

JOHN G. EVANS,

Ø

Plaintiff,

VS.

Ø

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

RAZORBACK FARMS, a partner-
ship, ET AL.,

Ø

AT LAW

NO. 9350

Defendants. Ø

DEMURRER TO ORIGINAL COMPLAINT

Now come the defendants, each separately and severally, by their attorney, and demur to the original complaint heretofore filed in this cause and as grounds of such demurrer assign, separately and severally, the following:

1. It does not state a cause of action.

J. B. Blackburn
Attorney for Defendants

I hereby certify that I mailed a copy of the foregoing demurrer to Cecil G. Chason, Esquire, Foley, Alabama, attorney for plaintiff, on this the 26th day of August, 1970.

J. B. Blackburn
Attorney for Defendants

FILED

AUG 28 1970

ALICE J. DUCK CLERK
REGISTER

FILED

AUG 28 1970

ALICE J. DUCK CLERK
REGISTER

JOHN G. EVANS,)	
	)	IN THE CIRCUIT COURT OF
Plaintiff,)	
	)	BALDWIN COUNTY, ALABAMA
vs.)	
	)	AT LAW
RAZORBACK FARMS, a partnership,)	
et al,	)	CASE NO. 9350
)	
Defendants.)	

Interrogatories

Comes now the Plaintiff, John G. Evans, by and through his attorney, and desiring the testimony of Razorback Farms, propounds the following Interrogatories to be answered by a duly authorized officer or agent of Razorback Farms, under oath:

1. What is the description of the business entity, Razorback Farms, as to whether it is a corporation, partnership, sole proprietorship, or other form of business?
2. If Razorback Farms is a corporation, what is the state of incorporation?
3. If Razorback Farms is a corporation, is it authorized and licensed to do business in the State of Alabama in compliance with the laws and statutes of said state?
4. If Razorback Farms is a corporation, state the type and nature of the business it is authorized to conduct under the articles of incorporation of said corporation.
5. If Razorback Farms is a partnership, state the names and addresses of the partners and the relative proportion of ownership of each partner.
6. If Razorback Farms is a partnership, what is the nature and type of business conducted by said partnership?
7. If Razorback Farms is a sole proprietorship, what is the name and address of the owner.
8. Did Razorback Farms, by and through its authorized agents or servants, do any kind or type of farm crop harvesting or related farm work in Section 5, Township 8 South, Range 4 East, in Baldwin County, Alabama, on or about the 31st day of May, 1970?
9. If the answer to the preceding question is in the affirmative, did Razorback Farms use any type of machinery or equipment while engaged in performing the work in said area?
10. If the answer to No. 8 is in the affirmative, please describe the type equipment used in doing the work in the area described in question No. 7, and how many pieces of equipment were used?
11. If the answer to question number 7 is in the affirmative, describe the type of work Razorback Farms was conducting at the time and place set out in question number 7 above.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared Thomas W. Underwood, Jr., who being known to me, stated under oath that he is the attorney for Plaintiff, John G. Evans, in this case; that the answers to the foregoing interrogatories when well and truly made, will be material evidence for the said Plaintiff, John G. Evans, on the trial of said cause.


Thomas W. Underwood, Jr.

Sworn to and subscribed before me
this _____ day of June, 1971.

Notary Public, Baldwin County
State of Alabama

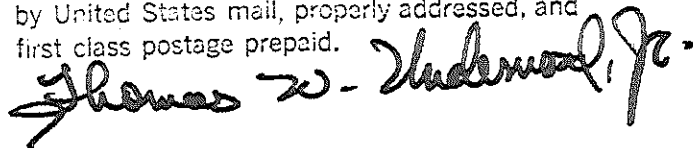
FILED

JUN 23 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 22nd
day of JUNE, 1971, 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.



9350

CECIL G. CHASON

Attorney at Law

June 20, 1970

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

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

Dear Mrs. Duck:

Enclosed herewith is affidavit of non-residence
of Razorback Farms and a check in the amount of \$5.00.
Please have service perfected through the Secretary
of State.

Yours very truly,


C. G. Chason

CGC/vd
Enc.

FILED

August 10, 1970

JOHN G. EVANS, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, AT LAW

VS.

AUG 12 1970

RAZORBACK FARMS, A PARTNERSHIP,
et al, Defendants

ALICE J. DUCK

CLERK
REGISTER

CASE NO. 9350

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 31st day of July, 1970 sent by certified mail in an envelope addressed as follows:

"Razorback Farms, a Partnership
Box 291
Springdale, Arkansas 72764"

"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:

"Razorback Farms, a Partnership
Box 291
Springdale, Arkansas 72764"

You will take notice that on July 31, 1970 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: JOHN G. EVANS, Plaintiff VS RAZORBACK FARMS, A PARTNERSHIP, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9350

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 31st day of July, 1970

(Signed) Mabel Amos

Mabel 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 August 10, 1970 she received the "Return Card" showing receipt by the designated addressee of the aforementioned matter at Springdale, Ar. on 8/6/70

Mabel S. Amos

Affiant—Mabel Amos

Secretary of State

Sworn to and subscribed before me, this the 10th day of August, 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 Cecil G. Chason
P. O. Drawer 458
Foley, Alabama 36535

STATE OF ALABAMA)
) . . . IN THE CIRCUIT COURT . . . LAW SIDE . .
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon RAZORBACK FARMS, a partnership, RAZORBACK FARMS, a corporation, JOHN DOE and RICHARD ROE, individuals, K and Y, partners, Z CORPORATION, whose names are otherwise unknown to Plaintiff, but will be added by amendment when ascertained, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to plead, answer or demur to the Complaint of JOHN G. EVANS.

WITNESS my hand this 22 day of June, 1970.

Alfred Duck
Clerk

* * * * *

COMPLAINT

JOHN G. EVANS,)	
)	
Plaintiff)	
)	
-vs-	)	IN THE CIRCUIT COURT OF
)	
RAZORBACK FARMS, a partnership,)	
RAZORBACK FARMS, a corporation,	)	BALDWIN COUNTY, ALABAMA
JOHN DOE and RICHARD ROE,)	
individuals, K AND Y, partners,)	
Z CORPORATION, whose names are	)	AT LAW
otherwise unknown to Plaintiff)	
but will be added by amendment)	
when ascertained,	)	CASE NO. <u>9350</u>
)	
Defendants,)	

The Plaintiff claims of the Defendants, RAZORBACK FARMS, a corporation, RAZORBACK FARMS, a partnership, JOHN DOE and RICHARD ROE, individuals, K AND Y, partners, Z CORPORATION, whose names are otherwise unknown to Plaintiff, but will be added by amendment when ascertained, the sum of FIVE THOUSAND DOLLARS (\$5,000.00) as damages for that heretofore on, to-wit, the 31st day of May, 1970, the Defendant, RAZORBACK FARMS, whose name will be correctly stated when ascertained, acting by and through an agent, servant or employee, whose name will be added by amendment when ascertained,

while acting within the lien and scope of his employment negligently drove or operated trucks, tractors, or other equipment over and across the farm lands of the Plaintiff in Section 5, Township 8 South, Range 4 East, in Baldwin County, Alabama, and as a proximate result and consequence of said negligent operation, did cause deep ruts, depressions, ditches and holes in the farm lands of the Plaintiff, as aforesaid, all to the damage to the Plaintiff as aforesaid, hence this suit.


Attorney for Plaintiff

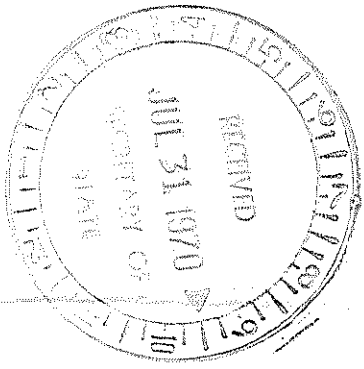
Plaintiff respectfully demands
trial by jury.


Attorney for Plaintiff

FILED

JUN 22 1970

ALICE J. DUCK CLERK
REGISTER



no. 9350

STATE OF ALABAMA

AFFIDAVIT

BALDWIN COUNTY

Before me, Virginia Dodd, a Notary Public in and for said County in said State, personally appeared C. G. Chason who is known to me and who, after being by me first duly and legally sworn, deposes and says under oath as follows:

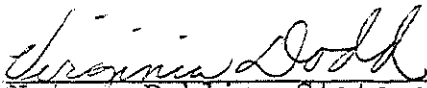
That his name is C. G. Chason; that he is attorney for the Plaintiff in that certain cause wherein John G. Evans is Plaintiff and Razorback Farms, et al, are Defendants; that the Defendant, Razorback Farms, is a non-resident of the State of Alabama and has no agent listed with the Secretary of State on which service of process may be obtained within the State of Alabama; that the said Razorback Farms's post office address is Springdale, Arkansas; that service of process by the Secretary of State will be necessary in this cause.


C. G. CHASON

Sworn to and subscribed
before me this 20th day
of June, 1970.

FILED

JUN 22 1970



Notary Public, State of Alabama at Large

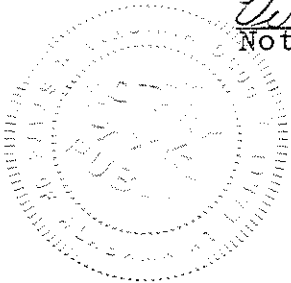
ALICE J. DUCK

CLERK
REGISTER

FILED

JUN 22 1970

ALICE J. DUCK



100-100000

RECEIVED

EX-100-100000

EX-100-100000

Before me, the undersigned authority, on this day personally appeared C. G. Chassey who is known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10th day of June, 1970.

Notary Public for the State of Arkansas
My commission expires June 10, 1972.


C. G. Chassey

Witness my hand and seal this 10th day of June, 1970.

Notary Public for the State of Arkansas

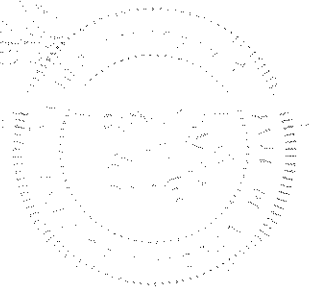
My commission expires June 10, 1972.

EX-100-100000

EX-100-100000

EX-100-100000

EX-100-100000



August 10, 1970

JOHN G. EVANS, Plaintiff

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, AT LAW

VS.

RAZORBACK FARMS, A CORPORATION,
et al, Defendants

CASE NO. 9350

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 31st day of July, 1970 sent by certified mail in an envelope addressed as follows:

"Razorback Farms, a Corporation
Box 291
Springdale, Arkansas 72764"

"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:

"Razorback Farms, a Corporation
Box 291
Springdale, Arkansas 72764"

You will take notice that on July 31, 1970 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, Summons and Complaint and Affidavit in a case entitled: JOHN G. EVANS, Plaintiff VS RAZORBACK FARMS, A CORPORATION, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9350

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 31st day of July, 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 August 10, 1970 she received the "Return Card" showing receipt by the designated addressee of the aforementioned matter at Springdale, Ar. on 8/6/70

Mabel S Amos
Affiant—Mabel S Amos

Secretary of State

Sworn to and subscribed before me, this the 10th day of August, 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 Cecil G. Chason
P. O. Drawer 458
Foley, Alabama 36535

STATE OF ALABAMA)
) . . . IN THE CIRCUIT COURT . . . LAW SIDE . .
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon RAZORBACK FARMS, a partnership, RAZORBACK FARMS, a corporation, JOHN DOE and RICHARD ROE, individuals, K and Y, partners, Z CORPORATION, whose names are otherwise unknown to Plaintiff, but will be added by amendment when ascertained, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to plead, answer or demur to the Complaint of JOHN G. EVANS.

WITNESS my hand this 22 day of June, 1970.

Alfred D. Duck
Clerk

* * * * *

COMPLAINT

JOHN G. EVANS,)	
)	
Plaintiff)	
)	
-vs-	)	IN THE CIRCUIT COURT OF
)	
RAZORBACK FARMS, a partnership,)	
RAZORBACK FARMS, a corporation,	)	BALDWIN COUNTY, ALABAMA
JOHN DOE and RICHARD ROE,)	
individuals, K AND Y, partners,)	
Z CORPORATION, whose names are	)	AT LAW
otherwise unknown to Plaintiff)	
but will be added by amendment)	
when ascertained,	)	CASE NO. <u>9350</u>
)	
Defendants,)	

The Plaintiff claims of the Defendants, RAZORBACK FARMS, a corporation, RAZORBACK FARMS, a partnership, JOHN DOE and RICHARD ROE, individuals, K AND Y, partners, Z CORPORATION, whose names are otherwise unknown to Plaintiff, but will be added by amendment when ascertained, the sum of FIVE THOUSAND DOLLARS (\$5,000.00) as damages for that heretofore on, to-wit, the 31st day of May, 1970, the Defendant, RAZORBACK FARMS, whose name will be correctly stated when ascertained, acting by and through an agent, servant or employee, whose name will be added by amendment when ascertained,

while acting within the lien and scope of his employment negligently drove or operated trucks, tractors, or other equipment over and across the farm lands of the Plaintiff in Section 5, Township 8 South, Range 4 East, in Baldwin County, Alabama, and as a proximate result and consequence of said negligent operation, did cause deep ruts, depressions, ditches and holes in the farm lands of the Plaintiff, as aforesaid, all to the damage to the Plaintiff as aforesaid, hence this suit.


Attorney for Plaintiff

Plaintiff respectfully demands
trial by jury.

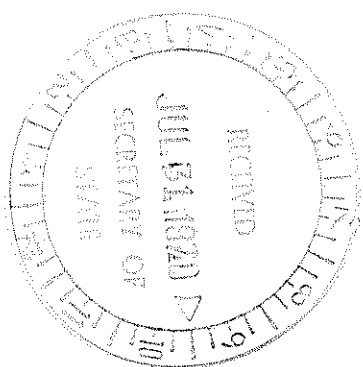

Attorney for Plaintiff

FILED

JUN 22 1970

ALICE J. DUCK CLERK
REGISTER

200-100-100



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STATE OF ALABAMA)
) . . . IN THE CIRCUIT COURT . . . LAW SIDE . .
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon RAZORBACK FARMS, a partnership, RAZORBACK FARMS, a corporation, JOHN DOE and RICHARD ROE, individuals, K and Y, partners, Z CORPORATION, whose names are otherwise unknown to Plaintiff, but will be added by amendment when ascertained, to appear before the Circuit Court of Baldwin County, Alabama at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to plead, answer or demur to the Complaint of JOHN G. EVANS.

WITNESS my hand this 22 day of June, 1970.

Alfred D. Durr
Clerk

* * * * *

COMPLAINT

JOHN G. EVANS,)	
)	
Plaintiff)	
)	
-vs-	)	IN THE CIRCUIT COURT OF
)	
RAZORBACK FARMS, a partnership,)	
RAZORBACK FARMS, a corporation,	)	BALDWIN COUNTY, ALABAMA
JOHN DOE and RICHARD ROE,)	
individuals, K AND Y, partners,)	
Z CORPORATION, whose names are	)	AT LAW
otherwise unknown to Plaintiff)	
but will be added by amendment)	
when ascertained,	)	CASE NO. <u>9350</u>
)	
Defendants,)	

The Plaintiff claims of the Defendants, RAZORBACK FARMS, a corporation, RAZORBACK FARMS, a partnership, JOHN DOE and RICHARD ROE, individuals, K AND Y, partners, Z CORPORATION, whose names are otherwise unknown to Plaintiff, but will be added by amendment when ascertained, the sum of FIVE THOUSAND DOLLARS (\$5,000.00) as damages for that heretofore on, to-wit, the 31st day of May, 1970, the Defendant, RAZORBACK FARMS, whose name will be correctly stated when ascertained, acting by and through an agent, servant or employee, whose name will be added by amendment when ascertained,

while acting within the lien and scope of his employment negligently drove or operated trucks, tractors, or other equipment over and across the farm lands of the Plaintiff in Section 5, Township 8 South, Range 4 East, in Baldwin County, Alabama, and as a proximate result and consequence of said negligent operation, did cause deep ruts, depressions, ditches and holes in the farm lands of the Plaintiff, as aforesaid, all to the damage to the Plaintiff as aforesaid, hence this suit.


Attorney for Plaintiff

Plaintiff respectfully demands
trial by jury.


Attorney for Plaintiff

FILED

JUN 22 1970

ALICE J. DUCK CLERK
REGISTER

9356

John H. Evans

VS

Razorback Farms

9

RECEIVED IN OFFICE	RECEIVED IN OFFICE
JUN 24 1970	JUN 23 1970
JUL 30 1970	JUL 30 1970
M. S. BUTLER, Sheriff	M. S. BUTLER, Sheriff

JUL 17 1970

Jr. Sheriff

Executed by serving 6 copies of
the within on Mabel Clark
Secretary of State of The State of
Alabama.

This the 31 day of July 1970

Sheriff of Montgomery County
M. S. Butler,

By B. Sumner D. S.

M. S. Butler, Sheriff of Montgomery,
County, Alabama, Claim \$1.50 each for
serving 2 process(es) and \$1.00
travel expense on each of 2
process(es) or a total of 5.00

C. H. Chavis

B. Sumner Deputy Sheriff

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.	<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); border: 1px solid black; padding: 2px; margin-right: 5px;">1</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); border: 1px solid black; padding: 2px; margin-right: 5px;">2</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); border: 1px solid black; padding: 2px; margin-right: 5px;">3</div> </div>	SIGNATURE OR NAME OF ADDRESSEE (<i>Must always be filled in</i>)
CERTIFIED NO. 51713		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED 8-6-70	SHOW WHERE DELIVERED (<i>only if requested</i>)	

c55-16-71548-11 347-198 GPO

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

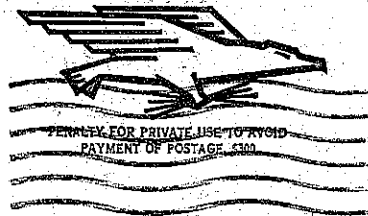
RECEIPT

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REGISTERED NO.	<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); border: 1px solid black; padding: 2px; margin-right: 5px;">1</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); border: 1px solid black; padding: 2px; margin-right: 5px;">2</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg); border: 1px solid black; padding: 2px; margin-right: 5px;">3</div> </div>	SIGNATURE OR NAME OF ADDRESSEE (<i>Must always be filled in</i>)
CERTIFIED NO. 51714		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED 8-6-70	SHOW WHERE DELIVERED (<i>only if requested</i>)	

c55-16-71548-11 347-198 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



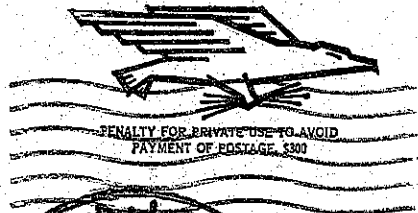
POSTMARK OF DELIVERING OFFICE

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.

RETURN
TO

SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

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.

RETURN
TO

SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104

POD Form 3811 Apr. 1969 655-16-71548-11

POD Form 3811 Apr. 1969 655-16-71548-11