

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.

Clerk

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

AUTO OWNERS INSURANCE
COMPANY, A Corporation,

DEFENDANT

X
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X

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 9298

I

The Plaintiff claims of the Defendant \$10,000.00, the value of a resturant 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 6715 17 030-76735 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. H. Hayes

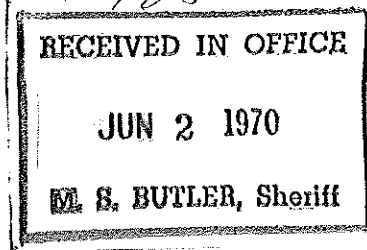
Plaintiff demands trial by Jury

W. H. Hayes

FILED

MAY 29 1970

ALICE J. DUCK CLERK
REGISTER



NUMBER: 9298

SEA RANCH PROPERTIES, INC.
A Corporation,

PLAINTIFF

VS

AUTO OWNERS INSURANCE
COMPANY, A Corporation,

DEFENDANT

Executed by serving 2 copies of
the within on Frank Terry
----- Superintendent
of Insurance, State of Alabama
This The 2 day of June 19 70
Sheriff of Montgomery County
M. S. Butler,
By W. J. Moon 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. J. Moon JUN 1 1970
Deputy Sheriff

TAYLOR WILKINS
SHERIFF

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
AT LAW

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. 9300

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 on 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 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. _____

TO: Honorable Alice Duck
Clerk, Circuit Court of Baldwin County
County Court House
Bay Minnette, Alabama

Wilson Hayes, Esquire
Hayes & Boggs
Spanish Fort, Alabama

PLEASE BE ADVISED that on the _____ day of _____, 1970
at Mobile, Alabama, the Defendant in the above styled 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 Baldwin County, Alabama. True and correct copies of the petition and
bond filed in said cause are attached hereto.

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

JOHN A. COURTNEY
Attorney for Defendant
2208 First National Bank Building
Mobile, Alabama

IN THE UNITED STATES DISTRICT COURT 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.

TO: Honorable Alice Duck
Clerk, Circuit Court of Baldwin County
County Court House
Bay Minnette, Alabama

Wilson Hayes, Esquire
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JOHN A. COURTNEY
Attorney for Defendant
2208 First National Bank Building
Mobile, Alabama

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

9298

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,

Wil Hayes
Wilson Hayes

WH/ms
Enc.

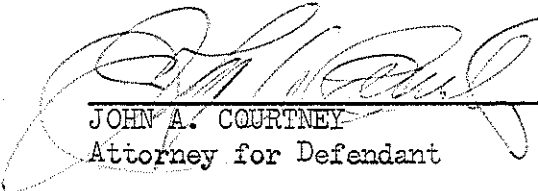
SEA RANCH PROPERTIES, INC.,	Ø	IN THE CIRCUIT COURT
a corporation,		
Plaintiff,	Ø	OF BALDWIN COUNTY
VS.	Ø	ALABAMA
AUTO-OWNERS INSURANCE COMPANY,	Ø	AT LAW
a corporation,		
Defendant.	Ø	CASE NO. 9,298

DEMURRER

Comes now the Defendant in the above styled cause and demurs to the Plaintiff's Complaint and assigns as grounds for said demurrer the following, separately and severally, to-wit:

1. Plaintiff's Complaint fails to state a cause of action against the Defendant.
2. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.
3. For aught appearing from the Plaintiff's Complaint, this Court has no jurisdiction of this cause.
4. The location of the building allegedly damaged is not set out with sufficient particularity to give this Court jurisdiction.
5. For aught appearing there was no consideration for the alleged policy of insurance sued upon.
6. Plaintiff's Complaint is so vague, uncertain and indefinite as to fail to apprise the Defendant of what it is being called upon to defend.
7. For aught appearing from the Plaintiff's Complaint it is impossible to determine who owns the policy of insurance allegedly being sued upon.
8. For aught appearing from the Plaintiff's Complaint, this Plaintiff does not own the property allegedly injured.

9. For aught appearing from the alleged contractual policy of insurance was not in writing and would therefore be in violation of the statute of frauds.


JOHN A. COURTNEY
Attorney for Defendant

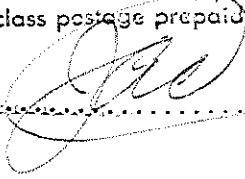
FILED

JUL 6 1970

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 1
day of July, 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.


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