

EARL R. HILYER, as Father and
next friend of JULIE C. HILYER,
a Minor, Deceased.

Plaintiff,

vs.

PHYLLIS S. NESBIT, as Administratrix
of the Estate of EUGENE BRITTON,
Deceased.

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW 10,063

COUNT ONE

The Plaintiff, suing as the Father of JULIE C. HILYER, a Minor, under the age of twenty-one years, Deceased, claims of the Defendant, PHYLLIS S. NESBIT, as Administratrix of the Estate of EUGENE BRITTON, Deceased, the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS damages for that heretofore, to-wit: on the 11th day of July, 1971, Plaintiff's minor daughter was riding in an automobile on a public highway in Baldwin County, Alabama on what is known as U. S. Highway No. 98, at it's intersection with Belforest Road, also known as Daphne Avenue, the Defendant's intestate so negligently operated a motor vehicle as to allow it to run into, upon or against the vehicle in which Plaintiff's minor daughter was riding, causing her to sustain injuries from which she afterwards died, wherefore Plaintiff sues.

COUNT TWO

The Plaintiff, suing as the Father of JULIE C. HILYER, a Minor, under the age of twenty-one years, Deceased, claims of the Defendant, PHYLLIS S. NESBIT, as Administratrix of the Estate of EUGENE BRITTON, Deceased, the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS damages for that heretofore, to-wit: on the 11th day of July, 1971, Plaintiff's minor daughter was riding in an automobile on a public highway in Baldwin County, Alabama on what is known as U.S. Highway No. 98, at it's intersection with Belforest Road, also known as Daphne Avenue, the Defendant's intestate so negligently operated a motor vehicle as to allow it to run into, upon or against the vehicle in which Plaintiff's minor daughter was riding, causing her to sustain injuries from which she afterwards died, and Plaintiff avers that the death of his said minor daughter was proximately caused by the wilful, wanton or intentional conduct of the Defendant's intestate, hence this suit.


ATTORNEY FOR PLAINTIFF

FILED

OCT 7 1971

LUNICE B. BLACKMON
CLERK

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 10,063

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon PHYLLIS S. NESBIT, Administratrix of

Estate of EUGENE BRITTON, Deceased.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against.....

PHYLLIS S. NESBIT, Administratrix of Estate of EUGENE BRITTON Defendant.....

by EARL R. HILYER, Father & next friend of JULIE C. HILYER, a Minor, Deceased

Plaintiff.....

Witness my hand this 7 day of Oct. 1921

Ernest B. Blackmon, Clerk

①

No. 10,463 Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

EARL R. HILYER, Father & next friend
of JULIE CL. HILYER, a Minor, Deceased
Plaintiffs

vs.

PHYLLIS S. NESBIT, Administratrix of
Estate of EUGENE BRITTON, Deceased
Defendants

SUMMONS AND COMPLAINT

Filed 19.....

FILED

Clerk

OCT 7 1971

EUNICE B. BLACKMON, CIRCUIT
CLERK

OCT 7 1971

JAYLOR WILKINS
SHERIFF

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Law office of Brantley & Nesbit,
Robertsdale, Ala.

Received In Office

OCT 7 1971

19.....

JAYLOR WILKINS
SHERIFF

Sheriff

I have executed this summons

this Oct 7 1971

by leaving a copy with

Phyllis Nesbit

Sheriff claims 72 miles

Ten Cents per mile Total \$ 7.20

JAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF

Jaylor Wilkins, Sheriff

L. M. Byrd, Deputy Sheriff

BRYAN, GORDON, NELSON AND ALLEN
ATTORNEYS AT LAW
116 SOUTH CODEN AVENUE
BAYOU LA BATRE, ALA. 36509
TELEPHONE (205) 824-4174

November 4, 1971

ALABAMA ATTORNEYS
E. S. NED NELSON
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Circuit Clerk
Baldwin County
Bay Minnette, Alabama

RE: Earl R. Hilyer, as Father and Next
Friend of Julie C. Hilyer a Minor,
Deceased


Vs.

Phyllis S. Nesbit, as Administratrix
of the Estate of Eugene Britton, Deceased
Cause No. 10063

Dear Sir:

I am enclosing herewith an Answer to be filed in the captioned
matter, a copy of which has been forwarded to Honorable John V.
Duck, Attorney for Plaintiff.

Yours very truly,


Nelson Burnett
For the Firm

NB:fl

Enclosure

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

EARL R. HILYER, as Father and
Next Friend of JULIE C. HILYER,
a Minor, Deceased

PLAINTIFF

VS.

NO. 10063

PHYLLIS S. NESBIT, as Administratrix
of the Estate of EUGENE BRITTON,
Deceased

DEFENDANT

A N S W E R

Comes the Defendant, Phyllis S. Nesbit, as Administratrix of the Estate of Eugene Britton, deceased, and for answer to the Complaint in this cause, and to each and every count thereof, separately and severally, pleads in short by consent the general issue, with leave to give in evidence any matter which if well pleaded, would be admissible in defense of the action, to have effect as if so pleaded; and with leave to the Plaintiff to give in evidence any matter, which if well pleaded, would be admissible in reply to such defensive matter, to have effect as if so pleaded.

Respectfully submitted,

BRYAN, GORDON, NELSON AND ALLEN
Attorneys for Defendant

FILED

NOV 5 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

BY:

Nelson Burnett

C E R T I F I C A T E

I hereby certify that I have mailed a copy of the foregoing Answer to Honorable John V. Duck, Attorney for Plaintiff, postage prepaid, on this the 4th day of November, 1971.

NELSON BURNETT

Bryan, Gordon, Nelson & Allen
Attorneys at Law
116 South Coden Avenue
Bayou La Batre, Alabama 36509
Phone: 824-4174