

LLOYD A. BURGE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
		BALDWIN COUNTY, ALABAMA
	X	
BALDWIN COUNTY ELECTRIC		
MEMBERSHIP CORPORATION,	X	AT LAW
An Alabama Corporation,		NO. 9693
Robertsdale, Alabama,	X	
Defendant.	X	

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That each count of said Complaint is vague and indefinite.
3. That Count One of the Complaint does not allege that the Plaintiff was the owner of the lands referred to at the time the electric line was constructed.
4. For aught that appears from each count, the Defendant was authorized to construct the line referred to therein.
5. For aught that appears from each count of the Complaint, the electric line was placed upon said land for the purpose of serving the Plaintiff.

*Henry Stoner*  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon \_\_\_\_\_ for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed, and postage prepaid on this 25 day of Feb, 1971.

*John G. Guse*

**FILED**

FEB 25, 1971

JONCE B. BLACKMON, CLERK

DEMURRER

LLOYD A. BURGE,

Plaintiff,

vs.

BALDWIN COUNTY ELECTRIC  
MEMBERSHIP CORPORATION,  
An Alabama Corporation,  
Robertsdale, Alabama,

Defendant.

\* \* \* \* \*  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 9693  
\* \* \* \* \*

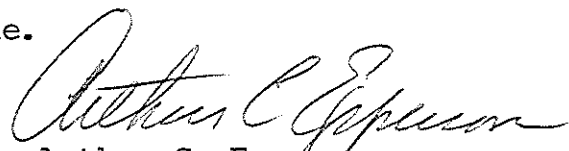
LLOYD A. BURGE	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff	)	BALDWIN COUNTY, ALABAMA
	)	
VS.	)	AT LAW
	)	9693
BALDWIN COUNTY ELECTRIC	)	
MEMBERSHIP CORPORATION,	)	
and Alabama Corporation,	)	
Robertsdale, Ala.	)	
Defendant	)	

COUNT ONE

The Plaintiff claims of the defendant Two Thousand Dollars damages for a trespass by the defendant on the following tract of land, viz: Lots 117 and 118 in the Canal Division of Gulf Shores according to plat recored in the Office of Judge of Probate, Baldwin County, Alabama in Map Book 3, pages 12 and 13, belonging to the plaintiff and for constructing a electric power line thereon without the consent or knowledge of the plaintiff between the dates of the month of September, 1966 and March 1967.

COUNT TWO

The Plaintiff claims of the defendant Two Thousand Dollars damages for a continuing trespass by the defendant upon the following tract of land to-wit: Lots 117 and 118 in the Canal Division of Gulf Shores according to plat recorded in Office of Judge of Probate, Baldwin County, Alabama, in Map Book 3, pages 12 and 13, belonging to the Plaintiff and for constructing and maintaining a electric high voltage line thereon from to-wit: the month of September, 1966 pr before April 1967, the exact date not being within the knowledge of the plaintiff but within the knowledge of the defendant. The Plaintiff further avers that said land was entirely enclosed by a security fence which the defendant breached in order construct said power line.

  
 Arthur C. Epperson  
 Attorney for Plaintiff

The Plaintiff demands  
 a trial by Jury.

  
 Attorney for Plaintiff

FILED

FEB 16 1971

EUNICE B. BLACKMON CIRCUIT CLERK

FILED

FEB 16 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9693

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....Baldwin County Electric Membership  
Corporation, an Alabama Corporation, Robertsedale, Ala.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint  
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against Baldwin County  
Electric Membership Corporation, An Alabama Corp., ..... Defendant.....

by Lloyd A. Burge

Witness my hand this.....~~27~~ 16th day of February 19 71

*Ernest B. Blackman* Clerk

No. 9693

Page.....

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

LLOYD A. BURGE

Plaintiffs

vs.

BALDWIN COUNTY ELECTRIC MEMBERSHIP  
Corporation, an Ala. Corp. Defendants

**SUMMONS AND COMPLAINT**

Filed February 16, 1971

Eunice B. Blackmon Clerk

Arthur C. Epperson  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Feb. 17 1971

Taylor Wilkins Sheriff

I have executed this summons

this 2/18 1971

by leaving a copy with

BR

Bald. Cty Elec. Membership  
Corp.

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY BROWN

DEPUTY SHERIFF

Taylor Wilkins Sheriff

H. B. Brown Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

50 mi R.T.

R. Doyle