
Mabel Amos
Secretary of StateEnclosures: Return Receipt Card and copy
of Summons and Complaint.
CC: Honorable Taylor D. Wilkins, Jr.
P. O. Box 61
Bay Minette, Alabama 36507

JAMES D. LEWIS,
PLAINTIFF,
VS.
REX HILMAN DEASE,
DEFENDANT.

: IN THE CIRCUIT COURT OF
: BALDWIN COUNTY, ALABAMA
: AT LAW
:
: CASE NO: 9130

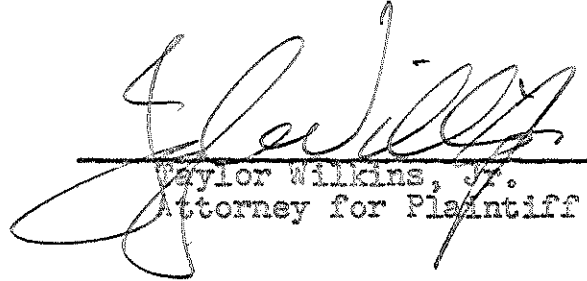
COUNT ONE


Plaintiff claims of the defendant the sum of TWENTY-FIVE THOUSAND and NO/100 (\$25,000.00) DOLLARS as damages for that heretofore and on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so negligently operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there operating his automobile on said public road and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, his head was contused, he suffered an injury to his hip, he incurred medical expenses for the treatment of his injuries and lost time from his employment, his car was bent, broken, smashed and rendered less valuable, and he was caused to suffer great physical and mental pain, for all of which he claims damages as aforesaid, hence this suit.

COUNT TWO:

Plaintiff claims of the defendant the sum of TWENTY-FIVE THOUSAND and NO/100 (\$25,000.00) DOLLARS as damages for that heretofore, on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so wantonly operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there operating his automobile on said public road and

as a proximate result of the wanton negligence of the defendant as aforesaid, plaintiff was made sick, sore, and lame, his head was contused, he suffered an injury to his hip, he incurred medical expenses for the treatment of his injuries and lost time from his employment, his car was bent, broken, smashed and rendered less valuable, and he was caused to suffer great physical and mental pain, for all of which he claims damages as aforesaid, hence this suit.

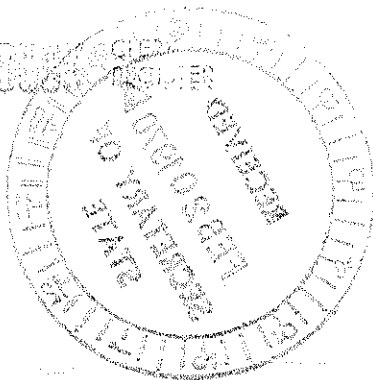

Taylor Wilkins, Jr.
Attorney for Plaintiff

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


FILED

FEB 18 1970

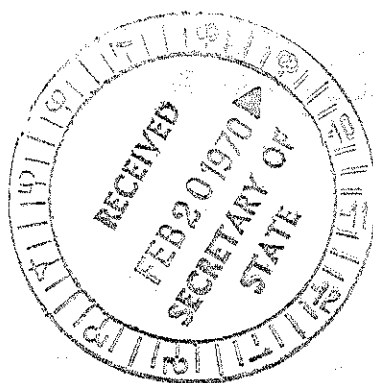
ALICE J. DUNN



as a proximate result of the wanton negligence of the defendant
as aforesaid, Plaintiff was made sick, sore, and lame, his head
was contused, he sustained an injury to his hip, he incurred med-
ical expenses for the treatment of his injuries and lost time from
his employment, his ear was bent, broken, smashed and rendered
less valuable, and he was caused to suffer great physical and
mental pain, for all of which he claims damages as aforesaid,

hence this suit.

Attorney for Plaintiff



SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

} No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Rex Hilman Dease

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint

filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against.....

Rex Hilman Dease

... Defendant.....

by James D. Lewis

....., Plaintiff.....

Witness my hand this 18 day of February 1970

Delice J. Daise Clerk

No. 9130

Page.....

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Recieved In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

LAW OFFICES
HOLBERG, TULLY AND HODNETTE

1107 MILNER BUILDING

P. O. BOX 47

MOBILE, ALABAMA

36601

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
ROBERT E. HODNETTE, JR.
RALPH G. HOLBERG, III
JACK W. MORGAN

TELEPHONE
432-8863

March
17th,
1970

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

RE: James D. Lewis vs. Rex Hilman Dease
Case No. 9130 - Baldwin County

Cora Lewis vs. Rex Hilman Dease
Case No. 9131 - Baldwin County

Dear Mrs. Duck:

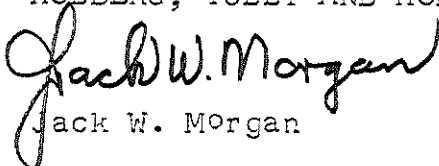
Please be advised that it is our pleasure to represent Mr. Rex Hilman Dease in the two above mentioned cases which are filed in the Circuit Court of Baldwin County. Enclosed herewith are Demurrers in each case which we respectfully request be filed.

Also enclosed is an extra copy of the Demurrers in each case and it is respectfully requested that these documents be stamped when received and returned to our office for our records.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely yours,

HOLBERG, TULLY AND HODNETTE


Jack W. Morgan

JWM/sk

Encls.

JAMES D. LEWIS,

Plaintiff,

vs.

REX HILMAN DEASE,

Defendant.

¶

¶

¶

¶

¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9130

DEMURRER TO COMPLAINT

Comes now the Defendant, REX HILMAN DEASE, and demurs to the Plaintiff's Complaint herein, and to each count thereof, separately and severally, on the following separate and several grounds, to-wit:

1. Sufficient facts are not alleged therein to state a cause of action.

2. Sufficient facts are not alleged therein to state a claim upon which relief can be granted.

3. The allegations set forth therein are vague, uncertain and indefinite.

4. The allegations set forth therein are mere conclusions of the pleader unsupported by sufficient averments of fact.

5. For aught appearing therein, said Defendant owed no legal duty to the Plaintiff at the time and place complained of.

6. Sufficient facts are not alleged therein to show the existence of any legal duty owing from the Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

7. For aught appearing therein, said Defendant did not breach any legal duty owed by said Defendant to the Plaintiff at the time and place complained of therein.

8. Sufficient facts are not alleged therein to show a sufficient causal connection between the Plaintiff's injuries and damages complained of therein and the breach of any legal duty owing by said Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

9. Sufficient facts are not alleged therein to show as a matter of law that said Defendant breached a legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein in then and there so wantonly operating said motor vehicle as alleged therein.

10. The allegations set forth therein charge said Defendant with a higher degree of care to the Plaintiff at the time and place and with respect to the matters and things complained of therein than is imposed upon said Defendant by law.

11. The quo modo of the alleged negligence on the part of the said Defendant charged therein is not sufficient to show as a matter of law that said Defendant was guilty of actionable negligence at the time and place and with respect to the matters and things complained of therein.

12. The quo modo of the alleged breach of legal duty on the part of said Defendant charged therein is not sufficient to show as a matter of law that said Defendant was guilty of the breach of any legal duty owed by said Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

13. It does not sufficiently appear from the allegations set forth therein how and in what respect said Defendant was wanton at the time and place complained of.

14. It does not sufficiently appear from the allegations set forth therein how and in what respect said Defendant breached any legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein.

15. For aught appearing therein Plaintiff's injuries and damages complained of therein were proximately caused by an act for which said Defendant was in no way legally responsible or liable to the Plaintiff at the time and place complained of therein.

16. Sufficient facts are not alleged therein to show as a matter of law that the Plaintiff's injuries and damages complained of were proximately caused by an act for which said Defendant was legally responsible or liable to the Plaintiff at the time and place complained of therein.

17. For that wantonness therein alleged is a mere conclusion of the pleader.

18. For that said count does not affirmatively set forth a statement of fact showing wantonness; wantonness being alleged as a mere conclusion of the pleader.

19. For that it does not appear that said Defendant wantonly injured the Plaintiff.

20. For that no facts are set forth showing that said Defendant wantonly injured the Plaintiff.

21. For that it affirmatively appears that said Plaintiff was not wantonly injured or damaged.

22. For that it affirmatively appears that Plaintiff's alleged cause of action is barred by the statute of limitations.

23. For that it affirmatively appears that Plaintiff's alleged cause of action is barred by the statute of limitations of one year.

HOLBERG, TULLY AND HODNETTE
Attorneys for Defendant

By Jack W. Morgan

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17
day of March, 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.

HOLBERG, TULLY & HODNETTE
By Jack W. Morgan

FILED

MAR 18 1970

ALICE J. DUCK CLERK
REGISTER

February 25, 1970

CORA LEWIS, Plaintiff

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

VS

REX HILMAN DEASE, Defendant

CASE NO. 9130

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

I, Mabel Amos, Secretary of State, hereby certify that on February 20, 1970
I sent by certified mail in an envelope addressed as follows:

"Rex Hilman Dease
8230 Lawton Road
Pensacola, Florida 32504"

"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:

"Rex Hilman Dease
8230 Lawton Road
Pensacola, Florida 32504

You will take notice that on February 20, 1970 the Sheriff of Montgomery
County, Alabama, served upon me, in my official capacity, summons and complaint in a
case entitled: CORA LEWIS, Plaintiff VS REX HILMAN DEASE, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9130 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 20th
day of February, 1970

Enclosure (1)

(Signed) Mabel 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 25, 1970 I received the return card, showing
receipt by the designated addressee of the aforementioned matter at Pensacola, FL.
on 2/24/70

WITNESS MY HAND and the Great Seal of the State of Alabama this the 25th day
of February, 1970

Mabel S. Amos

Mabel Amos
Secretary of State

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

CC: Honorable Taylor D. Wilkins
P. O. Box 61
Bay Minette, Alabama 36507

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

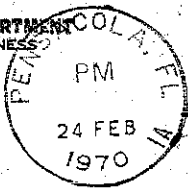
☒ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.	<div style="display: flex; align-items: center;"> <div style="background-color: black; color: white; padding: 5px; margin-right: 5px;">1</div> <div style="border-bottom: 1px solid black; padding: 5px;"> <i>Rx H Dease</i> </div> </div> <div style="display: flex; align-items: center;"> <div style="background-color: black; color: white; padding: 5px; margin-right: 5px;">2</div> <div style="border-bottom: 1px solid black; padding: 5px;"> SIGNATURE OF ADDRESSEE'S AGENT, IF ANY Deliver to addressee only </div> </div>
CERTIFIED NO. 53254	
INSURED NO.	
DATE DELIVERED 2-24-70	<div style="display: flex; align-items: center;"> <div style="background-color: black; color: white; padding: 5px; margin-right: 5px;">3</div> <div style="border-bottom: 1px solid black; padding: 5px;"> SHOW WHERE DELIVERED (only if requested) </div> </div>

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

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.

RECEIVED
FEB 25 1970
SECRETARY OF
STATE
MONTGOMERY, ALABAMA 36104

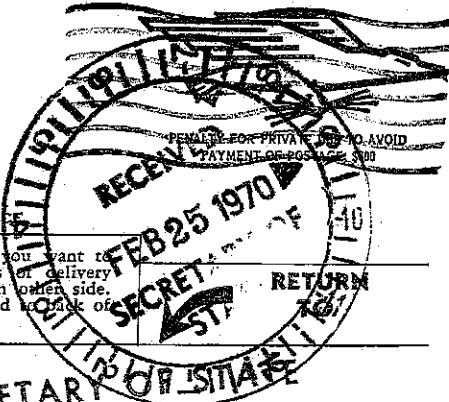
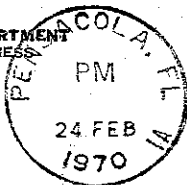
PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.	
<input type="checkbox"/> Show to whom, date and address where delivered	<input checked="" type="checkbox"/> Deliver ONLY to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.	SIGNATURE OR NAME OF ADDRESSEE <i>(Must always be filled in)</i>
CERTIFIED NO. 53255	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">1</div> <div style="flex-grow: 1;"> </div> </div>
INSURED NO.	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">2</div> <div style="flex-grow: 1;"> SIGNATURE OF ADDRESSEE'S AGENT, IF ANY Deliver to addressee only </div> </div>
DATE DELIVERED	SHOW WHERE DELIVERED <i>(only if requested)</i>
2-24-70	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">3</div> <div style="flex-grow: 1;"></div> </div>

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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.

SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

POD Form 3811 Apr. 1969 685-16-71548-11