JOSEPH W. HAYLES and RUBY HAYLES,	χ	
Plaintiffs,	χ	IN THE CIRCUIT COURT OF
	χ	
vs.	χ	BALDWIN COUNTY, ALABAMA
BENEFICIAL STANDARD LIFE	χ	
INSURANCE COMPANY,	χ	AT LAW
Defendant.	X	#9792

#### DEMURRER

Comes now the Defendant in the above styled cause, by and through their attorneys of record, and demurs to the Complaint heretofore filed against it, and for grounds thereof assigns the following:

1. That the Complaint fails to state a cause of action.

Respectfully submitted, CHASON, STONE & CHASON

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel 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 2 day

FILED

AUG 1 2 1971

EUNICE B. BLACKMON CIRCUIT

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Beneficial Standard Life Insurance Company 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 Joseph W. Hayles and Ruby Hayles.

WITNESS my hand this \_\_\_\_\_ day of April, 1971.

Eunice B. Blackmo

Defendant may be served by serving the Superintendent of Insurance, Montgomery, Alabama.

>< >< \* \*

JOSEPH W. HAYLES and RUBY HAYLES,

Plaintiffs,

VS.

BENEFICIAL STANDARD LIFE INSURANCE COMPANY,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

### COMPLAINT

#### COUNT ONE

Sixy-Six The plaintiffs claim of the defendant Six Hundred Dollars (\$600.00) due on a policy whereby the defendant on the 3rd day of November, 1969, insured the plaintiffs against loss covered by the said policy and sustained by a Covered Member resulting from injury or sickness as defined in said policy and plaintiffs aver that the said plaintiff, Ruby Hayles, who was at the time the policy was issued and at all times since said date the wife of the plaintiff, Joseph W. Hayles, did suffer injury or sickness as defined in the said policy for a period of twenty days from October 8, 1970, until October 27, 1970. Said policy is the

FILE Poperty of the plaintiff, Joseph W. Hayles.

APR 9

1971

Attorney for Plaintiffs

TAYLON VALKINS SHERIFF

Executed by serving \_\_\_\_\_\_ copies of the within on \_\_\_\_\_\_ Superintendent of Insurance, State of Alabama This The \_\_\_\_\_\_ day of \_\_\_\_\_\_ Shariff of /Acutgomery County /A. S. Dutlar,

Ey W. Z. // Own. D. S.

W. L. Most Deputy Sheriff

9792

Joseph W. Hayles + Ruby Hayles

Benezicial Standard. Lige Uno. Co.

FILED

APR 9 1971

EUNICE B. BLACKMON CIRCUIT

J. R. Owen

JOSEPH W. HAYLES and RUBY HAYLES,  Plaintiffs,	χ	
	X	IN THE CIRCUIT COURT OF
	χ	
vs.	χ	BALDWIN COUNTY, ALABAMA
	χ.	
BENEFICIAL STANDARD LIFE INSURANCE COMPANY,	<b>X</b> .	MAJ TA
Defendant.	X	

# PLEAS

Comes now the Defendant in the above styled cause, by its attorneys, and for answer to the Complaint heretofore filed against it says as follows:

- 1. The allegations of the Complaint are untrue.
- There was a material misrepresentation of facts in the application for the issuance of the policy which is the subject matter of this suit in that the applicant, Joseph W. Hayles, failed to reveal in said application in response to the questions contained therein that the Plaintiff, Ruby Hayles, had been hospitalized in April, 1969 for arthritis, urinary tract disorders and chronic lung problems, and the Defendant, if it had known of the existence of such facts, would not have issued its policy covering the said Ruby Hayles. That the Defendant has heretofore tendered to the Plaintiffs the premiums attributable to coverage under said policy of the said Ruby Hayles; wherefore, the Plaintiffs should not recover.

Filed; Marale 14, 1972. Respectivity submitted.

Jeganny Marale Burn Chason, STONE & CHASON

And S

Respectfully submitted,

## STATE OF ALABAMA DEPARTMENT OF INSURANCE

I, the undersigned as Superintendent of Insurance for the State of Alabama
hereby certify that on the <u>l6th</u> day of <u>April</u> , 1971, I
sent by registered mail in an envelope as follows:
Beneficial Standard Life Insurance Company 3700 Wilshire Blvd.  Los Angeles, California 90005  REGISTERED MATL RETURN RECEIPT REQUESTED
bearing sufficient prepaid postage, a copy of a summons and complaint served upo me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:
Joseph W. Hayles and Ruby Hayles , Plaintiff
VERSUS in theCircuit Court of Baldwin County
Beneficial Standard Life Insurance Co. , Defendant
And that on the 27th day of April , 1971, I received
the return card showing receipt by the designated addressee of said envelope on
the <u>21st</u> day of <u>April</u> , 1971.
Witness my hand and official seal this the 27th day of April
<b>1971.</b>
John D. Bookout SUPERINTENDENT OF INSURANCE

APR 28 1971

EUNICE B. BLACKMON CIRCUIT

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