RICHARD C. LACEY
*Attorney-At-Law*
P. O. DRAWER A-J
FAIRHOPE, ALABAMA 36532

TELEPHONE 928-2373

May 19, 1971

Mrs. Eunice B. Blackmon
Circuit Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama 36507

Re: Reynolds Boats Vs. Harry Melton.

Dear Mrs. Blackmon:

Please file this Amended Answer in subject case.

Sincerely,

RICHARD C. LACEY

RCL/cm
Encl.

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

MESSAGE | REPLY

TO Mrs. Alice J. Duck
Bay Minette, Ala. 9259

DATE May 13, 1970

Re: Reynolds Boats, Inc. vs. Harry Melton

Dear Mrs. Duck:

Enclosed please find Bill of Complaint to be filed, together with copy of same and Summons to be served.

Sincerely,

John V. Duck

SIGNED

DATE

SIGNED



THIS COPY FOR PERSON ADDRESSED

Reynolds Dodge
vs.
Harry Melton
#9259

JURY LIST - JULY SESSION CIVIL TERM, 1971 - JULY 12, 1971

1. Andrews, Guy C., Natural Gas Co, 410 5th St., Bay Minette, Ala. D6
2. Arnette, Opal, Housewife, Rt. 2, Bay Minette P7
3. Bigham, William, Retired Serviceman, P. O. Silverhill P1
4. Chandler, Ace, R.E.A., Silverhill, Robertsdale
5. Childress, J. Bruce, Fisherman, Rt. 3, Foley
6. Cooper, James I, Merchant, P. O. Box, Silverhill
7. Davison, Johnnie Mae, Cafe Operator, Robertsdale, P6
8. Dickman, Peggy T., Housewife, Brady Rd., Bay Minette
9. Eddins, Rachael, Housewife, Hurricane Rd., Bay Minette
10. Gandy, Bobby Carol, Housewife, Bay Minette
11. Gandy, Tom, Gulf Lumber Co., Stockton Hwy, Bay Minette,
12. Hart, Jerry B., Faulkner State University 400 Mixon Ave., Bay Minette
13. Hogan, C. J., Furniture Store, 117 W. 12th St., Bay Minette D1
14. Hollinger, Louise B., Board of Education, Bay Minette
15. Jones, Willie, Hogan Furniture, 1101 Lower St., Bay Minette D2
16. Jones, Sanford, Retired, Pensacola Hwy., Bay Minette, Ala.
17. Kennedy, J. C., Insurance Agent, 603 E. 6th Bay Minette
18. Means, Henry, RTD., Cross Road, Bay Minette
19. Moorer, Lee Etta, Housewife, 412 Old Hurricane Rd., Bay Minette
20. Normand, Sage A., Entertainer Grand Hotel, Fairhope, Ala.
21. Ponder, Ellis C., Mgr. Steber Chev., Point Clear, Fairhope P3
22. Reid, Larry M., Kaiser Allum. Hwy 31 S. Bay Minette
23. Rider, Daniel T., Forester, Stapleton, Ala.,
24. Rider, Raymond D., Elec., 61 Mershon St., Fairhope D3
25. Riggs, Stephen S., Radio Sta. Opr., Fairhope D5
26. Rogers, Claude M., Insurance Salesman Cross Roads, Bay Minette
27. Sheldon, Edwin, Brick Layer 553 Mobile St., Fairhope, Ala.
28. Slaughter, June M., Nurse Bay Minette Inf., Tensaw, Ala.
29. Watts, Evelyn K., Civil Defense, 101 Banyan St., Bay Minette
30. Wiggins, James, Merchant, Stapleton, Ala.
31. Overstreet, Earl A., Newport Pine Grove Rd. Bay Minette
32. Page, Glenn A., Jr. Insurance 802 E. 5th St. Bay Minette D7
33. Taylor, Bennie W., Office Staphens Acceptance Loan Co. 810 E. 9th St. Bay Minette
34. Melton Mary D., Bay Slacks, Box 117 Stapleton, Ala. P2
35. Dean, Joh, Clk, Bald. Co. Tax Collector, Stapleton
36. Ryan, Kathleen E., Housewife, Hwy 31 S. Bay Minette
37. Kennedy, Eloise D., Housewife, 603 E. 6th St. Bay Minette
38. Vick, Mary K., Cash, Greer Gro 600 N. 7th St. Bay Minette P4
39. Miller, Harold J., Jr. 6 White Ave. Fairhope D4
40. McMillan, Minnie Lou, Widow, Stockton, Alabama P5

P XXXXX XX

D XXXXX XX

38
24
14

9259

| | | |
|---|---|---|
| REYNOLDS BOATS, INC., | ) | IN THE CIRCUIT COURT OF |
| a corporation, | ) | BALDWIN COUNTY, ALABAMA |
| Plaintiff, | ) | AT LAW, CASE NO. 9259 |
| vs. | ) | |
| HARRY MELTON, | ) | |
| Defendant. | ) | |

PLEA

Comes now the Plaintiff in the above styled cause, and for plea filed to the amended answer herein, assigns the following separately and severally:

1. Not Guilty.

2. For further plea, the Plaintiff says that the Defendant was guilty of negligence which contributed proximately to the injuries complained of in the amended answer hereof, and hence he cannot recover.

ATTORNEY FOR PLAINTIFF

FILED

MAY 26 1971

UNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

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

This 24 day of May 19 71

Attorney for Plaintiff

| | | |
|---|---|---|
| REYNOLDS BOATS, INC., a corporation, | ) | IN THE CIRCUIT COURT OF |
| Plaintiff, | ) | BALDWIN COUNTY, ALABAMA |
| vs. | ) | AT LAW |
| HARRY MELTON, | ) | CASE NO. 9259 |
| Defendant. | ) | |

Comes now the Plaintiff in the above styled cause, and demurs to the plea and answer filed herein and assigns the following separately and severally:

1. That Plea II under the Defendant's Plea fails to allege a cause of action.

2. That Plea II affirmatively shows that the Defendant's boat was not damaged by the reason of any proximate cause on the part of the agents, or servants of the Plaintiff.

3. That Plea II fails allege whether the said Plea is in recoupment or setoff.

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

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

This 16 day of April 19 71

Attorney for Plaintiff

FILED

APR 19 1971

EUNICE B. BLACKMON CIRCUIT CLERK

9259

| | | |
|---|---|---|
| REYNOLDS BOATS, INC., | ) | |
| A Corporation, | ) | IN THE CIRCUIT COURT OF |
| Plaintiff | ) | BALDWIN COUNTY, ALABAMA |
| Vs. | ) | AT LAW |
| HARRY MELTON, | ) | CASE NO. 9259 |
| Defendant | ) | |

AMENDED ANSWER

Comes now the Defendant, HARRY MELTON, in the above styled cause, and files this, his Amended Answer to said Bill of Complaint.

1. The Defendant, for Answer to said Complaint, sayeth, that he is not guilty of the matters alleged therein.
2. The Defendant, as a defence to the action of the Plaintiff, sayeth: that, at the time said action was commenced, the Plaintiff was indebted to him in the sum of $412.00 for damages done by the Plaintiff, or his agents, servants, or employees, to a boat owned by the Defendant when on, to-wit: The 20th day of October, 1967, the said Plaintiff, its agents or employees, so negligently removed a boat owned by the Defendant, from Mobile Bay, at the Pier Street launching ramp in Fairhope, Alabama, in Baldwin County; that as a result and proximate cause of the negligence of the Plaintiff, its agents, servants, or employees, the windshield, the lifting hooks and the hull of said boat was severely bent, broken and crushed; all to the damage of the defendant, as aforesaid; which the Defendant hereby offers to set off against the demand of the Plaintiff, and he claims judgements for the excess.

Richard C. Lacey

RICHARD C. LACEY
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 19 day of May, 1971, served a copy of the foregoing pleading on John V. Duck, Attorney at Law, Fairhope, Alabama, by mailing the same by United States Mail, properly addressed, and first-class postage prepaid.

RICHARD C. LACEY

FILED

MAY 21 1971

EUNICE B. BLACKMON CIRCUIT CLERK

| | | |
|---|---|---|
| REYNOLDS BOATS, INC., | ) | IN THE CIRCUIT COURT OF |
| A Corporation, | ) | BALDWIN COUNTY, ALABAMA |
| Plaintiff; | ) | AT LAW |
| Vs. | ) | |
| HARRY MELTON, | ) | CASE NO. 9259 |
| Defendant. | ) | |

Comes now, the Defendant, HARRY MELTON, in the above style cause; and files this, his Answer to said Bill of Complaint:

I

The Defendant, for Answer to said Complaint, sayeth, that he is not guilty of the matters alledged therein.

II

The Defendant, as a defense to the action of the Plaintiff, sayeth, that at the time said action was commenced, the Plaintiff was indebted to him in the sum of $412.00 for damages done by the Plaintiff to a boat owned by the Defendant when on, to-wit: The 20th day of October, 1967, the said Plaintiff, through its agents or employees, so negligently removed a boat owned by the Defendant from Mobile Bay at the Pier Street launching ramp in Fairhope, Alabama, in Baldwin County, as to damage the windshield, the lifting hooks, and the hull of said boat; all to the damage of the defendant, as aforesaid.

The Defendant, having fully answered the Bill of Complaint heretofore filed by the Plaintiff, hereby files his Counterclaim of the Plaintiff in the amount of $412.00, as aforesaid.

RICHARD C. LACEY, Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15 day of April 1971, served a copy of the foregoing pleading on John V. Duck, Attorney at Law, by mailing the same by United States Mail, properly addressed, and first-class postage prepaid.

RICHARD C. LACEY

FILED

APR 16 1971

EUNICE B. BLACKMON CIRCUIT CLERK

| | | |
|---|---|---|
| REYNOLDS BOATS, INC., A corporation, | * | IN THE CIRCUIT COURT OF |
| | * | BALDWIN COUNTY, ALABAMA |
| Plaintiff, | * | AT LAW |
| vs. | * | |
| HARRY MELTON, | * | |
| Defendant. | | CASE NO. 9259 |

DEMURRER

Comes now the Defendant and files this his demurrer to said Bill of Complaint and each and every count thereof as follows:

1. Said Complaint fails to state a cause of action.
2. Said Complaint is multifarious.
3. Said Complaint is vague and unclear.

RICHARD C. LACEY
Attorney for Defendant

Defendant demands a trial by jury.

RICHARD C. LACEY

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 20 day of July, 1970, served a copy of the foregoing pleading on John V. Duck, Attorney at Law, by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

RICHARD C. LACEY

FILED

JUL 22 1970

ALICE J. DUCK CLERK REGISTER

| | | |
|---|---|---|
| REYNOLDS BOATS, INC., a corporation, | ) | IN THE CIRCUIT COURT OF |
| Plaintiff, | ) | BALDWIN COUNTY, ALABAMA |
| vs. | ) | AT LAW 9259 |
| HARRY MELTON, | ) | |
| Defendant. | ) | |

COUNT ONE

Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-TWO AND 80/100 ($122.80) DOLLARS due from him by open account from on, to-wit: the 20th day of October, 1967 until on, to-wit: the 30th day of October, 1968, which sum of money with the interest thereon is still due and unpaid.

COUNT TWO

Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY-TWO AND 80/100 ($122.80) DOLLARS due from him by account stated on, to-wit: the 20th day of March, 1968, which sum of money with the interest thereon is still unpaid.

ATTORNEY FOR PLAINTIFF

FILED

MAY 18 1970

ALICE J. DUCK CLERK REGISTER

We the jury decide for the Plaintiff - plus interest.

Sage A. Normand

We the jury find for the Plaintiff and assess its damages at $122.80 plus interest from the 20th day of October, 1967.

Sage A. Normand

Foreman

SUMMONS AND COMPLAINT

*THE STATE OF ALABAMA*
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9259

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon HARRY MELTON

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

HARRY MELTON ... Defendant

by Reynolds Boats, Inc., a corp.

..... Plaintiff

Witness my hand this 18th day of May 1970

Alice J. Luck, Clerk

7-3-70

No. 9259 Page.....

# THE STATE OF ALABAMA
## BALDWIN COUNTY

CIRCUIT COURT

REYNOLDS BOATS, INC., A CORP.

Plaintiffs

vs.

HARRY MELTON

Defendants

## SUMMONS AND COMPLAINT

Filed May 18, 19 70

Alice J. Duck Clerk

John V. Duck
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Silverhill Al

Recieved In Office

May 18 19 70

Taylor Wilkins Sheriff

I have executed this summons

this July 3 19 70

by leaving a copy with

Harry Melton

7-4-1970

Sheriff's Costs 60 Fees at

Ten Cents per mile Total $ 6.00

TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Taylor Wilkins Sheriff

H J B Power Deputy Sheriff

Moore Printing Co. Bay Minette, Ala.

60 miles R T 5