

9932

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA. AT LAW

CASE NO. 35878 - McRAE

DREMAN, BROWN & HUDGENS
J. GEORGE WHITFIELD, JR.

SAALFIELD PUBLISHING COMPANY

JURY

VS. Suit for \$1,500.00 damages to auto
(TORT)

MASON, STONE & CHASON,
Eberhard E. Ball
P.O. Box 120
Bay Minette, Ala.
36507

PRENTIS BRYANT, A.B.C., the persons, firms or corporations who were the owners
or operators of that certain motor vehicle which collided with the motor
vehicle of the Plaintiff on, to-wit: February 17, 1970, whose true identity
is unknown at the present time but will be added by amendment when a certained,
Jointly and Individually

N.J.

PLEADINGS, PROCESS, ETC,

* FILING DATE *

1. Complaint & Summons

* 6-11-71 *

C & S served on Prentis Bryant on June 21, 1971.

2. Plea in Abatement

* 6-24-71 *

July 16, 1971 - Plea in Abatement confessed and sustained and case ordered
transferred to the Circuit Court of Baldwin County, Alabama.
/s/ Robert E. Hodnette

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VOL 43-556

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above
is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile
County, Alabama, on this the 19th day of July 19 71.

John E. Mandeville Clerk

SAALFIELD PUBLISHING COMPANY,	*	IN THE CIRCUIT COURT OF
	*	MOBILE COUNTY, ALABAMA
Plaintiff,	*	
VS	*	AT LAW
PRENTIS BRYANT, A. B. C., the	*	
persons, firms or corporations	*	
who were the owners or operators	*	
of that certain motor vehicle	*	
which collided with the motor	*	
vehicle of the Plaintiff on,	*	
to-wit: February 17, 1970, whose	*	
true identity is unknown at the	*	
present time but will be added	*	
by amendment when ascertained,	*	
jointly and individually,	*	
Defendants.	*	CASE NO. <u>9932</u> <u>35878</u>

COUNT ONE

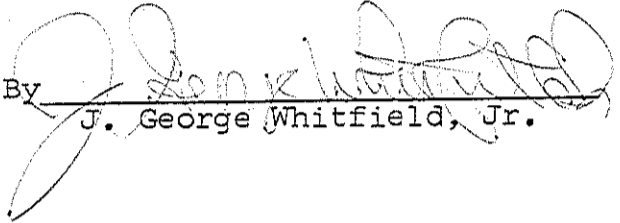
The Plaintiff claims of the Defendant the sum of ONE THOUSAND FIVE HUNDRED AND NO./100 (\$1,500.00) DOLLARS, as damages for that heretofore and on, to-wit: December 27, 1970 the Plaintiff's motor vehicle was being driven on U. S. Highway 31 at or near its intersection with Old Daphne Road, both streets being public roads in 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 motor vehicle of the Plaintiff and as a proximate consequence of the negligence of the Defendants, as aforesaid, Plaintiff's motor vehicle was bent, mashed, broken and damaged, and the market value thereof was greatly depreciated, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE THOUSAND FIVE HUNDRED AND NO/100 (\$1,500.00) DOLLARS, as damages for that heretofore and on, to-wit: December 27, 1970 the Plaintiff's motor vehicle was being driven on U. S. Highway 31 at or near its intersection with Old Daphne Road, both streets being public roads in Baldwin County, Alabama and the Defendants did then and there willfully or wantonly operate a motor vehicle as to cause the same to willfully or wantonly run into, upon and against the motor vehicle of the Plaintiff and as a proximate consequence of the willful or wanton conduct of the Defendants, as aforesaid, the Plaintiff was willfully or wantonly injured and damaged in that the Plaintiff's

motor vehicle was bent, mashed, broken and damaged, and the market value thereof was greatly depreciated, hence this suit.

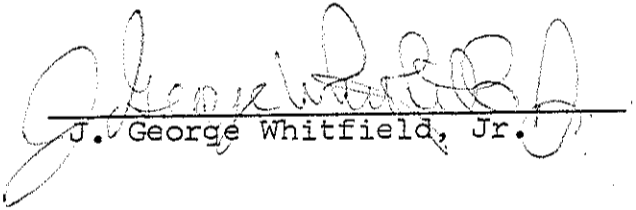
FOREMAN, BROWN & HUDGENS
Attorneys for the Plaintiff

By 
J. George Whitfield, Jr.

Serve Defendant:

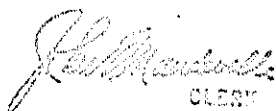
Prentis Bryant
807 Old Daphne Road
Bay Minette, Alabama

Demand for jury trial


J. George Whitfield, Jr.

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

JUN 11 2 39 PM '71


CLERK

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THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:
You are hereby commanded to summon

PRENTIS BRYANT, A. B. C., the persons, firms or corporations who were
the owners or operators of that certain motor vehicle which collided
with the motor vehicle of the Plaintiff on, to-wit: February 17, 1970,
whose true identity is unknown at the present time but will be added
by amendment when ascertained, jointly and individually

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,
at the place of holding the same, then and there to answer the complaint of

SAALFIELD PUBLISHING COMPANY

WITNESS: John E. Mandeville, Clerk of said Court, this 11th day of June, 1971

Attest: *John E. Mandeville*
Clerk

SHERIFF'S RETURN

Received _____ day of _____, 19____ and on _____ day
of _____, 19____, I served a copy of
the within _____ on _____

by service on _____

RAY D. BRIDGES, SHERIFF

By _____ D.S.

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

JUN 15 3 01 PM '71

AS
PROCESSES ON A TOTAL OF \$ 1.50

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING 1 PROCESSES) AND
TRAVEL EXPENSE ON EACH OF \$ 0

Received 16 day of June 19 71
and on 21 day of June 19 71
I served a copy of the within CR 8
on Prentis Bryant
By service on _____

TAYLOR WILKINS Sheriff
By [Signature]

Mail

No. 35878

JUDGE _____ DOCKET

CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

Saalfeld Publishing Company

VS. } Complaint and Summons

Prentis Bryant, et al

Issued 11th day of June, 1971

Defendant's Address
807 Old Daphne Road
Bay Minette, Alabama

J. GEORGE WHIT FIELD, JR.
Plaintiff's Attorney

SAALFIELD PUBLISHING COMPANY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	
	X	
PRENTIS BRYANT, A. B. C.,	X	MOBILE COUNTY, ALABAMA
the persons, firms or corp-	X	
orations who were the owners	X	
or operators of that certain	X	
motor vehicle which collided	X	
with the motor vehicle of	X	
the Plaintiff on, to-wit:	X	AT LAW
February 17, 1970, whose	X	
true identity is unknown at	X	
the present time but will be	X	
added by amendment when	X	
ascertained, jointly and	X	
individually,	X	CASE NO. 35,878 <i>mc</i>
Defendants.	X	

PLEA IN ABATEMENT

Comes now the Defendant, Prentis Bryant, in the above styled cause, by and through his attorneys of record, and appears specially and only for the purpose of filing this his Plea in Abatement and for no other purpose, and in support thereof would respectfully show unto the Court as follows:

1. That the action heretofore filed against him in this cause arises out of an alleged motor vehicle collision which occurred in Baldwin County, Alabama on, to-wit, December 27, 1970, and that on that date and at the time of the filing and service of the Complaint upon the Defendant and at all times from that date until the date hereof, the Defendant has been a bona fide resident of Baldwin County, Alabama, having a permanent residence therein and having been a resident of Baldwin County for many years, and that during none of the said times pertinent hereto has the Defendant been a resident of Mobile County. And the Defendant further alleges that at the date, time and place of the alleged accident complained of in the Complaint, he was

the owner of the automobile which he was driving and was then and there acting in his individual capacity and not as an agent for any other person, firm or corporation.

CHASON, STONE & CHASON

BY: Eberhard E. Ball
Attorneys for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County in said State, personally appeared Eberhard E. Ball, who is known to me and who, after being by me first duly sworn, deposes and says on oath that he is one of the attorneys of record for the Defendant, Prentis Bryant, in the above styled cause and that he is informed and believes and upon such information and belief, states that the facts contained in the foregoing Plea in Abatement are true and correct.

Eberhard E. Ball
Eberhard E. Ball

Sworn to and subscribed

before me this 23rd day
of June, 1971.

Julia H. Brock
Notary Public, Baldwin County, Alabama

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 23 day
of JUNE, 1971.

Eberhard E. Ball

STATE OF ALA. MOBILE CO.
I CERTIFY THIS PLEADING
WAS FILED ON

JUN 24 8 13 AM '71

Paul Marshall
CLERK

#VOL

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SAALFIELD PUBLISHING COMPANY, * IN THE CIRCUIT COURT OF
Plaintiff, * MOBILE COUNTY, ALABAMA
VS * AT LAW
PRENTIS BRYANT, A. B. C., the *
persons, firms or corporations *
who were the owners or operators *
of that certain motor vehicle *
which collided with the motor *
vehicle of the Plaintiff on, *
to-wit: February 17, 1970, whose *
true identity is unknown at the *
present time but will be added *
by amendment when ascertained, *
jointly and individually, *
Defendants. * CASE NO. 35878

COUNT ONE

The Plaintiff claims of the Defendant the sum of ONE THOUSAND FIVE HUNDRED AND NO./100 (\$1,500.00) DOLLARS, as damages for that heretofore and on, to-wit: December 27, 1970 the Plaintiff's motor vehicle was being driven on U. S. Highway 31 at or near its intersection with Old Daphne Road, both streets being public roads in 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 motor vehicle of the Plaintiff and as a proximate consequence of the negligence of the Defendants, as aforesaid, Plaintiff's motor vehicle was bent, mashed, broken and damaged, and the market value thereof was greatly depreciated, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendants the sum of ONE THOUSAND FIVE HUNDRED AND NO/100 (\$1,500.00) DOLLARS, as damages for that heretofore and on, to-wit: December 27, 1970 the Plaintiff's motor vehicle was being driven on U. S. Highway 31 at or near its intersection with Old Daphne Road, both streets being public roads in Baldwin County, Alabama and the Defendants did then and there willfully or wantonly operate a motor vehicle as to cause the same to willfully or wantonly run into, upon and against the motor vehicle of the Plaintiff and as a proximate consequence of the willful or wanton conduct of the Defendants, as aforesaid, the Plaintiff was willfully or wantonly injured and damaged in that the Plaintiff's

motor vehicle was bent, mashed, broken and damaged, and the market value thereof was greatly depreciated, hence this suit.

FOREMAN, BROWN & HUDGENS
Attorneys for the Plaintiff

By J. George Whitfield, Jr.
J. George Whitfield, Jr.

Serve Defendant:

Prentis Bryant
807 Old Daphne Road
Bay Minette, Alabama

Demand for jury trial

J. George Whitfield, Jr.
J. George Whitfield, Jr.

FRIDAY, JULY 16, 1971

SAALFIELD PUBLISHING COMPANY)

HODNETTE -vs- 35878)

PRENTIS BRYANT, A.B.C., the persons,)
firms, or corporations who were the)
owners or operators of that certain)
motor vehicle which collided with the)
motor vehicle of the plaintiff, on,)
to-wit: February 17, 1970, whose true)
identity is unknown at the present time)
but will be added by amendment when)
ascertained, Jointly and Individually)

PLEA IN ABATEMENT
CONCESSED AND SUSTAINED
AND CASE ORDERED TRANSFERRED
TO THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and plaintiff, in open Court, on this day, confessed defendant's Plea in Abatement filed June 24, 1971 to the complaint in this cause; and

It is therefore ordered and adjudged by the Court that the defendant's said Plea in Abatement filed June 24, 1971 to the complaint in this cause be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

Minute Book 43

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STATE OF ALABAMA, }
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby
certify that the foregoing is a full, true and correct copy of ORDER OF COURT

as rendered by the said Circuit Court on the 16th day of July, 19 71, in the cause
entitled No. 35873 - SAALFIELD PUBLISHING COMPANY

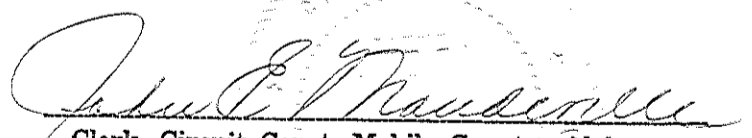
_____, Plaintiff,

— versus — PRENTIS BRYANT, A.B.C., the persons, firms or corporations who
were the owners or operators of that certain motor vehicle which collided
with the motor vehicle of the Plaintiff on, to-wit: February 17, 1970,
~~whose true identity is unknown at the present time but will be added by~~
amendment when ascertained, Jointly and Individually

Defendant, ~~(Together with the cancellation thereof)~~, as the same remains of record in this office in
Minute Book No. 43, Page No. 556

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office
in the City of Mobile, Alabama, on this the 19th day of July, 19 71.

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.

43-7-5M-6-70

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

SAALFIELD PUBLISHING COMPANY Plaintiff
 No. 35878 VS.
 PRENTIS BRYANT, A.B.C., etc. Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957
Appvd. Sept. 20, 1957)
(Amend Sec. 21, Title 11, Code Ala. 1940)

BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)
(Amend Sec. 34 and 100, Title 11, Code Ala. 1940)

CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES	Pltff.	Deft.
Suits for \$100 or less\$ 6.00			Serving Summons & Complaint\$ 1.50	1 50	
Suits for over \$100 but less than \$1,000 10.00			Serving Writ of Garnishment 1.50		
Suits for \$1,000 and over 20.00	20 00		Serving Sci Fa.-Notices 1.50		
Suits in detinue, ejectment, etc. 10.00			Levying Attachment & Return 6.25		
Suits not otherwise provided 10.00			Executing Writ Possession 5.00		
Writs, Mandamus, Prohibition, etc. 15.00			Seizing personal property under Writ of Detinue 6.00		
Appeals from Court General Sessions 15.00			Serving subpoenas, each75		
Appeals from Probate Court 20.00			Impanelling Jury75		
Appeals from JP Courts 6.00			Taking & Approving Bond 2.00		
Appeals from State Dept of Pub. Safety, and other State Agencies 10.00			Collecting Costs Execution 1.50		
Workmen's Compensation Settle. 10.00			Serving Contempt Writ 1.50		
Garnishment on Judgment 6.00			Making Deed for Property sold 2.50		
Order of Sale, Motions to sell. 6.00			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$		
Recording executions from State Agencies 3.00			Total\$	1 50	
Cert. Copy of Record - per 100 words15	80				
Taking Appeal Bond75			RECAPITULATION		
Record for Supreme Court etc., per 100 words15			Clerk 20 80		
Add'l Copies of Record for Supreme Court, per 100 words05			Taylor Wilkins Sheriff Baldwin County Cl. ADM. FUND	1 50	
Checking - including Reporters Transcript of Evidence 10.00			Inferior Civil Court	2 00	
Certifying Abstract in lieu of Transcript on Appeal 5.00			Justice Peace fees		
Collecting Money on Judgments over 30 days old, 1/2 the per- centage allowed Sheriffs \$			Witness fees		
Total\$	20 80		Commissioner's fees		
			Certificate of Judgment		
			Judgment		
			10% Damages		
			Interest		
			Stenographer's fees (\$10.00 Day)	1 50	
			Library fee 1.50	1 50	
			Trial Tax (County) 1.50	1 50	
			Trial Tax (State) 1.50		
			Advertisement		
			Garnishee's fees		

\$28.80

I respectfully beg to advise that if this bill for costs is not paid before _____ 19_____, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk

SAALFIELD PUBLISHING COMPANY,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
PRENTIS BRYANT, et al.,	X	AT LAW 9932
Defendants.	X	

DEMURRER

Comes now the Defendant, Prentis Bryant, in the above styled cause, by and through his attorneys of record, and demurs to the Complaint and each Count thereof, separately and severally, heretofore filed against him and assigns the following grounds, separately and severally:

1. For that the allegations thereof are mere conclusions of the Pleader.
2. For that no duty is shown on the part of the Defendant with respect to the Plaintiff.
3. For aught that appears, the Plaintiff was not willfully or wantonly injured.

Respectfully submitted,
CHASON, STONE & CHASON

BY: *Eberhard E Ball*
Attorneys for Defendant, Prentis Bryant.

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 19 day of Aug, 1971.

Eberhard E Ball

FILED

AUG 20 1971

EUNICE B. BLACKMON CIRCUIT CLERK

FOREMAN, BROWN & HUDGENS
ATTORNEYS AT LAW

SUITE 210 VAN ANTWERP BUILDING

MOBILE, ALABAMA

36602

ALEXANDER FOREMAN, JR. (1914-1966)
ALTON R. BROWN, JR.
A. NEIL HUDGENS
PETER V. SINTZ
JOHN D. RICHARDSON, III
CLAUDE D. HARRELL
J. GEORGE WHITFIELD, JR.

AREA CODE 205
432-2792

September 17, 1971

Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

RE: Saalfield Publishing Company
VS Prentis Bryant, et al
Our File No. 71-6002-JGW

#9932

Dear Sir:

Will you please advise whether or not the Court has ruled on the Demurrer filed in the above referenced case. And if so whether the Court sustained or over-ruled said demurrer.

Your prompt attention to this matter will be greatly appreciated.

Yours very truly,



For the Firm

JGWj/el

No ruling of same -