

95322  
4/20  
DEANNA TINDAL, a minor who sues  
by her mother and next friend,  
Mrs. L. V. Tindal,

Plaintiff,

VS

ALICE GAYLE THOMAS, C.G. HARRORD,  
A, B, C, the persons, firms or corp-  
orations who were the owners or  
operators of that certain motor  
vehicle which collided with the  
motor vehicle the Plaintiff was  
riding in as a guest passenger on  
to-wit: March 14, 1970 and whose  
names are otherwise unknown but will  
be added by Amendment when ascertained,  
jointly and individually,

Defendants.

\* IN THE COURT OF GENERAL  
\* SESSIONS OF MOBILE COUNTY,  
\* ALABAMA

\*

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\*

\*

CASE NO. 9821

COUNT ONE

The Plaintiff claims of the Defendants the sum of TWO HUNDRED  
AND NO/100 (\$200.00) DOLLARS, as damages for that heretofore and on,  
to-wit: March 14, 1970 the automobile the Plaintiff was riding in as a  
guest passenger was being operated on West Gulf Beach Boulevard at  
or near West Second Street in the City of Gulf Shores, Baldwin County,  
Alabama, and the Defendants did then and there so negligently operate  
a motor vehicle as to cause the same to run into, upon and against  
the automobile the Plaintiff was riding in as a guest passenger and  
as a proximate consequence of the negligence of the Defendants, as  
aforesaid, Plaintiff was injured as follows: She sustained a concussion  
of her brain; she was contused about the skull; she was bruised and  
abraded on her right leg; she was made sick, sore and lame; hence  
this suit.

FOREMAN, BROWN & HUDGENS  
Attorneys for the Plaintiff

By J. George Whitfield  
J. George Whitfield

Serve Defendants:

Alice Gayle Thomas  
711 Fairhope Avenue  
Fairhope, Alabama

G. C. Harrord  
Route 2 Box 125  
Fairhope, Alabama

COURT OF GENERAL  
SESSION

MAR 12 10 29 AM '71

## COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS  
COURTROOM "B" FIRST FLOORThe State of Alabama,  
MOBILE COUNTY

} TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon.....

.....Alice Gayle Thomas, C.G. Harford, etc.....

to be and appear before the Court of General Sessions of Mobile County at the Courthouse of Mobile County, on the 20.....day of.....April....., 19..71 at the hour of 9:00 A.M., then and there to answer a complaint of.....Deanna Tindall, etc.....

.....  
 of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this.....day of.....MAR 15 1971....., 19.....

*[Signature]*  
 Clerk of the Court of General Sessions of Mobile County.

Cause of Action .....

# COMPLAINT AND SUMMONS

Atty. for Plaintiff: Foreman, Brown & Huggens

Atty. for Defendant:

THE COURT OF GENERAL SESSIONS  
OF MOBILE COUNTY

No. 95322

Ret. April 20, 1971

Deanna Tindal, a minor who sues by  
her mother and next friend, Mrs. L. V. Tindal

VS.

Alice Gayle Thomas, C.G. Harford, A.B.C, etc.  
711 Fairhope Ave. - Rt. 2, Box 125, Fairhope, Ala.  
Fairhope, Ala.

Continued To

Executed by Service on

Defendant

This ..... day ....., 19.....

Sheriff of Mobile County

By .....  
Deputy Sheriff

## COMPLAINT AND SUMMONS

REPORT TO GENERAL SESSIONS  
COURTROOM "B" FIRST FLOORThe State of Alabama,  
MOBILE COUNTY

} TO THE SHERIFF OF MOBILE COUNTY—GREETINGS:

You are hereby commanded to summon.....

Alice Gayle Thomas, C.G. Harford, etc.

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of a debt or other demand not exceeding Seven Hundred Fifty Dollars.

Herein fail not and have you then and there this precept with your doings.

Witness my hand, this.....day of....., 19.....

J. D. Richardson  
Clerk of the Court of General Sessions of Mobile County.

Cause of Action .....

2  
**COMPLAINT AND SUMMONS**

Atty. for Plaintiff: *Barman, Brown & Johnson*

Atty. for Defendant:

**THE COURT OF GENERAL SESSIONS  
OF MOBILE COUNTY**

No. 95322

Ret. April 20, 1971

*Deanna Tindal, a minor who sues by  
her mother and next friend, Mrs. U. V. Tindal*

*vs. Alice Gayle Thomas, C.G. Harford, A.B.C. etc.  
711 Fairhope Ave. - Rt. 2, Box 125, Fairhope, Ala.  
Fairhope, Ala.*

Continued To

**MAR 18 1971**

**TAYLOR WILKINS  
SHERIFF**

CR

Executed by Service on

*Alice Gayle Thomas 3-22-71*  
*C. G. Harford 3-22-71* Defendant

This 22 day MARCH, 1971

*By*  
Sheriff of Mobile County

By

*By*  
Deputy Sheriff

**TAYLOR WILKINS, SHERIFF OF BALDWIN  
COUNTY, ALABAMA, CLAIM \$1.50 EACH**

FOR SERVING 2 PROCESS(ES) AND 70

TRAVEL EXPENSE ON EACH OF \$ 7.00 + 7.00

PROCESS(ES) OR A TOTAL OF \$ 17.00

VOL

**68 PAGE 612**

95322

DEANNA TINDAL, a minor who sues ) IN THE COURT OF GENERAL  
by her mother and next friend, ) SESSIONS OF MOBILE COUNTY,  
Mrs. L. V. Tindal, )  
Plaintiff, ) ALABAMA  
vs. )  
ALICE GAYLE THOMAS, C. G. HARRORD, ) CASE NO. 95322  
A, B, C, the persons, firms or corpora- )  
tions who were the owners or operators )  
of that certain motor vehicle which )  
collided with the motor vehicle the )  
Plaintiff was riding in as a guest )  
passenger on to-wit: March 14, 1970, )  
and whose names are otherwise unknown )  
but will be added by amendment when )  
ascertained, jointly and individually, )  
Defendants )

Comes now the defendant, ALICE GAYLE THOMAS, in the  
above styled cause by this special appearance and as grounds  
for abating this cause of action, assigns the following  
grounds, separately and severally.

ONE

That the defendant is a minor, age seventeen years,  
and that there has been no guardian ad litem appointed to  
defend this minor in this cause as required under Title 7,  
Section 102, of the Code of Alabama (1940).

TWO

That the defendants, ALICE GAYLE THOMAS and  
C. G. HARRORD, are now, were when this cause of action arose,  
and were when this action was instituted, bona fide residents  
of Baldwin County, Alabama, and that no parties have been  
added by amendment as A, B, C, the persons, firms or corpora-  
tions; that no parties defendant have been named in the com-  
plaint in this matter who are residents of Mobile County,  
Alabama, and that under Title 7, Section 54, of the Code of  
Alabama (1940), this Honorable Court of General Sessions of  
Mobile County, Alabama, is without jurisdiction to try this  
suit.

COURT OF GENERAL  
SESSIONS

MAR 31 12 51 PM '71

WHEREFORE, the defendants, ALICE GAYLE THOMAS and G. C. HARRORD, pray that this action may be abated in this Court.

Alice Gayle Thomas  
ALICE GAYLE THOMAS

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public in and for said County in said State, personally appeared ALICE GAYLE THOMAS, who, being by me first duly sworn, says that the facts set forth in the foregoing plea are true and correct.

Alice Gayle Thomas  
ALICE GAYLE THOMAS

Subscribed and sworn to before me on this the 29<sup>th</sup> day of March, 1971.

Daniel A. Benton  
Notary Public, Baldwin County, Alabama

Daniel A. Benton  
DANIEL A. BENTON, Attorney for Defendant

OF COUNSEL:

RICKARBY & BENTON  
Fairhope, Alabama

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in an envelope with adequate postage prepaid thereon and properly addressed.

This 29<sup>th</sup> day of March, 1971.

Daniel A. Benton  
Attorney for Defendant  
P. O. Box 471, Fairhope, Ala. 36532

DEANNA TINDAL, a minor who sues  
by her mother and next friend,  
Mrs. L. V. Tindal,

Plaintiff,

vs.

ALICE GAYLE THOMAS, C. G. HARROED,  
A, B, C, the persons, firms or corpora-  
tions who were the owners or operators)  
of that certain motor vehicle which  
collided with the motor vehicle the  
Plaintiff was riding in as a guest  
passenger on to-wit: March 14, 1970, )  
and whose names are otherwise unknown  
but will be added by amendment when )  
ascertained, jointly and individually,

Defendants

) IN THE COURT OF GENERAL  
) SESSIONS OF MOBILE COUNTY,  
) ALABAMA

) CASE NO. 95322

Comes now the defendant, ALICE GAYLE THOMAS, in the  
above styled cause by this special appearance and as grounds  
for abating this cause of action, assigns the following  
grounds, separately and severally.

ONE

That the defendant is a minor, age seventeen years,  
and that there has been no guardian ad litem appointed to  
defend this minor in this cause as required under Title 7,  
Section 102, of the Code of Alabama (1940).

TWO

That the defendants, ALICE GAYLE THOMAS and  
C. G. HARROED, are now, were when this cause of action arose,  
and were when this action was instituted, bona fide residents  
of Baldwin County, Alabama, and that no parties have been  
added by amendment as A, B, C, the persons, firms or corpora-  
tions; that no parties defendant have been named in the com-  
plaint in this matter who are residents of Mobile County,  
Alabama, and that under Title 7, Section 54, of the Code of  
Alabama (1940), this Honorable Court of General Sessions of  
Mobile County, Alabama, is without jurisdiction to try this  
suit.



WHEREFORE, the defendants, ALICE GAYLE THOMAS and  
G. C. HARROLD, pray that this action may be abated in this  
Court.

Alice Gayle Thomas  
ALICE GAYLE THOMAS

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public in and for said County  
in said State, personally appeared ALICE GAYLE THOMAS, who,  
being by me first duly sworn, says that the facts set forth  
in the foregoing plea are true and correct.

Alice Gayle Thomas  
ALICE GAYLE THOMAS

Subscribed and sworn to before  
me on this the 29th day of  
March, 1971.

Daniel A. Benton  
Notary Public, Baldwin County, Alabama

Daniel A. Benton  
DANIEL A. BENTON, Attorney for  
Defendant

OF COUNSEL:

RICKARBY & BENTON  
Fairhope, Alabama

~~CERTIFICATE OF SERVICE~~

~~This is to certify that I have this day served counsel for the  
opposing party in the foregoing matter with a copy of this pleading  
by depositing in the United States Mail a copy of same in an  
envelope with adequate postage prepaid thereon and properly  
addressed.~~

~~This \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.~~

~~Attorney for  
P. O. Box 471, Fairhope, Ala. 36532~~

9556  
DEANNA TINDAL, a minor who : IN THE COURT OF GENERAL  
sues by her mother and next  
friend, MRS. L. V. TINDAL,  
  
Plaintiff, : SESSIONS OF MOBILE COUNTY,  
  
VS:  
  
ALICE GAYLE THOMAS, G. C. : ALABAMA  
HARRORD, ET AL,  
  
Defendants. : CASE NO. 9 5 3 2 2

PLEA IN ABATEMENT

Comes now G. C. Harrord and appearing specially and only for the purpose of filing this Plea in Abatement respectfully moves the court to abate the cause of action filed in this court, which cause of action was heretofore filed in said court and service of process was had upon G. C. Harrord as a party defendant in the said cause, and as grounds therefor sets down and assigns the following, separately and severally:

1. It affirmatively appears from the face of the complaint that this is an action ex delicto and that the act or omission complained of occurred in Baldwin County, Alabama. It also affirmatively appears from the face of the pleading filed by the plaintiff in this cause that the defendants both reside in Baldwin County.'

2. It affirmatively appears from the face of the pleading filed by the plaintiff for the reasons set out in paragraph 1 that there is improper venue as set forth in Title 7, Section 54, which requires "all other personal actions, if the defendant or one of the defendants has within the state a permanent residence, may be brought in the county of such residence, or in the county in which the act or omission complained of may have been done or may have occurred."

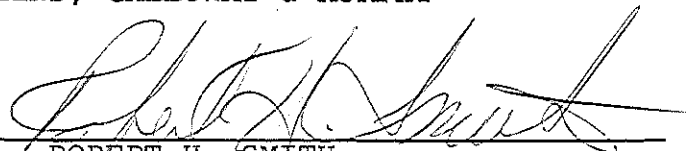
COURT OF GENERAL  
SESSION

APR 8 3 22 PM '71

WHEREFORE, the premises considered, for the reasons hereinabove assigned, separately and severally, your movant respectfully moves this court to abate this action filed heretofore in the Court of General Sessions of Mobile County, Alabama, and that this court transfer such action to a court of competent jurisdiction, which as appears from the face of the pleadings would be in Baldwin County, Alabama.

COLLINS, GALLOWAY & MURPHY

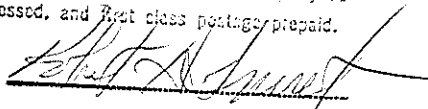
By:

  
ROBERT H. SMITH

ATTORNEYS FOR DEFENDANT G. C. HARRORD

CERTIFICATE OF SERVICE

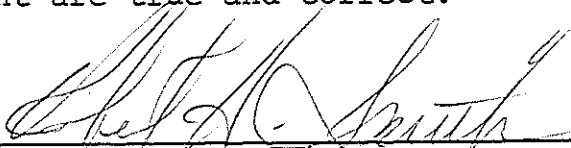
I do hereby certify that I have on this 8<sup>th</sup>  
day of April, 1971, served a copy of  
the foregoing pleading on counsel for all  
parties to this proceeding by mailing the  
same by United States Mail, properly ad-  
dressed, and first class postage prepaid.



STATE OF ALABAMA:

COUNTY OF MOBILE:

Before me the undersigned authority in and for said State and County, personally appeared Robert H. Smith, who, known to me and being by me first duly sworn, does depose on oath and say that he is one of the attorneys for G. C. Harrord a defendant in the above styled cause and as such, is authorized to make this affidavit and to file this special and limited appearance in this court on his behalf; that he is informed and believes and upon such information and belief avers that the matters and facts set forth in the above and foregoing Plea in Abatement are true and correct.

  
Robert H. Smith

Sworn to and subscribed before me on this the 8th  
day of April, 1971.

  
Notary Public, Mobile County, Alabama

DEANNA TINDAL, a minor who	:	IN THE CIRCUIT COURT OF
sues by her mother and next	:	BALDWIN COUNTY,
friend, MRS. L.V. TINDAL,	:	
Plaintiff,	:	ALABAMA
VS:	:	
ALICE GAYLE THOMAS, G.C.	:	
HARRORD, ET AL,	:	CASE NO. <u>9821</u>
Defendants.	:	

DEMURRER

Comes now the defendant, G.C. Harrord and demurs the plaintiff's complaint heretofore filed and to each count thereof separately and severally and assigns the following separate and several grounds:

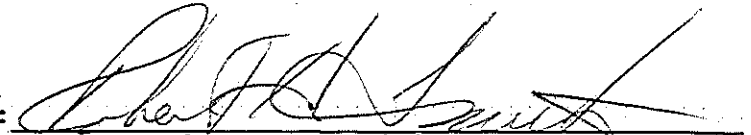
1. The allegations thereof are insufficient to state a claim against this defendant and upon which relief can be granted.
2. The allegations thereof do not state a cause of action against the defendant.
3. The allegations thereof are vague, uncertain and indefinite.
4. The allegations thereof are so vague, uncertain and indefinite that the defendant is not sufficiently apprised of what he is called upon to defend against in this cause.
5. The allegations thereof are mere conclusions of the pleader unsupported by sufficient averment of fact.
6. The allegations thereof are insufficient to show as a matter of law that there was any legal duty owing by the defendant to the plaintiff at the time and with respect to the matters complained of therein.
7. The allegations thereof are insufficient to show as a matter of law that the defendant breached any legal duty owing by defendant to the plaintiff at the time and with respect to the matters complained of therein.

8. For aught appearing therein there was no sufficient causal connection between the plaintiff's damages complained of in the breach of any legal duty owing by the defendant to the plaintiff at the time and with respect to the matters complained of therein.

9. For that the allegations thereof are conflicting and repugnant in that more than one (1) defendant could not have been operating said motor vehicle at the time and place of the said accident.

COLLINS, GALLOWAY & MURPHY

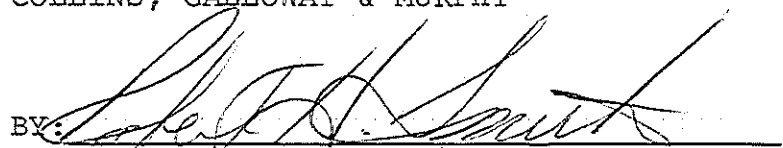
BY:

  
Robert H. Smith  
ATTORNEYS FOR DEFENDANT, G.C. HARRORD

Defendant, G.C. Harrord demands a trial by jury.

COLLINS, GALLOWAY & MURPHY

BY:

  
Robert H. Smith

**FILED**

JUN 10 1971

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8<sup>th</sup> 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 that class postage prepaid.



DEANNA TINDAL, a minor who sues by ) IN THE CIRCUIT COURT OF  
her mother and next friend, Mrs. L. V. )  
Tindal, ) BALDWIN COUNTY, ALABAMA  
Plaintiff ) AT LAW  
vs. )  
ALICE GAYLE THOMAS, G. C. HARRORD, ) CASE NO. 9821  
A, B, C, the persons, firms or cor- )  
porations who were the owners or )  
operators of that certain motor vehicle )  
which collided with the motor vehicle )  
the Plaintiff was riding in as a guest )  
passenger on to-wit: March 14, 1970, )  
and whose names are otherwise unknown )  
but will be added by amendment when )  
ascertained, jointly and individually, )  
Defendants )

Comes the defendant, ALICE GAYLE THOMAS, in the  
above-styled cause and offers the following separate and several  
pleas to the plaintiff's complaint:

ONE

The defendant denies each and every allegation of  
the plaintiff's complaint.

TWO

Not guilty.

  
E. G. RICKARBY, Attorney for Defendant

OF COUNSEL:  
RICKARBY & BENTON  
Fairhope, Alabama

**FILED**


MAY 28 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing  
opposing party in the foregoing matter with a copy of the  
by depositing in the United States Mail a copy of the same in an  
envelope with adequate postage prepaid thereon and properly  
addressed.

This 26 day of May, 1971

  
Attorney for Alice Gayle Thomas  
P. O. Box 472, Fairhope, Ala. 36532

DEANNA TINDAL, a minor,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
ALICE GAYLE THOMAS, et al,	)	
Defendant.	)	Case No. 9821

MOTION TO RETAX COSTS

Comes the Defendant in the above styled cause and moves the Court to retax the costs on the grounds that the taxing of costs is contrary to law and taxed against an improper party.

Therefore, Defendant prays that notice be served upon the Attorney for Plaintiff and on the hearing of the cause, the Court will retax the costs against the Plaintiff in the above cause.

E. G. RICKARBY,  
Attorney for Defendant

OF COUNSEL:

Rickarby & Benton  
Fairhope, Alabama

I hereby certify that a copy of the foregoing Motion has been mailed to J. George Whitfield, Esq., Attorney at Law, 210 Van Antwerp Building, Mobile, Alabama, postage prepaid.

  
\_\_\_\_\_  
E. G. Rickarby

**FILED**

APR 5 1972

EUNICE B. BLACKMON CIRCUIT CLERK



TRANSFER  
**NOTICE of APPEAL**  
XXXXXXXXXXXX  
XXXXXXXXXXXX

STATE OF ALABAMA, )  
MOBILE COUNTY )

~~DEANNA TINDAL, a minor who sues by her~~  
~~mother and next friend, MR. L. V. TINDAL~~

Plaintiff

VS.

~~ALICE GAYLE THOMAS, C. O. HARRORD, ETC.~~

Defendant

To ~~ALICE GAYLE THOMAS, C. O. HARRORD~~

in said Cause:

You are hereby notified that ~~DEANNA TINDAL, a minor who sues by her~~  
~~her mother and next friend, MRS. L. V. TINDAL~~

the ~~PLAINTIFF~~ in the above entitled cause has prayed and ob-  
tained an appeal from the judgment therein rendered by County, Alabama  
~~from the~~ COURT OF GENERAL SESSIONS OF MOBILE COUNTY, and having  
complied with the requirements of the law in such cases made and provided, the same has  
been granted to the next term of the CIRCUIT COURT of Mobile County to be held for  
said County, you are hereby notified accordingly.

Given under my hand this the 28 day of April 1971

*J. D. Richardson*  
Clerk, Court of General Sessions of Mobile County, Civil Division

FOREMAN, BROWN & HUGHES

Case No. 95322

DEANNA TINDAL, a minor who sues by her mother and next friend, MRS. L. V. TINDAL

Plaintiff,

VS

ALICE GAYLE THOMAS, C. G. HARRARD

Defendant.

NOTICE OF APPEALX TRANSFER DO  
~~XXXXXXXXXXXX~~

Returnable To The Circuit Court of Baldwin County

Issued: April 28, 1971

Serve On: ALICE GAYLE THOMAS  
711 Fairhope, Ala.  
Fairhope, Ala.  
P. O. Box 1471 Fairhope  
or e/o Hekkerby & Benton, Attorneys  
P. O. Box 1471 Fairhope

9821

REC'D. SHERIFF DEPT.  
MOBILE COUNTY, ALA.

APR 28 4 39 PM '71

TAYLOR WILKINS, SHERIFF OF BALDWIN

COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR SERVING 2 PROCESS(ES) AND 20

TRAVEL EXPENSE ON EACH OF \$ 14.00

FOR A TOTAL OF \$ 17.00

THOMAS, ALICE GAYLE  
Rt. 2, Box 125  
Fairhope, Ala.  
served a copy of the within Notice of transfer  
on 4 day of May 1971  
to day of May 1971

on Alice Gayle Thomas

C. G. Harrard

By service on Alice Gayle Thomas

C. G. Harrard

TAYLOR WILKINS, Sheriff

By C. G. Harrard D. S.

or e/o COLLINS, Galloway, Attys.

LAW OFFICES  
RICKARBY & BENTON  
ATTORNEYS AT LAW  
35 SOUTH SECTION STREET  
P. O. BOX 471  
FAIRHOPE, ALABAMA 36532

E. G. RICKARBY  
DANIEL A. BENTON

TELEPHONE  
(205) 928-2308

May 26, 1971

Mrs. Eunice Blackmon  
Clerk of the Circuit Court  
Bay Minette, Alabama 36507

Re: Tindal v. Thomas and  
Hawkins v. Thomas  
Our File No. 70-81

Dear Mrs. Blackmon:

Enclosed are answers in the above-styled cases.

Yours very truly,

  
E. G. Rickarby

EGR:w  
Enc.  
cc-Mr. J. George Whitfield

*Please sign*

THE COURT OF GENERAL SESSIONS

MOBILE COUNTY COURT HOUSE

MOBILE, ALABAMA 36602



MRS? ALICE J. DUCK, Circuit Clerk  
Baldwin County Court House  
Bay Minette, Alabama

9821  
1

The enclosed papers numbered from 1 to 6, include all the original papers in the case of Gwen Bush Hawkins, etc., et al VS Alice Gayle Thomas, G. C. HARRORD, ETC., ET AL Case No. 95324

  
CLERK OF THE COURT OF GENERAL SESSIONS OF MOBILE COUNTY, ALABAMA