

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Auto Owners Insurance Company, A Corporation to appear within thirty days from the service of this writ, in the Circuit Court to be held for said County at the place of holding the same then and there to answer the complaint of Sea Ranch Properties, Inc., a Corporation.

Witness my hand this the 29 day of May, 1970.

Alice J. Duck
Clerk

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

AUTO OWNERS INSURANCE
COMPANY, A Corporation,

DEFENDANT

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 9289

I

The Plaintiff claims of the Defendant \$15,000.00, the value of the contents of a restaurant building, which the Defendant, on the 9th day of June, 1967 insured against loss or injury by windstorm in the policy of insurance mentioned, Policy Number 401358 for the term of three years which property was damaged by windstorm on the 17th day of August, 1969, of which the Defendant has had notice.

HAYES & BOGGS
Attorneys for Plaintiff

By: W. H. Hayes
Wilson Hayes

Plaintiff demands trial by Jury

W. H. Hayes

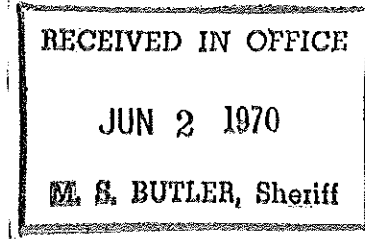
FILED

MAY 29 1970

ALICE J. DUCK CLERK
REGISTER

84
6-3-70

2916



Executed by serving 2 copies of
the within on Frank H. Hovary
Superintendent
of Insurance, State of Alabama
This The 3 day of June 1970
Sheriff of Montgomery County
M. S. Butler,
By W. L. Mason D. S.

NUMBER: 9289

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

Auto Insurance
AETNA INSURANCE COMPANY,
A Corporation,

DEFENDANT

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
AT LAW

FILED

MAY 29 1970

ALICE J. DUCK CLERK
REGISTER

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
process(es) or a JUN 4 1970 \$2.50
W. L. Mason TAYLOR WILKINS
SHERIFF Deputy Sheriff

JOHN A. COURTNEY
ATTORNEY AND COUNSELLOR AT LAW
SUITE 2208
FIRST NATIONAL BANK BUILDING
P. O. BOX 253
MOBILE, ALABAMA 36601
AREA CODE 205 433-4961

March 8, 1972

Hon. Wilson Hayes
Lawyer
P. O. Box 300
Bay Minette, Alabama 36507

Re: Sea Ranch Vs. Auto-Owners
Baldwin County Case Nos.
9289 and 9300

Dear Wilson:

I have repeatedly asked you to dismiss these two cases in Baldwin County so that I may close my file and send my bill. This has still not been done and I need an order of court saying that it has been done in order that I might get paid as you have already been paid. Please take care of this right away and have the order sent to me. Thank you for your cooperation.

Very truly yours,

John A. Courtney

JAC/an

cc: Mrs. Eunice Blackmon
Circuit Clerk
Baldwin County

STATE OF ALABAMA
DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama,
hereby certify that on the 3rd day of June, 1970, I
sent by registered mail in an envelope as follows:

Auto Owners Insurance Company
303 W. Kalamazoo
Lansing, Michigan 48903

REGISTERED MAIL
RETURN RECEIPT REQUESTED

(case nos. 9289; 9297; 9298 & 9300)
bearing sufficient prepaid postage, a copy of a summons and complaint/served upon
me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

Sea Ranch Properties, Inc., Plaintiff

in the Circuit Court of Baldwin County

VERSUS

(Name of Court)

Auto Owners Insurance Company, Defendant

And that on the 9th day of June, 1970, I received
the return card showing receipt by the designated addressee of said envelope on
the 5th day of June, 1970.

Witness my hand and official seal this the 9th day of June,
1970.

R. Frank Usery
SUPERINTENDENT OF INSURANCE

FILED

JUN 10 1970

ALICE J. DUCHEMIN
REGISTER

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

May 29, 1970

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

9289

Dear Mrs. Duck:

Please file the enclosed suit, Sea Ranch
Properties, Inc. vs Auto Owners Insurance Company.

With kind regards, I am

Yours very truly,

Wilson Hayes
Wilson Hayes

WH/ms
Enc.

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

SEA RANCH PROPERTIES, INC.,
a corporation,

Plaintiff,

VS.

AUTO-OWNERS INSURANCE COMPANY,
a corporation,

Defendant.

§

§

§

§

§

CIVIL ACTION NO. _____

PETITION OF DEFENDANT FOR REMOVAL
TO UNITED STATES DISTRICT COURT

To the Honorable Judges of Said Court:

Comes now your Petitioner, Auto-Owners Insurance Company, a corporation, defendant in the above-styled cause, and respectfully shows unto this Honorable Court as follows:

1. That the Defendant, Auto-Owners Insurance Company, is now and was at the time of the commencement of this suit a corporation organized and existing under the laws of the State of Michigan; that the Plaintiff, Sea Ranch Properties, Inc., was at the time of the filing of this suit a corporation organized and existing under the laws of the State of Alabama; that this is an action brought by an Alabama corporation against a Michigan corporation, and is wholly between corporations, citizens, of different states, and such an action as which can be fully determined between them.
2. That this is a suit to recover damages for the alleged loss, injury or damage to property allegedly owned by the plaintiff against which said loss the defendant had issued allegedly to the plaintiff, insurance to cover said loss.
3. That the amount sued for and involved in this action exceeds the

sum of Ten Thousand And No/100 (\$10,000.00) Dollars, exclusive of interest and costs; that the defendant herein has filed no pleadings in said cause in the State Court and the time within which the defendant is allowed by law to file its said petition for removal has not expired; and your defendant would further state that it has a good and meritorious defense to said cause. Your Petitioner attaches hereto as Exhibit "A" and makes a part hereof, a copy of the process, pleadings and orders purported to have been served upon it in said State Court action.

4. Your Petitioner desires to remove this action to this Court on the grounds of diversity of citizenship existing therein between the plaintiff and this defendant, Auto-Owners Insurance Company, a corporation, pursuant to the Acts of Congress in that behalf provided. Petitioner therefore files and offers herewith its bond with good and sufficient surety in the penal sum of Five Hundred And No/100 (\$500.00) Dollars conditioned that your defendant will pay all costs and disbursements incurred by reason of this said removal proceedings should it be determined that this action was wrongfully or improperly removed to this said Court.

5. Your Petitioner represents that promptly upon the filing of this petition and the said bond filed herewith, your petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of Baldwin County, Alabama, wherein said action is now pending.

WHEREFORE, Your Petitioner prays that the said bond filed herewith be accepted as good and sufficient and that this Court will enter such order or orders as may be proper in the premises.

DATED this _____ day of _____, 1970.

JOHN A. COURTNEY
Attorney for Defendant
First National Bank Building
Mobile, Alabama

STATE OF ALABAMA)

COUNTY OF MOBILE)

John A. Courtney, being first duly sworn, deposes and says that he is the attorney for the defendant in the above styled cause, and is authorized to execute this affidavit in behalf of said defendant and that he has read the foregoing petition and knows the contents thereof, and that the facts stated therein are true and correct.

JOHN A. COURTNEY

Sworn to and Subscribed before me

on this the _____ day of

_____, 1970.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

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

SEA RANCH PROPERTIES, INC.,
a corporation,

Plaintiff,

VS.

CIVIL ACTION NO. _____

AUTO-OWNERS INSURANCE COMPANY,
a corporation,

Defendant.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Defendant in the above captioned cause, as Principal, acting herein by and through their attorney in the above styled cause, being duly authorized in the premises, and _____

a corporation, as Surety, are held and firmly bound unto Sea Ranch Properties Inc., a corporation, Plaintiff in the above entitled cause, in the sum of Five Hundred And No/100 (\$500.00) Dollars, for the payment of which well and truly to be made, the undersigned, and each of the undersigned, do bind themselves, their successors and assigns, jointly, severally and firmly by these presents.

DATED this _____ day of _____, 1970.

The condition of this obligation is such that whereas said Defendant in the above captioned cause, the principal obligor, has applied to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, to move a cause from the Circuit Court of Baldwin County, Alabama, wherein the said Sea Ranch Properties, Inc., a corporation is the Plaintiff and your Petitioner is the Defendant, to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, held in the City of Mobile, Alabama, and that all further action in the Circuit Court aforesaid be stayed.

NOW, THEREFORE, if the Petitioners shall pay all costs and disbursements that may be awarded by the United States District Court if the said District Court shall hold that such suit was not removable or was wrongfully removed, thereto, then this obligation shall be void, otherwise to be and remain in full force and effect.

AUTO-OWNERS INSURANCE COMPANY, a
corporation,

BY: _____

JOHN A. COURTNEY,
Its attorney

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

SEA RANCH PROPERTIES, INC.,
a corporation,

Plaintiff,

VS.

AUTO-OWNERS INSURANCE COMPANY,
a corporation,

Defendant.

§

§

§

§

§

CIVIL ACTION NO. _____

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Defendant in the above captioned cause, as Principal, acting herein by and through their attorney in the above styled cause, being duly authorized in the premises, and _____,

a corporation, as Surety, are held and firmly bound unto Sea Ranch Properties Inc., a corporation, Plaintiff in the above entitled cause, in the sum of Five Hundred And No/100 (\$500.00) Dollars, for the payment of which well and truly to be made, the undersigned, and each of the undersigned, do bind themselves, their successors and assigns, jointly, severally and firmly by these presents.

DATED this _____ day of _____, 1970.

The condition of this obligation is such that whereas said Defendant in the above captioned cause, the principal obligor, has applied to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, to move a cause from the Circuit Court of Baldwin County, Alabama, wherein the said Sea Ranch Properties, Inc., a corporation is the Plaintiff and your Petitioner is the Defendant, to the District Court of the United States for the Southern District of Alabama, Southern Division thereof, held in the City of Mobile, Alabama, and that all further action in the Circuit Court aforesaid be stayed.

NOW, THEREFORE, if the Petitioners shall pay all costs and disbursements that may be awarded by the United States District Court if the said District Court shall hold that such suit was not removable or was wrongfully removed thereto, then this obligation shall be void, otherwise to be and remain in full force and effect.

AUTO-OWNERS INSURANCE COMPANY, a
corporation,

BY: _____
JOHN A. COURTNEY,
Its attorney