

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

May 20, 1971

Mrs. Eunice Blackmon, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama 36507

Re: Dyess Vs. Memphis Wood Products
and David Bonds, Jr.

9843

Dear Eunice:

Enclosed please find an additional copy of the
complaint and a check for \$10 for service by the Secretary
of State.

With kind regards, I am

Yours very truly,

W. H. Hayes
Wilson Hayes

WH/ms
Enc.

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

May 19, 1971

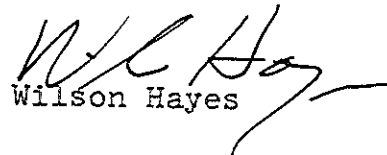
Mrs. Eunice Blackmon, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama 36507

Dear Eunice:

Please file the enclosed suit for Emmett D.
Dyess and have it served on Defendants, Memphis Wood
Products, Inc., and David Bonds, Jr.

With kind regards, I am

Yours very truly,


Wilson Hayes

WH/ms
Enc.

need \$10.00 & 4 more copies

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Memphis Wood Products, Inc., a Corporation and David Bonds, Jr. 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 Emmett D. Dyess.

Witness my hand this the 20 day of May, 1971.

Eunice B. Blackmon
Clerk

EMMETT D. DYESS,	Ø	IN THE CIRCUIT COURT OF
Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA
Vs.	Ø	AT LAW
MEMPHIS WOOD PRODUCTS, INC.,	Ø	
A Corporation and DAVID BONDS,	Ø	NUMBER: <u>9843</u>
JR.,	Ø	
Defendants.	Ø	

I

Plaintiff claims of Defendants the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) for that on to-wit the 2nd day of April, 1971 Defendants so negligently operated a motor vehicle, to-wit a large truck, at a point approximately one mile South of Stapleton, Alabama on U. S. Highway 31, a public highway, as to drive it into the path of Plaintiff's automobile which was then and there being operated by Plaintiff so as to cause Plaintiff to leave the road in order to avoid collision with the said truck, and that as a proximate consequence of such negligence Plaintiff's automobile was overturned and was bent, broken and damaged in and about the body, frame, fenders and doors, hence this suit.

W. L. Hayes
Attorney for Plaintiff
Wilson Hayes
P. O. Box 300
Bay Minette, Alabama 36507

Defendants may be served:
Memphis Wood Products, Inc.
P. O. Box 7174, Memphis, Tenn 38107
David Bonds, Jr.
691-A Wells Avenue, Memphis, Tenn. 38107

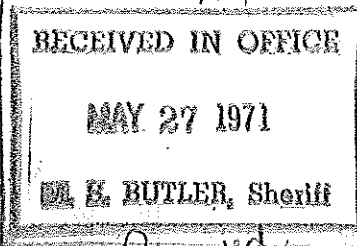
FILED

MAY 20 1971

EUNICE B. BLACKMON CIRCUIT CLERK

716

9843



Received
May 21, 1971
Taylor Wilkins, Sheriff

Executed by serving 6 copies ☒
the within on Mable Anderson
Secretary of State of The State of
Alabama.
This the 28 day of May 1971
Sheriff of Montgomery County
M. S. Butler,
By W. L. Moss 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

W. L. Moss Deputy Sheriff

Emmett D. Llyess
PLB

vs.

Memphis Wood Products
Inc. a corp + David
Bond, Jr.

FILED

MAY 20 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

W. Hayes

June 4, 1971

EMMETT D. DYESS, Plaintiff

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

VS

DAVID BONDS, JR., et al, Defendants

CASE NO. 9843

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

I, Mabel Amos, Secretary of State, hereby certify that on May 28, 1971
I sent by certified mail in an envelope addressed as follows:

" David Bonds, Jr.
691-A Wells Avenue
Memphis, Tennessee 38107"

"Certified Mail—
Return Receipt Requested
Deliver to Addressee Only"

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:

" David Bonds, Jr.
691-A Wells Avenue
Memphis, Tennessee 38107

You will take notice that on May 28, 1971 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: EMMETT D. DYESS, Plaintiff VS. DAVID BONDS, JR., et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9843 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 28th day of May, 1971.

S.

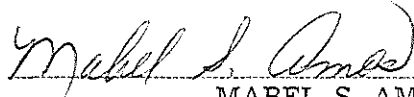
(Signed) Mabel Amos
Secretary of State"

Enclosure (1)

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 4, 1971 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Memphis, Tennessee on June 2, 1971.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 4th day of June, 1971.



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 Memphis Wood Products, Inc., a Corporation and David Bonds, Jr. 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 Emmett D. Dyess.

Witness my hand this the 20 day of May, 1971.

Eunice B. Blackmon
Clerk

EMMETT D. DYESS,	I	IN THE CIRCUIT COURT OF
Plaintiff,	I	BALDWIN COUNTY, ALABAMA
Vs.	I	AT LAW
MEMPHIS WOOD PRODUCTS, INC.,	I	
A Corporation and DAVID BONDS,	I	
JR.,	I	NUMBER: <u>9843</u>
Defendants.	I	

I

Plaintiff claims of Defendants the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) for that on to-wit the 2nd day of April, 1971 Defendants so negligently operated a motor vehicle, to-wit a large truck, at a point approximately one mile South of Stapleton, Alabama on U. S. Highway 31, a public highway, as to drive it into the path of Plaintiff's automobile which was then and there being operated by Plaintiff so as to cause Plaintiff to leave the road in order to avoid collision with the said truck, and that as a proximate consequence of such negligence Plaintiff's automobile was overturned and was bent, broken and damaged in and about the body, frame, fenders and doors, hence this suit.

Wilson Hayes
Attorney for Plaintiff
Wilson Hayes
P. O. Box 300
Bay Minette, Alabama 36507

Defendants may be served:
Memphis Wood Products, Inc.
P. O. Box 7174, Memphis, Tenn 38107

David Bonds, Jr.
691-A Wells Avenue, Memphis, Tenn. 38107

FILED

MAY 20 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Memphis Wood Products,

Inc., a Corporation and David Bonds, Jr. 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 Emmett D. Dyess.

Witness my hand this 20 day of May, 1971.

Emmett D. Dyess
Clerk

IN THE CIRCUIT COURT OF

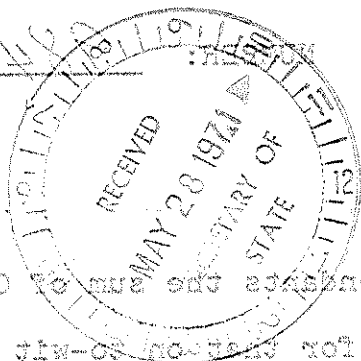
BALDWIN COUNTY, ALABAMA

AT LAW

vs.

MEMPHIS WOOD PRODUCTS, INC.,
A Corporation and DAVID BONDS,
Jr.,

Defendants.



Plaintiff claims of Defendants the sum of ONE THOUSAND

FIVE HUNDRED DOLLARS (\$1,500.00) for damages to wit the 2nd day

of April, 1971 Defendants so negligently operated a motor vehicle to-wit a large truck, at a point approximately one mile south of Stapleton, Alabama on U. S. Highway 31, a public highway, as to drive it into the path of Plaintiff's automobile which was then and there being operated by Plaintiff so as to cause Plaintiff to leave the road in order to avoid collision with the said truck, and that as a proximate consequence of such negligence Plaintiff's automobile was overturned and was bent, broken and damaged in and about the body, frame, fenders and doors, hence this suit.

Wilson Hayes
Attorney for Plaintiff
Wilson Hayes
P. O. Box 300
Bay Minette, Alabama 36507

Defendants may be served:

Memphis Wood Products, Inc.
P. O. Box 7174, Memphis, Tenn 38107

David Bonds, Jr.
691-A Wells Avenue, Memphis, Tenn. 38107

MAY 20 1971

EUNICE B. BLACKMON
CLERK

FILED

June 4, 1971

EMMETT D. DYESS, Plaintiff

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

VS

MEMPHIS WOOD PRODUCTS, INC., A CORPORATION,
et al, Defendants

CASE NO. 9843

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

I, Mabel Amos, Secretary of State, hereby certify that on May 28, 1971
I sent by certified mail in an envelope addressed as follows:

" Memphis Wood Products, Inc.
a Corporation
P.O. Box 7174
Memphis, Tennessee 38107 "

"Certified Mail—
Return Receipt Requested
~~Deliver to Addressee Only~~"

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:

" Memphis Wood Products, Inc.
a Corporation
P.O. Box 7174
Memphis, Tennessee 38107

You will take notice that on May 28, 1971 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: EMMETT D. DYESS, Plaintiff VS. MEMPHIS WOOD PRODUCTS, INC., A CORPORATION, et al, Defendants

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW
Case No. 9843 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 28th day of May, 1971.

Enclosure (1)

S.
(Signed) Mabel 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 3, 1971 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Memphis, Tennessee on June 1, 1971.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 4th day of June, 1971.

Mabel S. Amos
MABEL S. AMOS
Secretary of State

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

CC: Hon. 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 Memphis Wood Products, Inc., a Corporation and David Bonds, Jr. 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 Emmett D. Dyess.

Witness my hand this the 20 day of May, 1971.

Eunice B. Blackmon
Clerk

EMMETT D. DYESS,
Plaintiff,

Vs.

MEMPHIS WOOD PRODUCTS, INC.
A Corporation and DAVID BONDS,
Jr.
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NUMBER:

9843

I

Plaintiff claims of Defendants the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) for that on to-wit the 2nd day of April, 1971 Defendants so negligently operated a motor vehicle, to-wit a large truck, at a point approximately one mile South of Stapleton, Alabama on U. S. Highway 31, a public highway, as to drive it into the path of Plaintiff's automobile which was then and there being operated by Plaintiff so as to cause Plaintiff to leave the road in order to avoid collision with the said truck, and that as a proximate consequence of such negligence Plaintiff's automobile was overturned and was bent, broken and damaged in and about the body, frame, fenders and doors, hence this suit.

Wilson Hayes
Attorney for Plaintiff
Wilson Hayes
P. O. Box 300
Bay Minette, Alabama 36507

Defendants may be served:

Memphis Wood Products, Inc.
P. O. Box 7174, Memphis, Tenn 38107

David Bonds, Jr.
691-A Wells Avenue, Memphis, Tenn. 38107

FILED

MAY 20 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Memphis Wood Products, Inc., a Corporation and David Bonds, Jr. 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 Emmett D. Dyess.

Witness my hand this 25 day of May, 1971.

[Signature]
Clerk

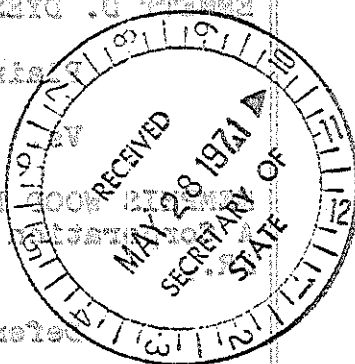
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

JUN 9 1971

FILED

FUNICE B. BLACKMON
CLERK



Plaintiff claims of Defendants the sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) for that on or wit the 2nd day of April, 1971 Defendants so negligently operated a motor vehicle, to-wit a large truck, at a point approximately one mile South of Stapleton, Alabama on U. S. Highway 31, a public highway, as to drive it into the path of Plaintiff's automobile which was then and there being operated by Plaintiff so as to cause Plaintiff to leave the road in order to avoid collision with the said truck, and that as a proximate consequence of such negligence Plaintiff's automobile was overturned and was bent, broken and damaged in and about the body, frame, fenders and doors, hence this suit.

[Signature]
Attorney for Plaintiff
Wilson Hayes
P. O. Box 300
Bay Minette, Alabama 36507

Defendants may be served:

Memphis Wood Products, Inc.
P. O. Box 7174, Memphis, Tenn 38107

David Bonds, Jr.

691-A Wells Avenue, Memphis, Tenn. 38107

MAY 28 1971

FUNICE B. BLACKMON
CLERK

EMMETT D. DYESS

PLAINTIFF

VS

MEMPHIS WOOD PRODUCTS, INC.,
a corporation and DAVID BONDS, JR.

DEFENDANTS

X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA

X AT LAW

X CASE NO: 9843

X

DEMURRER

Comes now the Defendants in the above styled cause and files this demurrer to each and every count thereof in the Plaintiff's complaint and set down and assign the following grounds separately and severally:

1. The complaint fails to allege that the Defendants negligently drove said truck into the path of Plaintiff's automobile.
2. The complaint fails to sufficiently to set forth enough facts to state a cause of action against the Defendants.
3. The complaint fails to allege with sufficient certainty how the negligence of the Defendants occurred.
4. The Plaintiff has shown no duty owing to the Plaintiff on behalf of the Defendants.


Taylor Wilkins, Jr.
Attorney for Defendants

I, the undersigned, Taylor Wilkins, Jr., do hereby certify that I have on this the 22nd day of June, 1971, forwarded a true and exact copy of the foregoing demurrer to Mr. Wilson Hayes, Attorney at Law, Bay Minette, Alabama, attorney of record for the Plaintiff, by mailing the same in the United States Post Office, properly addressed, with the postage paid thereon.

DONE this 22nd day of June, 1971.


Attorney for Defendants

FILED


JUN 23 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.	
<input type="checkbox"/> Show to whom, date and address where delivered	<input type="checkbox"/> Deliver ONLY to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.		SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 51748		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED JUN 1 - 1971	8	SHOW WHERE DELIVERED (only if requested)

055-16-71548-11 347-198 GPO

(EMMETT D. DYESS VS DAVID BONDS, JR. (9843))

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S). REQUIRED FEE(S) PAID.	
<input type="checkbox"/> Show to whom, date and address where delivered	<input checked="" type="checkbox"/> Deliver ONLY to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.		SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 51758		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED JUN 2 1971	8	SHOW WHERE DELIVERED (only if requested)

Deliver to addressee only

055-16-71548-11 347-198 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POD Form 3811 Apr. 1969 c55-16-71548-11

JUN 3 1971

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

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.

SECRETARY OF STATE
MONTGOMERY, ALABAMA 36104



POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POD Form 3811 Apr. 1969 c55-16-71548-11

MEMPHIS, TN
PM

MEMPHIS, TN
JUN 3 1971
NORTH ST.

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

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

