SEALE, MARSAL, SEALE & DUKE
LAWYERS
2410 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
36601

HARRY SEALE
M. A. MARSAL
A. J. SEALE
LEON G. DUKE
JAMES E. ATCHISON

MAILING ADDRESS
POST OFFICE BOX 1746
432-6686

June 18, 1970

Mrs. Alice Duck
Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Mary Conley v. Mid-American
Coaches, et al,
Case No. 9160

Dear Mrs. Duck:

Please enter a non-suit in behalf of the plaintiff against the defendant Sunnyland Stages, Inc.

Thanking you, I am

Very truly yours,

JAMES E. ATCHISON

JEA:mam

FILED

JUN 1 1970

ALICE J. DUCK CLERK
REGISTER

ARMBRECHT, JACKSON & DEMOUY
LAWYERS
MERCHANTS NATIONAL BANK BUILDING
P. O. BOX 290
MOBILE, ALABAMA
36601

WM. H. ARMBRECHT
THEODORE K. JACKSON
MARSHALL J. DEMOUY
WM. H. ARMBRECHT, III
RAE M. CROWE
BROOX G. HOLMES
W. BOYD REEVES
JOHN GROW
FRANK B. McRIGHT
Y. D. LOTT, JR.
CLIFFORD FOSTER, III
T. K. JACKSON, III
E. B. PEEBLES, III
F. M. KEELING
GEOFFREY V. PARKER

TELEPHONE
AREA CODE 205
432-6751

CABLE ADDRESS
SEALAW

March 30, 1970

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

Re: Mary T. Conley vs. Mid-American Coaches, Inc., et al.; At Law, Case No. 9160.

Dear Mrs. Duck:

Enclosed herewith please find demurrers which we wish to file on behalf of the defendant, Sunnyland Stages, Inc., in the above captioned case. At this time, we do not represent the co-defendants, Mid-American Coaches, Inc. and Terry Allen Joerling.

Please advise us when these demurrers have been set for argument by the court.

Thank you for your cooperation.

Yours very truly,

ARMBRECHT, JACKSON & DeMOUY

By W. Boyd Reeves
W. Boyd Reeves

WBR/dd
cc: James E. Atchison, Esquire

SEALE, MARSAL, SEALE & DUKE
LAWYERS
2410 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
36601

HARRY SEALE
M. A. MARSAL
A. J. SEALE
LEON G. DUKE
JAMES E. ATCHISON

MAILING ADDRESS
POST OFFICE BOX 1746
432-6686

March 5, 1970

9160

Mrs. Alice Duck
Clerk, Circuit Court
Bay Minette, Alabama

Re: Mary T. Conley

Dear Mrs. Duck:

Enclosed herewith please find copies of a complaint which I would appreciate your filing in your court. Also enclosed is a check in the amount of $15.00 payable to the Secretary of State. Please advise when the same has been filed and service acquired. Thanking you, I am

Very truly yours,

James E. Atchison

James E. Atchison

JEA:mam

MARY T. CONLEY,	(	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	(	BALDWIN COUNTY, ALABAMA
	)	
vs.	(	
	)	AT LAW
MID-AMERICAN COACHES, INC., a Corporation; etc.; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING; jointly and individually,	( ) ( ) (	
	)	
Defendants.	)	CASE NO. 9160

DEMURRER

Comes now the Defendant, SUNNYLAND STAGES, INC., a Corporation, in the above styled cause, and demurs to the complaint of the Plaintiff and to each count thereof, separately and severally, and for grounds of said demurrer, assigns the following, separately and severally:

1. No facts are alleged to show that Plaintiff sustained any damage as the proximate result of any negligence or breach of duty on the part of this Defendant.

2. It is not alleged with sufficient certainty where said accident occurred.

3. It does not appear with sufficient certainty what duty, if any, this Defendant may have owed to the Plaintiff at the time and place alleged in the complaint.

4. It does not appear with sufficient certainty wherein this Defendant violated any duty owed to the Plaintiff.

5. For aught that appears the Plaintiff had no right to be where she was at the time and place of said accident.

6. For aught that appears the Defendant owed Plaintiff no duty at the time and place of said accident.

7. Said count is vague and indefinite.

8. The alleged negligence of this Defendant is not set forth with sufficient certainty.

9. Said count fails to aver sufficiently the causal connection, if any, between the alleged negligence of this Defendant and the injury and damages of the Plaintiff.

10. The averments of negligence are merely the conclusion of the Plaintiff, with no facts alleged in support thereof.

11. No facts are alleged to show that Plaintiff's damages were proximately caused by any negligence of this Defendant.

ARMBRECHT, JACKSON & DeMOUY
1101 Merchants National Bank Building
Mobile, Alabama 36602

By: W. Boyd Reeves
W. BOYD REEVES

By: T. K. Jackson
T. K. JACKSON, III

FILED

MAR 31 1970

ALICE J. DUCK CLERK REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30 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.

W. Boyd Reeves

199(1)

March 19, 1970

MARY T. CONLEY, Plaintiff

VS.

SUNNYLAND STAGES, INC., et al,
Defendants

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

CASE NO. 9160

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Laura Northcutt, a Notary Public in and for said State-at-Large, personally appeared Mabel Amos, Secretary of State of the State of Alabama, who is known to me and who, being duly sworn, deposes and says that in her official capacity as Secretary of State of the State of Alabama she, on the 11th day of March, 1970 sent by certified mail in an envelope addressed as follows:

"Sunnyland Stages, Inc.
1921 South Kings
Springfield, Missouri 65804"

"Certified Mail—
Return Receipt Requested
~~XXXXXXXXXXXXXXXXXXXXXXXX~~"

bearing sufficient and proper prepaid postage, a notice bearing her signature and the Great Seal of the State of Alabama in words and figures as follows:

"Sunnyland Stages, Inc.
1921 South Kings
Springfield, Missouri 65804

You will take notice that on March 11, 1970 the Sheriff of Montomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: MARY T. CONLEY, Plaintiff VS SUNNYLAND STAGES, INC., et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
Case No. 9160

a true copy of which Summons and Complaint and Affidavit are 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, said service being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 11th day of March, 1970

(Signed) Mabel S Amos
Mabel S Amos
Secretary of State"

Enclosures (2)

Affiant further says 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 and Affidavit in the above-styled cause.

Affiant further says that on March 18, 1970 she received the "Return Card" showing receipt by the designated addressee of the aforementioned matter at Springfield, Mo. on March 16, 1970

Mabel S. Amos
Affiant—Mabel S Amos
Secretary of State

Sworn to and subscribed before me, this the 19th day of March, 1970

Laura Northcutt
Notary Public—State-at-Large
Notary Public, State of Alabama
My Commission expires: ~~My Commission Expires:~~ 9-19-73

Enclosures—"Return Receipt" and
Copy of Process

CC: Honorable James E. Atchison
Sele, Marsal, Seale & Duke
P. O. Box 1746
Mobile, Alabama 36601

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9160

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon MID-AMERICAN COACHES, INC., A Corp., ABC Corporation SUNNYLAND STAGES, INC., TERRY ALLEN JOERLING, Jointly & Individually

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 MID-AMERICAN COACHES, Inc., a Corporation, et al ... Defendant.....

by MARY T. CONLEY

..... Plaintiff.....

Witness my hand this 9th day of March 19 70.

Alice J. Duck, Clerk

No..... 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

Moore Printing Co. - Bay Minette, Ala.

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	
MID-AMERICAN COACHES, INC., A corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	OF BALDWIN COUNTY, ALABAMA
Defendants.	I	AT LAW CASE NO. _____

Plaintiff claims of the defendants, jointly and individually, the sum of TEN THOUSAND ($10,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 23rd day of July, 1969, the defendants so negligently operated a motor vehicle in a, to-wit, southerly direction on and across U. S. Highway 90 at or near its intersection with U. S. Highway 98, both said roads being public roads in the County of Baldwin, Alabama, as to cuase the same to run into, over, upon and against the vehicle being operated by the plaintiff in a, to-wit, westerly direction on and along said U. S. Highway 90 at the time and place as aforesaid and as a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff was injured and damaged as follows:

Plaintiff's whole body was bruised and contused; plaintiff received a serious injury to her neck and shoulders; plaintiff's face was bruised and contused; plaintiff has been caused to suffer much physical pain and mental anguish and will so suffer in the future; all as a direct and proximate result of the negligence of the defendants as aforesaid.

M. A. MARSAL and JAMES E. ATCHISON
Attorneys for Plaintiff

by: James E. Atchison
JAMES E. ATCHISON

Plaintiff demands trial by jury.

by: James E. Atchison
JAMES E. ATCHISON

Defendants may be served by and through the Secretary of State, State of Alabama, in accordance with Tit. 7, Sec. 199(1) Code of Alabama 1940. Affidavit as required by above citation accompanies this complaint.

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Mid-American Coaches, Inc., is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Washington, and the defendant's address in said city is 8th and Elm Street, and the defendant stated is a corporation doing business in said state and city.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3 day of March, 1970.

Donna Drew

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA
	I	AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Terry Allen Joerling, is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Augusta, and the defendant's address in said city is RFD Box 152, and the defendant stated is over the age of twenty-one (21) years.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3rd day of March, 1970.

Imogene Greer

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

MARY T. CONLEY,	I.	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA
	I	AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Sunnyland Stages, Inc., is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Springfield, and the defendant's address in said city is 1921 South Kings, and the defendant stated is a corporation doing business in said state and city.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3rd day of March, 1970.

Dorcas Grant

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

199(1)

March 19, 1970

MARY T. CONLEY, Plaintiff

VS.

MID-AMERICAN COACHES, INC., A CORPORATION, et al, Defendants

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

CASE NO. 9160

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Laura Northcutt, a Notary Public in and for said State-at-Large, personally appeared Mabel Amos, Secretary of State of the State of Alabama, who is known to me and who, being duly sworn, deposes and says that in her official capacity as Secretary of State of the State of Alabama she, on the 11th day of March, 1970 sent by certified mail in an envelope addressed as follows:

"Mid-American Coaches, Inc., a Corporation
8th and Elm Street
Washington, Missouri 65772"

"Certified Mail—
Return Receipt Requested
~~Delivery Addressee only~~"

bearing sufficient and proper prepaid postage, a notice bearing her signature and the Great Seal of the State of Alabama in words and figures as follows:

"Mid-American Coaches, Inc., a Corporation
8th and Elm Street
Washington, Missouri 65772

You will take notice that on March 11, 1970 the Sheriff of Montomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: MARY T. CONLEY, Plaintiff VS MID-AMERICAN COACHES, INC., A CORPORATION, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA Case No. 9160

a true copy of which Summons and Complaint and Affidavit are 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, said service being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 11th day of March, 1970

(Signed) Mabel S Amos
Mabel S Amos
Secretary of State"

Enclosures (2)

Affiant further says 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 and Affidavit in the above-styled cause.

Affiant further says that on March 18, 1970 she received the "Return Card" showing receipt by the designated addressee of the aforementioned matter at not given on 3/16/70

Mabel S. Amos
Affiant—Mabel S Amos
Secretary of State

Sworn to and subscribed before me, this the 19th day of March, 1970

Laura Northcutt
Notary Public—State-at-Large
Notary Public, State of Alabama
My Commission expires: My Commission Expires: 9-19-73

Enclosures—"Return Receipt" and Copy of Process

VOL 64 PAGE 620

Honorable James E. Atchison
Seale, Marsal, Seale & Duke
P. O. Box 1746
Mobile, Alabama 36601

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9160

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon MID-AMERICAN COACHES, INC., A Corp., A.B.C.Corporation SUNNYLAND STAGES, INC: TERRY ALLEN JOERLING, Jointly & Individually

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 MID-AMERICAN COACHES, Inc., a corporation, et al ... Defendant.....

by MARY T. CONLEY

..... Plaintiff.....

Witness my hand this 9th day of March 19 70

Alice J. Huck ..... Clerk

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	
MID-AMERICAN COACHES, INC., A corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	OF BALDWIN COUNTY, ALABAMA
Defendants.	I	AT LAW CASE NO. _____

Plaintiff claims of the defendants, jointly and individually, the sum of TEN THOUSAND ($10,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 23rd day of July, 1969, the defendants so negligently operated a motor vehicle in a, to-wit, southerly direction on and across U. S. Highway 90 at or near its intersection with U. S. Highway 98, both said roads being public roads in the County of Baldwin, Alabama, as to cuase the same to run into, over, upon and against the vehicle being operated by the plaintiff in a, to-wit, westerly direction on and along said U. S. Highway 90 at the time and place as aforesaid and as a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff was injured and damaged as follows:

Plaintiff's whole body was bruised and contused; plaintiff received a serious injury to her neck and shoulders; plaintiff's face was bruised and contused; plaintiff has been caused to suffer much physical pain and mental anguish and will so suffer in the future; all as a direct and proximate result of the negligence of the defendants as aforesaid.

M. A. MARSAL and JAMES E. ATCHISON
Attorneys for Plaintiff

by: James E. Atchison
JAMES E. ATCHISON

Plaintiff demands trial by jury.

by: James E. Atchison
JAMES E. ATCHISON

Defendants may be served by and through the Secretary of State, State of Alabama, in accordance with Tit. 7, Sec. 199(1) Code of Alabama 1940. Affidavit as required by above citation accompanies this complaint.

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA
	I	AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Mid-American Coaches, Inc., is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Washington, and the defendant's address in said city is 8th and Elm Street, and the defendant stated is a corporation doing business in said state and city.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3 day of March, 1970.

Dorcas Greer

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA
	I	AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Terry Allen Joerling, is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Augusta, and the defendant's address in said city is RFD Box 152, and the defendant stated is over the age of twenty-one (21) years.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3rd day of March, 1970.

Jonas Greer

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

MARY T. CONLEY,	I.	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Sunnyland Stages, Inc., is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Springfield, and the defendant's address in said city is 1921 South Kings, and the defendant stated is a corporation doing business in said state and city.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3rd day of March, 1970.

Dorcas Grant

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

MAR 9 1970

ALICE J. DUCK CLERK REGISTER

199(1)

March 24, 1970

MARY T. CONLEY, Plaintiff

VS.

TERRY ALLEN JOERLING, et al,
Defendants

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

CASE NO. 9160

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Laura Northcutt, a Notary Public in and for said State-at-Large, personally appeared Mabel Amos, Secretary of State of the State of Alabama, who is known to me and who, being duly sworn, deposes and says that in her official capacity as Secretary of State of the State of Alabama she, on the 11th day of March, 1970 sent by certified mail in an envelope addressed as follows:

"Terry Allen Joerling
RFD Box 152
Augusta, Missouri 63332"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee only"

bearing sufficient and proper prepaid postage, a notice bearing her signature and the Great Seal of the State of Alabama in words and figures as follows:

"Terry Allen Joerling
RFD Box 152
Augusta, Missouri 63332

You will take notice that on March 11, 1970 the Sheriff of Montomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: MARY T. CONLEY, Plaintiff VS TERRY ALLEN JOERLING, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA Case No. 9160

a true copy of which Summons and Complaint and Affidavit are 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, said service being under provisions of Title 7, Section 199(1) of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 11th day of March, 1970

(Signed) MabelSAmos
MabelSAmos
Secretary of State"

Enclosures (2)

Affiant further says 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 and Affidavit in the above-styled cause.

Affiant further says that on March 23, 1970 she received the "Return Card" showing receipt by the designated addressee of the aforementioned matter at Florris----, Mo. on 19 March, 1970

Mabel S. Amos
Affiant—MabelS Amos
Secretary of State

Sworn to and subscribed before me, this the 24th day of March, 1970

Laura Northcutt
Notary Public—State-at-Large
My Commission expires: Notary Public, State of Alabama My Commission Expires: 9-19-73

Enclosures—"Return Receipt" and Copy of Process

CC: Honorable James E. Atchison
Seale, Marsal, Seale & Duke
P. O. Box 1746
Mobile, Alabama 36601

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	
MID-AMERICAN COACHES, INC., A corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	OF BALDWIN COUNTY, ALABAMA
Defendants.	I	AT LAW CASE NO. _____

Plaintiff claims of the defendants, jointly and individually, the sum of TEN THOUSAND ($10,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 23rd day of July, 1969, the defendants so negligently operated a motor vehicle in a, to-wit, southerly direction on and across U. S. Highway 90 at or near its intersection with U. S. Highway 98, both said roads being public roads in the County of Baldwin, Alabama, as to cuase the same to run into, over, upon and against the vehicle being operated by the plaintiff in a, to-wit, westerly direction on and along said U. S. Highway 90 at the time and place as aforesaid and as a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff was injured and damaged as follows:

Plaintiff's whole body was bruised and contused; plaintiff received a serious injury to her neck and shoulders; plaintiff's face was bruised and contused; plaintiff has been caused to suffer much physical pain and mental anguish and will so suffer in the future; all as a direct and proximate result of the negligence of the defendants as aforesaid.

M. A. MARSAL and JAMES E. ATCHISON
Attorneys for Plaintiff

by: James E. Atchison
JAMES E. ATCHISON

Plaintiff demands trial by jury.

by: James E. Atchison
JAMES E. ATCHISON

Defendants may be served by and through the Secretary of State, State of Alabama, in accordance with Tit. 7, Sec. 199(1) Code of Alabama 1940. Affidavit as required by above citation accompanies this complaint.

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Mid-American Coaches, Inc., is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Washington, and the defendant's address in said city is 8th and Elm Street, and the defendant stated is a corporation doing business in said state and city.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3 day of March, 1970.

Donna Drew

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

MARY T. CONLEY,	I	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA
	I	AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Terry Allen Joerling, is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Augusta, and the defendant's address in said city is RFD Box 152, and the defendant stated is over the age of twenty-one (21) years.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 2nd day of March, 1970.

Jonas Greer

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

MARY T. CONLEY,	I.	IN THE CIRCUIT COURT
Plaintiff,	I	
VS	I	OF BALDWIN COUNTY
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	I	ALABAMA
	I	AT LAW
Defendants.	I	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes James E. Atchison, attorney for plaintiff in the above styled cause, who being first duly sworn, deposes and says that he is informed and believes, and upon such information and belief avers that the defendant, Sunnyland Stages, Inc., is not a resident of the State of Alabama, and to the best of his knowledge and belief, the said defendant, is a resident of the State of Missouri, City of Springfield, and the defendant's address in said city is 1921 South Kings, and the defendant stated is a corporation doing business in said state and city.

James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3rd day of March, 1970.

Dorothy Grant

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

9160

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9160

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon MID-AMERICAN COACHES, INC., A Corp. ABC Corporation SUNNYLAND STAGES, INC., TERRY ALLEN JOERLING, Jointly & Individually

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 MID-AMERICAN COACHES, Inc., a Corporation, et al ... Defendant.....

by MARY T. CONLEY

..... Plaintiff.....

Witness my hand this 9th day of March 19 70.

Alice J. Duck, Clerk

SEALE, MARSAL, SEALE & DUKE
LAWYERS
2410 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
36601

HARRY SEALE
M. A. MARSAL
A. J. SEALE
LEON G. DUKE
JAMES E. ATCHISON

MAILING ADDRESS
POST OFFICE BOX 1746
432-6686

August 24, 1970

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

Re: Mary T. and Walter Conley VS.
Mid American Coaches
Our File #37792
Case #9160

Dear Mrs. Duck:

The above case has been settled and should be dismissed from the docket sheet.

Please send the cost bill to Mr. Al Nelson at Crawford and Company, Post Office Box 4507, Mobile, Alabama 36604.

Thanking you, I am

Very truly yours,

James E. Atchison

JAMES E. ATCHISON

JEA/jh

cc: Mr. Al Nelson, Adjuster
Crawford and Company
Post Office Box 4507
Mobile, Alabama 36604

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9160

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon MID-AMERICAN COACHES, INC., A Corp. ABC Corporation SUNNYLAND STAGES, INC., TERRY ALLEN JOERLING, Jointly & Individually

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 MID-AMERICAN COACHES, Inc., a Corporation, et al ..., Defendant.....

by MARY T. CONLEY

..., Plaintiff.....

Witness my hand this 9th day of March 19 70

Alice J. Duck, Clerk

Ef 3-11-70

VOL 64 PAGE 618

No. 9160 Page.....

1964

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

MARY T. CONLEY

.....

Plaintiffs

vs.

MID-AMERICAN COACHES, INC., A Corp.

Et al Defendants

SUMMONS AND COMPLAINT

Filed March 9, 19 70

Alice J. Duck Clerk

M. S. Butler, Sheriff of Montgomery County, Alabama, Claim $1.50 each for serving 3 process(es) and $1.00 travel expense on each of 3 process(es) or a total of $7.56

M. A. MARSAL & JAMES E. ATCHISON

Plaintiff's Attorney

W. L. Moore

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Recieved In Office MAR 10 1970 M. S. BUTLER, Sheriff

MAR 9 1970 M. S. BUTLER, Sheriff

TAYLOR WILKINS SHERIFF

(9)

..... 19..... Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Executed by serving 9 copies of the within on Mable Amos Secretary of State of The State of Alabama.

This the 11 day of March 19 70

Sheriff of Montgomery County

M. S. Butler,

By W. L. Moore D. S.

..... Sheriff

..... Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

MARY T. CONLEY,	)	IN THE CIRCUIT COURT
Plaintiff,	)	
VS	)	
MID-AMERICAN COACHES, INC., A corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	)	OF BALDWIN COUNTY, ALABAMA
Defendants.	)	AT LAW CASE NO. 9160

Plaintiff claims of the defendants, jointly and individually, the sum of TEN THOUSAND ($10,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 23rd day of July, 1969, the defendants so negligently operated a motor vehicle in a, to-wit, southerly direction on and across U. S. Highway 90 at or near its intersection with U. S. Highway 98, both said roads being public roads in the County of Baldwin, Alabama, as to cuase the same to run into, over, upon and against the vehicle being operated by the plaintiff in a, to-wit, westerly direction on and along said U. S. Highway 90 at the time and place as aforesaid and as a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff was injured and damaged as follows:

Plaintiff's whole body was bruised and contused; plaintiff received a serious injury to her neck and shoulders; plaintiff's face was bruised and contused; plaintiff has been caused to suffer much physical pain and mental anguish and will so suffer in the future; all as a direct and proximate result of the negligence of the defendants as aforesaid.

M. A. MARSAL and JAMES E. ATCHISON
Attorneys for Plaintiff

by: James E. Atchison
JAMES E. ATCHISON

Plaintiff demands trial by jury.

by: James E. Atchison
JAMES E. ATCHISON

Defendants may be served by and through the Secretary of State, State of Alabama, in accordance with Tit. 7, Sec. 199(1) Code of Alabama 1940. Affidavit as required by above citation accompanies this complaint.

FILED
MAR 9 1970
ALICE J. BUSK CLERK REGISTER

MARY T. CONLEY,	X	IN THE CIRCUIT COURT
Plaintiff,	X	
VS	X	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/ or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	X	ALABAMA
	X	AT LAW
Defendants.	X	CASE NO. _____

STATE OF ALABAMA)

COUNTY OF MOBILE)

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James E. Atchison

JAMES E. ATCHISON

Subscribed and sworn to before me on this 3 day of March, 1970.

Dorcas Drew

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

MAR 9 1970

ALICE J. DUCK CLERK REGISTER

MARY T. CONLEY,	)	IN THE CIRCUIT COURT
Plaintiff,	)	
VS	)	OF BALDWIN COUNTY,
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	)	ALABAMA
	)	AT LAW
Defendants.	)	CASE NO. _____

STATE OF ALABAMA)

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James E. Atchison
JAMES E. ATCHISON

Subscribed and sworn to before me on this 2nd day of March, 1970.

Dorcas Greer
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED
MAR 9 1970
ALICE J. DUCK CLERK REGISTER

MARY T. CONLEY,	)	IN THE CIRCUIT COURT
Plaintiff,	)	
VS	)	OF BALDWIN COUNTY
MID-AMERICAN COACHES, INC., a corporation; ABC CORPORATION; whose exact name or names are otherwise unknown but being the corporation who owned and/or operated a 1958 GMC bus on the date in question but will be corrected by amendment when ascertained; SUNNYLAND STAGES, INC.; TERRY ALLEN JOERLING, jointly and individually,	)	ALABAMA
	)	AT LAW
Defendants.	)	CASE NO. _____

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JAMES E. ATCHISON

Subscribed and sworn to before me on this 3rd day of March, 1970.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

MAR 9 1970

ALICE J. BUCK CLERK REGISTER

MARY T. CONLEY VS TERRY ALLEN JOERLING (9160)

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.

CERTIFIED NO. 54482

INSURED NO.

DATE DELIVERED

(1) SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*): Terry A Joerling

(2) SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Deliver to addressee only

(3) SHOW WHERE DELIVERED (*only if requested*)

o55—16—71548-11 347-198 GPO

MARY T. CONLEY VS MID-AMERICAN COACHES, INC. (9160)

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.

CERTIFIED NO. 54480

INSURED NO.

DATE DELIVERED 3-16-70

(1) SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*): Mid-American Coaches

(2) SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Ralph E. Jones

(3) SHOW WHERE DELIVERED (*only if requested*)

o55—16—71548-11 347-198 GPO

MARY T. CONLEY VS SUNSHINE STAGES, INC. (9160)

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.

CERTIFIED NO. 54481

INSURED NO.

DATE DELIVERED

(1) SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*): By Miss Stout

(2) SIGNATURE OF ADDRESSEE'S AGENT, IF ANY: Mrs Barnes

(3) SHOW WHERE DELIVERED (*only if requested*)

o55—16—71548-11 347-198 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

MAR 19 1970

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

POSTMARK OF DELIVERING OFFICE

RECEIVED MAR 23 1970 SECRETARY OF STATE

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SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

POD Form 3811 Apr. 1969 c55—16—71548-11

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

POSTMARK OF DELIVERING OFFICE

RECEIVED MAR 19 1970 SECRETARY OF STATE

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MONTGOMERY, ALABAMA 36104

POD Form 3811 Apr. 1969 c55—16—71548-11

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

SPRINGFIELD MO USPO MAR 16 1970

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

POSTMARK OF DELIVERING OFFICE

RECEIVED MAR 18 1970 SECRETARY OF STATE

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.

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SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

MO SPRINGFIELD MAR 16 1970 P.M.

POD Form 3811 Apr. 1969 c55—16—71548-11