

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Merchants Property Insurance Company of Indiana, 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.

Clerk

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

MERCHANTS PROPERTY
INSURANCE COMPANY OF
INDIANA, A Corporation,

DEFENDANT

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 9296

I

The Plaintiff claims of the Defendant \$15,000.00, the value of a restaurant building, which the Defendant, on the 27th day of June, 1969 insured against loss or injury by windstorm in the policy of insurance mentioned, Policy Number 501200 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, Attorney's for Plaintiff

BY: W. L. Hayes

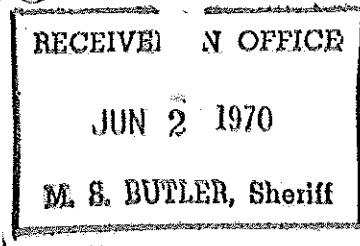
Plaintiff demands trial by Jury

FILED

MAY 29 1970

ALICE J. BUCK
CLERK
REGISTER

2923



NUMBER: 9296

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

MERCHANTS PROPERTY
INSURANCE COMPANY OF
INDIANA, a
Corporation,

DEFENDANT

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
AT LAW

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

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 \$2.50

RECEIVED
W. L. Mason Deputy Sheriff
JUN 1 1970

TAYLOR WILKINS
SHERIFF

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

9296

Dear Mrs. Duck:

Please file the enclosed suit, Sea Ranch
Properties, Inc. vs Merchants Property Insurance
Company of Indiana.

With kind regards, I am

Yours very truly,

Wil Hayes
Wilson Hayes

WH/ms
Enc.

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. _____

MERCHANTS PROPERTY *
INSURANCE COMPANY OF *
INDIANA, A Corporation,

Defendant. *

TO: HONORABLE Alice J. Duck, Clerk ✓
Circuit Court of Baldwin County
Bay Minette, Alabama

HONORABLE WILSON HAYES
Attorney at Law
Bay Minette, Alabama

Please be advised that on the 22nd day of June, 1970, at Mobile, Alabama, MERCHANTS PROPERTY INSURANCE COMPANY OF INDIANA, a corporation, in the above entitled matter, filed in the District Court of the United States for the Southern District of Alabama, Southern Division thereof, a Petition to remove the above entitled cause to said District Court of the United States from the Circuit Court of Mobile County, Alabama. True and correct copies of the Petition and Bond filed in said cause are attached hereto.

This notice is given you in accordance with the provisions of Title 28, Section 1446(E), United States Code.

FOREMAN, BROWN AND HUDGENS
Attorneys for Defendant

By _____

Alton R. Brown, Jr.
210 Van Antwerp Building
Mobile, Alabama 36602

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. 9296

MERCHANTS PROPERTY
INSURANCE COMPANY OF *
INDIANA, A Corporation,

Defendant. *

PETITION FOR REMOVAL OF CAUSE TO FEDERAL COURT:

Appearing specially for the purpose of filing this Petition, and without submitting to the jurisdiction of this Court to take any action other than acting upon this Petition, comes now your Petitioner, MERCHANTS PROPERTY INSURANCE COMPANY OF INDIANA, a corporation, by and through its attorneys in the above entitled cause, and presents and files this, its Petition for removal of the above entitled cause from the Circuit Court of Mobile County, Alabama 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 respectfully shows and support thereof, the following:

1. This cause was filed by the above named Plaintiff, an Alabama Corporation, in the Circuit Court of Baldwin County, Alabama, on, to-wit, the 29th day of May, 1970, and was commenced by the filing of the Complaint and the issuance of a Summon thereof, The Complaint seeks a recovery of Fifteen Thousand and No/100 (\$15,000.00) Dollars which the Plaintiff claims it has suffered as the result of Windstorm damage to an alleged insured building on the 17th day of August, 1969.

2. Copies of the Complaint and Summons which were issued in this cause are attached hereto and made a part hereof. Said Complaint and Summons were served on Petitioner on the 5th day of June, 1970. The above referred to pleadings, orders and processes are all that have been served on the Petitioner in this cause.

3. Petitioner further shows that the above entitled cause is one of a civil nature and is a suit for the recovery of Fifteen Thousand and No/100 (\$15,000.00) Dollars.

4. This Court has original jurisdiction of this matter as it is a claim against this Defendant who is a foreign corporation.

5. Petitioner files herewith a good and sufficient bond, such as is required by law, conditioned that Petitioner will pay all costs and disbursements which may be awarded by this Court, if this Court shall determine that this suit was not subject to removal by Petitioner or was wrongfully or improperly removed hereto by the Petitioner.

FOREMAN, BROWN AND HUDGENS
Attorneys for Petitioner

By _____
Alton R. Brown, Jr.
210 Van Antwerp Building
Mobile, Alabama 36602

STATE OF ALABAMA)

COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority, Alton R. Brown, Jr., whose name is signed above, and who is known to me, and who being by me first duly sworn on oath does depose and say that he is one of the attorneys in the above entitled cause for the above Petitioner; that he is informed and believes that the allegations of said Petition are true and correct; that he is further authorized to make said Petition and Affidavit on behalf of said Petitioner.

Alton R. Brown, Jr.

Subscribed and sworn to before me
this 22nd day of June, 1970.

NOTARY PUBLIC, ALABAMA STATE AT LARGE

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. _____

MERCHANTS PROPERTY
INSURANCE COMPANY OF
INDIANA, A Corporation,

*

*

Defendant.

*

REMOVAL BOND

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, MERCHANTS PROPERTY INSURANCE COMPANY OF INDIANA, a Corporation, is 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 does bind itself, its successors and assigns, by these presents.

DATED this 22nd day of June, 1970.

The Condition of this obligation is such that whereas the undersigned principal has applied to the District Court of the United States of the Southern District of Alabama, Southern Division thereof, to remove a cause from the Circuit Court of Mobile County, Alabama, wherein the said Sea Ranch Properties, Inc., a Corporation, is Plaintiff and the Petitioner is the Defendant, to the District Court of Alabama, Southern Division, held in the City of Mobile, Alabama, and that all further action in the Circuit Court above be stayed.

Now, therefore, if the undersigned Petitioner 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 therein, then this obligation shall be void, otherwise to be and remain in full force and effect.

MERCHANTS PROPERTY INSURANCE
COMPANY OF INDIANA, a Corporation

By _____
One of Its Attorneys
as Principal

ST. PAUL FIRE & MARINE INSURANCE
COMPANY

By _____
Its Attorney-in-Fact
As Surety

Accepted and approved on this, the _____ day of June, 1970.

United States District Judge

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Merchants Property Insurance Company of Indiana, 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

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

MERCHANTS PROPERTY
INSURANCE COMPANY OF
INDIANA, A Corporation.

DEFENDANT

IN THE CIRCUIT COURT

FOR THE COUNTY OF BALDWIN, ALABAMA

NUMBER

9296

Plaintiff claims of damages in the sum of \$10,000.00, the value of Commercial Building, on the 27th day of June, 1969 insured against fire or injury by windstorm in the policy of Insurance mentioned in Policy Number 501260 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.

WITNESSETH, Attorney for Plaintiff

W. L. H. H. H.

Plaintiff demands trial by Jury

W. L. H. H. H.

FILED

MAY 29 1970

ALICE J. DUCK CLERK
REGISTER

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:

Merchants Property Insurance Company of Indiana
1715 No. Meridian Street
Indianapolis, Indiana 46207

REGISTERED MAIL
RETURN RECEIPT REQUESTED

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)

Merchants Property Insurance Company of, Defendant
Indiana

And that on the 8th 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. BUCK CLERK
REGISTRAR

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