REMITTANCE ADVICE

DATE	REFERENCE	AMOUNT OF INVOICE / DEDUCTIONS	DISCOUNT
9/30/72	Garnishment on Lenzie Lee Dinish Salary #118.2	$43.57	

Gulf Telephone Company
P. O. DRAWER 670
FOLEY, ALABAMA 36535

THE ATTACHED CHECK IS IN FULL PAYMENT OF THE ABOVE ACCOUNT.
DETACH AT PERFORATION BEFORE DEPOSITING.

753946

771

Imogene P. Hilburn
J + J. Shoe Store
W. Laurel Ave
Foley, Ala

RECEIPT

THE STATE OF ALABAMA, BALDWIN COUNTY
CIVIL DIVISION, CIRCUIT COURT

№ 8491

Case No. 9899 Date 6-28, 1971

RECEIVED OF Daniel Robison Hilburn vs. Holley

the sum of Twenty-five & 00/100

Trial Tax $

$

$

$

$

$

$

Ernice B. Blackman
As Circuit Clerk, Baldwin County, Ala.

Total $25.00

By

The Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA)
BALDWIN COUNTY) TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon FRANCIS J. (PETE) HOLLEY who resides in Bon Secour, Alabama, and who has as his place of business Gateway Auto Parts, Foley, Alabama, to appear within thirty days after the service of this summons in the Circuit Court to be held for said County, then and there to demur or plead to the complaint of Imogene P. Hilburn.

Witness my hand this 28 day of June 1971.

Ernice B. Blackmon
Circuit Clerk

* * * * * * * * * * * * * * * *

IMOGENE P. HILBURN,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
FRANCIS J. (PETE) HOLLEY,	)	AT LAW
Defendant	)	NO. 9899

COMPLAINT

Plaintiff, Imogene P. Hilburn, claims of the Defendant, Francis J. (Pete) Holley, the sum of Twenty-Five Thousand and no/100ths Dollars($25,000.00) as damages for that since the divorce of Plaintiff from Defendant, in December, 1967, Defendant has deliberately refused to give Plaintiff peace, and calls her home repeatedly in the early morning hours and calls her place of business, J & J Shoe Store, in Foley, Alabama, repeatedly and circles her residence in Foley, Alabama, in a car late at night, blowing his car horn and parks in her private driveway, and the Plaintiff had these calls traced to the Defendant's phone and he was warned by the police to cease making such calls, but he persisted, with malice, giving the Plaintiff no rest, but oppressing her and continues to do so.

As a proximate result of Defendant's wilful and malicious behavior, Plaintiff has suffered great tension, and has lost her peace of mind, and has difficulty sleeping and must seek a physician's care, and must take medication from her physician, and has at times been nauseous from the strain of these phone calls and has suffered a voice change, and her asthma has been aggravated, and her family life has suffered great harm, all this as a proximate result of Defendant's malicious behavior. Hence this suit, and Plaintiff asks for $25,000.00 as damages, both compensatory and punitive.

Daniel E. Robison

Daniel E. Robison
Attorney for the Plaintiff

For the trial of this cause a trial by jury is demanded.

Daniel E. Robison

FILED

JUN 28 1971

EUNICE B. BLACKMON CIRCUIT CLERK

9899

Imogene P. Hilburn

vs.

Francis J. (Pete) Holley

Sheriff claims 12 miles at Ten Cents per mile Total $ 1.20

TAYLOR WILKINS, Sheriff

BY [illegible]

DEPUTY SHERIFF

FILED

JUN 28 1971

EUNICE B. BLACKMON CIRCUIT CLERK

Received 29 day of June 1971

and on 30 day of June 1971

I served a copy of the within SAC

on Francis J. (Pete) Holley

By service on

TAYLOR WILKINS, Sheriff

By [illegible] D. S.

Daniel E. Robison, Atty

ch

CECIL G. CHASON

Attorney at Law

THOMAS W. UNDERWOOD, JR.
ASSOCIATE

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

September 8, 1971

Mrs. Eunice B. Blackmon
Clerk of Court
Bay Minette, Alabama

Re: Beech vs. Charles Bentley Motors, Inc.
Case No. 9927

Hilburn vs. Holley
Case No. 9899

Dear Mrs. Blackmon:

I am enclosing Pleas in the above mentioned cases. I am sending a copy of each Plea to Daniel Robinson, attorney for the plaintiffs in each ease.

Sincerely yours,

Thomas W. Underwood, Jr.

TWU,Jr/jc
Encl.

Daniel E. Robison
ATTORNEY AT LAW
P. O. BOX 794
117 SO. ALSTON ST.
FOLEY, ALABAMA 36535
(205) 943-4955

December 20, 1971

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

RE: Hilbrun v. Holley
9899

Dear Eunice:

I no longer represent the Plaintiff, Imogene Hilburn, in this matter. Please remove my name from the docket sheet.

Very truly yours,

Daniel E. Robison

Daniel E. Robison

DER/meh

cc: Imogene Hilburn
Chason & Underwood

FILED

DEC 21 1971

EUNICE B. BLACKMON CIRCUIT CLERK

IMOGENE P. HILBURN,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
FRANCIS J. (PETE) HOLLEY,	)	
Defendant.	)	NO. 9899

DEMURRER TO ORIGINAL BILL OF COMPLAINT

Comes the Defendant, by and through his attorney, and demurs to the original bill of complaint heretofore filed in this cause and as such grounds of such demurrers assign, separately and severally, the following:

1. The Complaint fails to state a cause of action.

2. The allegations of the Complaint are vague, general, indefinite and uncertain.

3. The allegations as contained in the Complaint are conclusions of the pleader.

4. There are no allegations of facts contained in the Complaint to show any willful and malicious conduct by the Defendant.

5. There are no allegations of facts to show malicious behavior by the Defendant toward the Plaintiff and allegations of Defendant's willful and malicious behavior are mere conclusions of the pleader.

6. The Defendant is not properly informed as to what malicious behavior he is alleged to have committed.

7. For ought that appears the Defendant has not committed any acts which would give rise to a claim for punitive damages.

8. For ought that appears the Plaintiff suffered from her alleged mental and physical ailments and complaints before the alleged misconduct by the Defendant occurred.

9. For ought that appears the Plaintiff suffered great tension, had lost her peace of mind, had difficulty sleeping, sought a physician's care, took medication, was nauseous and suffered a voice change before the alleged willful and malicious conduct of Defendant occurred.

C. G. C.

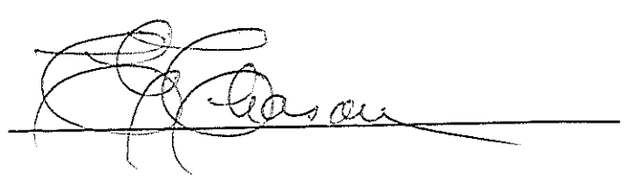
10. No facts are alleged to show a proximate cause between the alleged willful and malicious behavior of the Defendant and the alleged mental and physical ailments of the Plaintiff.

11. No facts are alleged which show that the great tension suffered by the Plaintiff, her loss of peace of mind, difficulty in sleeping, seeking a physician's care, taking medication, nauseous, change of voice or aggravation of asthma is a proximate consequence of the alleged willful and malicious behavior of the Defendant.

12. For ought that appears no facts are alleged to show how the Plaintiffs family life has suffered great harm.

13. For ought that appears the Defendant could not reasonably foresee that the Plaintiff's alleged tension, loss of peace of mind, difficulty in sleeping, seeking care of a physician, taking medication, nausea, change in voice, aggravation of asthma would be a probable consequence of the Defendant's alleged willful and malicious behavior.

14. For ought that appears that it is not reasonably foreseeable that as a result of the Defendant's alleged willful and malicious behavior that the Plaintiff would suffer great tension, loss of peace of mind, have difficulty in sleeping, seek care of a physician, take medication, have nausea, have a change in voice and suffer aggravation of asthma.



CERTIFICATE OF SERVICE

I do hereby certify that I have on this 26 day of July, 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 first class postage prepaid.

FILED

JUL 27 1971

EUNICE B. BLACKMON CIRCUIT CLERK

C. G. C.

IMOGENE P. HILBURN,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
FRANCIS J. (PETE) HOLLEY,	)	CASE NO. 9899
Defendant.	)	

PLEA

Comes the Defendant, Francis J. (Pete) Holley, and for answer to the Plaintiff's complaint denies each and every allegation contained therein and demands strict proof thereof.

CHASON AND UNDERWOOD

By Thomas W. Underwood Jr.
For the Firm
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 8th day of Sept, 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 first class postage prepaid.

Thomas W. Underwood Jr.

FILED

SEP 9 1971

EUNICE B. BLACKMON CIRCUIT CLERK

C & U

6686