The State of Alabama BALDWIN COUNTY

9659

CIRCUIT COURT

To any Sheriff of the State of Alabama—GREETING:

| You are hereby commanded, that of the goods and chattels, lands and tenements of | | | |
|---|-----------------|--|--------------------|
| Willie Lee Smith who sues by his mother & Next friend, Mary Lee Smith , Plaintiff | | | |
| you cause to be made the sum of | # 39 = | S-ODolla | rs, costs of suit, |
| which Arthur Paul Evans | | · · · · · · · · · · · · · · · · · · · | _, Defendant |
| recovered of the Plaintiff for the use of the | officers of sai | id Court, on the 9th day of June | , 19 |
| by the judgment of the Circuit Court, held for the | County of | BALDWIN , and have the | same to render |
| to the Clerk of said Court and make return of thi | is writ and the | execution thereof according to law. | |
| Witness my hand, thisday | of | 1/00/ | 1 No. |
| | | E |) |
| | | Gumil D. Miller | ZOZ /Clerk |
| CLERK'S FEES: | AMOUNT | SUMMARY OF FEES, COSTS AND JUDGMENT: | AMOUNT |
| 1. Suits for \$100.00 or less | | 1. Clerk's Fees | 2000 |
| 2. Suits for over \$100.00 but less than \$1000 10.00 | | 2. Ex-Clerk's Fees | 020 |
| 3. Suits for \$1000.00 and over | | 3. Sheriff's Fees | 8 |
| 4. Suits Detinue, ejectment, etc | | 4. Ex-Sheriff's Fees | |
| 5. Suits not otherwise provided for 10.00 | | 5. Trial Tax | 4 50 |
| 6. Appeal from Justice of Peace, etc 6.00 | | 6. Court Reporter's Fee, per day | 300 |
| 7. Garnishment on Judgment, etc | | 7. Witness Fees | |
| 8. Workmen's Compensation—Petition Settlement | | 8. Commissioner's Fees | |
| 9. Appeals from State Dept. of Pub. Safety, etc | | 9. Garnishee's Fees | |
| 10. Motion to sell real estate—J. P. levy 6.00 | | 10. Publisher's Fees | |
| 11. Mandamus, writ of prohibition, etc 15.00 | , . | 12. | |
| 12. Recording Executions-State Agencies 3.00 | | 13 Clerk's Fees in Inferior Court | |
| 13. Copy of Record-per 100 words | | 14. Sheriff's Fees in Inferior Court | |
| 14. Certifying Abstract in transcript 5.00 | | 15. Witness Fees in Inferior Court | |
| 15. Record for Supreme-Appeals Ct. per 100 wds | | 16. | |
| 16. Additional copies Record-Appeals per | | 17 Justice of Peace Fees | |
| 100 wds | | 18. Constable's Fees | |
| 17. Taking Appeal Bond | | 19 | |
| 18. Reporter's Transcript on Appeal | | 20. Cost in Appealed Cases Docketed (Total) | |
| 19. Appeals Courts Concurrent Jurisdiction 15.00 20. Application—Habeas Corpus | | TOTAL FEES AND COST | 39 50 |
| 21. | | 21. | 27 |
| 22. | | 22. Judgment\$ | |
| Total Clerk's Fees | | 23. 10% Damages | |
| SHERIFF'S FEES: | | 24. Interest\$ | |
| 23. Serving summons and complaint \$1.50 | | TOTAL JUDGMENT | |
| 24. Levying attachment and return 6.25 | | TOTAL FEES, COST AND JUDGMENT | |
| 25. Seizing personal property-Detinue 6.00 | | The second secon | |
| 26. Approving bond, each 2.00 | | - | |
| 27. Serving GarnisheeWrit | | | |
| 28. Serving Sc' Fa. or notice 1.50 | | | |
| 29. Serving Subpoe , each 75 | | | |
| 30. Impanelling Jury | | | |
| 31. Serving Contempt Attachment 1.50 | | | |
| 32. Collecting execution for cost only | | | |
| 33. Commissions on Execution | | | |
| 34. Executing Writ of Possession, each 5.00 | | | |
| 35. Making Deed to Real Estate sold, each 2.50 | | | |
| 36. Mileage, each | | | |
| 38. | | | |
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| Total Sheriff's Fees | | | |

The State of Alabama BALDWIN COUNTY

CIRCUIT COURT

WILLIE LEE SMITH who sues by his

mother & Next friend, MARY LEE SMIT

ARTHYR PAUL EVANS

Civil Execution Docket.

Fi. Fa. For Cost vs. Plaintiff

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|-----------|-------|-------|--------|----|
| Fee Book | No | | Page | |
| Costs, . | | • • • | . 3.39 | |
| 7. | | | 20 | 30 |

I hereby certify that there was a waiver of the right to claim of exemption of personal property as to collection of the debt for which this execution is issued.

Clerk

WILSON HAYES

Plaintiff's Attorney

BROWN, HUDGENS & RICHARDSON

Defendant's Attorney

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| DEFENDANT'S WITNESSES | | |
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Lts. pltf. 11-17-75 9. Atty

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

January 26, 1971

TELEPHONE 937-5506

Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

36507

Dear Eunice:

Please file the enclosed damage suit by Willie Lee Smith Vs. Arthur Paul Evans and have it served on Defendant.

With kind regards, I am

Yours very truly,

Wilson Haye

WH/ms Enc. Daphre

| 9659 | Page | |
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| ARTHYR 1 | PAUL EVANS | |
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| Costs, | \$ | 39.50 |
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| ivil Execution I | DocketPag | e |
| o claim of exem | y that there was a wai ption of personal pro- bt for which this exec | perty as to col- |
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L-ts. pltf. 11-17-75 g. Atty.

| WILLIE LEE SMITH, a minor who | 六 | IN THE CIRCUIT COURT |
|--|---|----------------------|
| sues by his mother and next friend, Mary Lee Smith, | が | OF BALDWIN COUNTY, |
| Plaintiff, | 坎 | ALABAMA |
| Vs | * | AT LAW |
| ARTHUR PAUL EVANS, | * | |
| Defendant. | × | CASE NUMBER: 9659 |

Comes now the Defendant in the above styled cause and moves this Honorable Court to set aside the Judgment previously entered in this matter on the grounds that no motion for a judgment was ever served on the Defendant asking for a Default Judgment.

BROWN, HUDGENS & RICHARDSON Attorneys for Defendant

Alton R. Brown, Jr.
2nd Floor, Executive Plaza
601 Bel Air Blvd.
Mobile, Alabama 36606

DEC3, BTJ

1986 S. Blaceron dircum

) IN THE CIRCUIT COURT OF WILLIE LEE SMITH, a minor BALDWIN COUNTY, ALABAMA who sues by his mother and next friend, Mary Lee Smith, Plaintiff, CASE NUMBER: 9650 vs. ARTHUR PAUL EVANS, Defendant.

ANSWER TO COUNTERCLAIM OF DEFENDANT

Plaintiff says that the Counterclaim of Defendant is barred by the Statute of Limitations of one year.

HAYES & NORTON

FILED

APR 10 1975

EUNICE B. BLACKMON CIRCUIT

CRETEFICATE OF SERVICE

I do hereby certify that I have on this day of four of fur all

19 ..., served a copy of the foreigning pieceting of control fur all parties to this proceeding by mailing the same by United States. Mail, properly addressed, with first class postage prepaid.

WILLIE LEE SMITH, a minor who sues by his mother and next friend, Mary Lee Smith,

Plaintiff.

٧s

ARTHUR PAUL EVANS,

Defendant.

* IN THE CIRCUIT COURT

* OF

* BALDWIN COUNTY. ALABAMA

*

AT LAW

*

★ CASE NUMBER: 9659

ANSWER

Comes now the Defendant in the above styled cause and for Answer to the Plaintiff's Complaint saith as follows:

FIRST DEFENSE

Defendant denies each and every material allegation contained in the Complaint.

SECOND DEFENSE

Defendant alleges that the Plaintiff driver was himself guilty of regligence which proximately caused the accident and the alleged injuries and damages claimed by the Plaintiff.

THIRD DEFENSE

The right of action set forth in the Complaint did not accrue within one year next before the commencement of this action.

FOURTH DEFENSE

By way of counterclaim the Defendant alleges that at the time and place complained in the Complaint the Plaintiff negligently caused or allowed the motor whicle he was driving to be collided with by the motor vehicle being operated by the Defendant.

As a proximate consequence of the Plaintiff's said negligence, the Defendant was caused to suffer the following injuries and damages. The defendant was lacerated, bruised, contused, maimed, mangled and otherwise made sick and sore, he incurred medical expenses, doctors and hospital bills, lost time from his work, suffered physical pain and suffering and mental anguish, his automobile was bent, broken or damaged and rendered less valuable.

Wherefore, Defendant demands Judgment against Plaintiff in the sum of TWO THOUSAND AND NO/100 (\$2000.00) DOLLARS.

> BROWN, HUDGENS AND RICHARDSON, Attorneys for Defendant, Arthur Paul Evans

atte

Alton R. Brown, Jr.
Suite 200, Executive Plaza
601 Bel Air Blvd.
Mobile, Ala. 36606

FILED

APR 7 1975

EUNICE B. BLACKMON CIRCUIT

CERTIFICATE OF SERVICE I do hereby certify that I have on this . ## day of ... 19 7 served a copy of the foregoing pleading on coursel for all parties to this proceeding by mailing same by United States mail, properly addressed, and first class postage present. class postage prepaid.

liter -

BROWN, HUDGENS, FULFORD, SINTZ & RICHARDSON ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

ALTON R. BROWN, JR.
A. NEIL HUDGENS
JAMES E. FULFORD
PETER V. SINTZ
JOHN D. RICHARDSON, III.
J. GEORGE WHITFIELD, JR.
CLAUDE D. HARRELL

MOBILE, ALABAMA

AREA CODE 205 432-2792

July 18th 1972

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

RE: Willie Lee Smith, a minor, etc. vs Arthur Paul Evans
Case Number: 9659

Dear Mrs. Blackmon:

We enclose our Demurrer to the Complaint of the Plaintiff and respectfully request that you file same.

Yours very truly,

ARBj iw

enclosure

WILLIE LEE SMITH,

Plaintiff,

BALDWIN COUNTY, ALABAMA

Vs.

AT LAW

ARTHUR PAUL EVANS,

I IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Defendant.

NUMBER: 9659

Comes now the Plaintiff in the above styled cause and amends his Bill of Complaint heretofore filed by avering the following:

1. Plaintiff avers that the Defendant, Arthur Paul Evans, was a resident of the State of Alabama on October 16, 1970 and did thereafter leave the State of Alabama and remain away for a period of sixty (60) days from the date of such accident or for such period has concealed himself so that process cannot be served upon him, said acts being equivalent to the appointment by said Defendant of the Secretary of State of the State of Alabama to be said Defendant's true and lawful agent upon whom may be served this summons. Plaintiff believes that the Defendant is presently residing at Route 2, Box M6, Atmore, Alabama.

WHEREFORE, Plaintiff prays that the service of process be had upon the Defendant by substituting service upon the Secretary of State of the State of Alabama under the provisions of Title 7, Section 199(1/2), Code of Alabama, 1940, recompiled 1958.

Wilson Hayes Attorney for Plaintiff

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said county and state personally appeared this date, Wilson Hayes, who first being by me duly sworn says:

My name is Wilson Hayes. I am the Attorney for the Plaintiff in the above styled cause; the Defendant, Arthur Paul Evans, has left the state of Alabama for a period of sixty days from the date of the accident from which this cause or action arose or for such period has concealed himself so process cannot be served upon him and his last known address is Route 2, Box M6, Atmore, Alabama.

Wilson Hayes

Sworn to and subscribed before methis $2^{\frac{1}{2}}$ day of

June, 1972.

Mary C. Stiers McGuff, Notary Public

Baldwin County, Alabama

JUN 12 972

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Arthur Paul Evans 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 same, then and there to answer the complaint of Willie Lee Smith, a minor, who sues by his mother and next friend, Mary Lee Smith.

Witness my hand, this the 27 day of January, 1971.

Defendant may be found:

* * * * * * * * * * *

Route 2, Box M6 Atmore, Alabama

Linice & Bluekne

WILLIE LEE SMITH, a minor who I IN THE CIRCUIT COURT OF sues by his mother and next friend, Mary Lee Smith, I BALDWIN COUNTY, ALABAMA

Plaintiff, AT LAW

Vs.

ARTHUR PAUL EVANS, NUMBER: 9639

Defendant.

I

Plaintiff claims of Defendant the sum of Two Thousand Dollars (\$2,000) for that on to-wit the 16th day of October, 1970 Defendant so negligently operated an automobile on US Highway 31 in Baldwin County, Alabama at a point about five miles South of Stapleton, Alabama and about one and one-half miles North of the Malbis cut-off road as to cause or allow the said automobile to run into, over or against the automobile of Plaintiff and that as a proximate result of such negligence, Plaintiff's automobile was bent, broken or damaged in that the rear, body, fenders and frame were bent, broken, torn and destroyed, ad quod damnum.

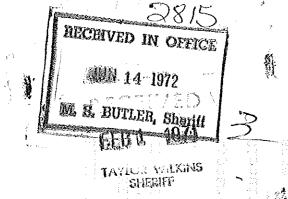
Wilson Hayes

Attorney for Plaintiff

FILED

JAN 29 1971

EUNICE B. BLACKMON CIRCUIT



ound in my county after diligent search and in-

Jaylor Wilkins, Shoriff

Executed by serving copies of the within on Mr. Clina

Secretary of State of The State of

Alabama.

Sheriff of Montgomery County M. S. Butler,

M. S. Butler, Sheriff of Montgomery County, Alabama, Claim \$1.50 each for serving ____ process(es) and \$1.00 travel expense on each of process(es) or a total of 250

Number:

In the Circuit Court of Baldwin County, Alabama At Law

Willie Lee Smith, a minor who sues by his mother and next friend, Mary Lee Smith,

Plaintiff,

Arthur Paul Evans,

Defendant.

Defendant may be found:

11 armstrong St. Route 2 Atmore, Alabama Bay, Minute

FILED

JUN 1 2 1972

JAN 29 1971

JATLUK WILKINS SHERITE

EUNICE B. BLACKMON CLERK



JUN 27 1972

CIRCUIT CIRCUIT CIRCUIT CLERK

EUNICE B. BLACKHOLL LEE SMITH, a minor who sues by his mother and next friend, MARY LEE SMITH, Plaintiff

June 23, 1972

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

VS

ARTHUR PAUL EVANS, Defendants

CASE NO. 9659

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

I, Mabel Amos, Secretary of State, hereby certify that on I sent by certified mail in an envelope addressed as follows:

" Arthur Paul Evans Route 2, Box M6 Atmore, Alabama 36502"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

Arthur Paul Evans Route 2, Box M6 Atmore, Alabama 36502

You will take notice that on June 16, 1972 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: WILLIE LEE SMITH, a minor who sues by his mother and next friend, MARY LEE SMITH, Plaintiff vs ARTHUR PAUL EVANS, Defendant

in the CIRCUIT COURT OF BALDWEN COUNTY, ALABAMA, AT LAW

Case No. 9659 a true copy of which summons and complaint is 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.

WITNESS MY HAND and the Great Seal of the State of Alabama this the day of

Enclosure (1)

(Signed) Mabes Amos Secretary of State"

I further certify 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 in the above-styled cause.

I further certify that on June 23, 1972 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Lucedale, MS on June 22, 1972

WITNESS MY HAND and the Great Seal of the State of Alabama this the

23rd

day

of June, 1972

MABEL S. AMOS Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint.

CC: Honorable A. W. Hayes 108 Hoyle Avenue Bay Minette, Alabama 36507 STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Arthur Paul Evans 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 same, then and there to answer the complaint of Willie Lee Smith. a minor, who sues by his mother and next friend, Mary Lee Smith.

Witness my hand, this the 2 day of January, 1971.

Defendant may be found:

Route 2, Box M6 Atmore, Alabama

WILLIE LEE SMITH, a minor who [IN THE CIRCUIT COURT OF sues by his mother and next friend, Mary Lee Smith,

Ĭ BALDWIN COUNTY, ALABAMA

Plaintiff, AT LAW

Vs.

ARTHUR PAUL EVANS, Ŏ NUMBER: Defendant.

Plaintiff claims of Defendant the sum of Two Thousand Dollars (\$2,000) for that on to-wit the 16th day of October, 1970 Defendant so negligently operated an automobile on US Highway 31 in Baldwin County, Alabama at a point about five miles South of Stapleton, Alabama and about one and one-half miles North of the Malbis cut-off road as to cause or allow the said automobile to run into, over or against the automobile of Plaintiff and that as a proximate result of such negligence, Plaintiff's automobile was beat, proken or damaged in that the rear, body, finders and framewere bent, broken, torn and destroyed, ad quod damma...

Wilson Hayes

Attorney for Plaintiff

FILED

JAN 29 1971

EUNICE B. BLACKMON CIRCUIT

EEBA 1971

TAYILL YALKINS SHERIFF

and 18 day of Jelly 19-11-

Jaylor Wilkins, Sheriff

Number: 9659

In the Circuit Court of Baldwin County, Alabama At Law

Willie Lee Smith, a minor who sues by his mother and next friend, Mary Lee Smith,

Plaintiff,

Vs.

Arthur Paul Evans,

Defendant.

Defendant may be found:

Route 2 11 Ormstring St. Atmore, Alabama Bay, Minutter

VILED

JAN 29 1971

PHNICE 8. BLACKMOH circum

WILLIE LEE SMITH,

IN THE CIRCUIT COURT OF ¥

Plaintiff,

Ĭ BALDWIN COUNTY, ALABAMA

Vo.

AT LAW

ARTHUR PAUL EVANS.

Defendant.

NUMBER: 9659

Comes now the Plaintiff in the above styled cause and amends his Bill of Complaint heretofore filed by avering the following:

1. Plaintiff avers that the Defendant, Arthur Paul Evans, was a resident of the State of Alabama on October 16, 1970 and did thereafter leave the State of Alabama and remain away for a period of sixty (60) days from the date of such accident or for such period has concealed himself so that process cannot be served upon him, said acts being equivalent to the appointment by said Defendant of the Secretary of State of the State of Alabama to be said Defendant's true and lawful agent upon whom may be served this summons. Plaintiff believes that the Defendant is presently residing at Route 2, Box M6, Atmore, Alabama.

WHEREFORE, Plaintiff prays that the service of process be had upon the Defendant by substituting service upon the Secretary of State of the State of Alabama under the provisions of Title 7. Section 199(4). Code of Alabama, 1940, recompiled 1958.

> Wilson Haves Attorney for Plaintiff

STATE OF ALABAMA BALDWIN COUNTY

(9) Before me, the undersigned Notary Public, in and for said county and state personally appeared this date, Wilson Hayes, who exist being by me duly sworn says:

My name is Wilson Hayes. I am the Attorney for the Ptaintiff in the above styled cause; the Defendant, Arthum Paul Evans, has left the state of Alabama for a period of sixty days from the date of the accident from which this cause or action arose or for such period has concealed himself so process tannot be served upon him and his last known address is Route 2, Box M6, Atmore, Alabama.

WK Wilson Hayes

Sworn to and subscribed before me this Zak day of S.M., 1972.

May C. Fliers McGuff, Hotary Parise Baldwin County, Alabama

JUN 1# 1972

WILLIE LEE SMITH, A minor who sues by his mother and next friend, Mary Lee Smith,

Plaintiff,

٧s

ARTHUR PAUL EVANS,

Defendant.

IN THE CIRCUIT COURT OF

* BALDWIN COUNTY, ALABAMA

*

AT LAW

*

*

* CASE NUMBER: 9659

DEMURRER

Comes now the Defendant in the above styled cause, and Demurs to Count One of the Plaintiff's Complaint, and as grounds therefor, sets down and assigns, separately and severally, the following:

- It is not alleged with sufficient certainty where said accident occurred.
- 2. It is not alleged with sufficient certainty when said accident occurred.
- 3. For aught that appears, Plaintiff had no right to be where he was at the time and place of said accident.
- 4. No facts are alleged to show that the Defendant owed Plaintiff any duty at the time and place of said accident, and breached the same, thereby proximately causing his damage and injury.
- 5. For aught that appears the Defendant owed Plaintiff no duty at the time and place of said accident.
 - 6. Said Count is vague and indefinite.
- 7. Said Count states no cause of action against the Defendant.
- 8. The alleged negligence of the Defendant is not set forth with sufficient certainty.
- 9. The averments of negligence are merely the conclusions of the Plaintiff, with no facts alleged in support thereof.

 CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8th day of July 19 72 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing same by United States mail, properly addressed, and first class postage prepaid.

BROWN, HUDGENS, FULFORD, SINTZ & RICHARDSON

Attorneys for Defendant

Alton R. Brown, Jr.

like

WILLIE LEE SMITH BY MOTHER VS ARTHUR PAUL EVANS (9659) SENDER: Be tre to follow instructions on other side

| SENDER: Be | tre to follow instructions on other side |
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| Received | RECEIPT the numbered article described below |
| REGISTERED NO. | SIGNATURE OR NAME OF ADDRESSEE (Much always be filled in) |
| CERTIFIED NS 2321 | SIGNATURE OF ADORESSEE'S AGENT IF ANY |
| IŅSŲRED ŅO. | Deliver to addressee only |
| DATE DELIVERED S | HOW WHERE DELIVERED (Only if requested, and include ZIP Code) |

