

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

10,112

CASE NO. 37063 - BOLLING

JOHN COLEMAN

GEORGE J. BURROUGHS

JURY

VS. Suit for \$15,000.00 damages for injuries to Plaintiff's daughter
(TORT)

N.J.

PILLANS, REAMS, TAPPAN,
WOOD & ROBERTS
BY: RICHARD W. VOLLMER, JR.

DOROTHY S. BLAIR and JOHN T. BLAIR, separately and severally

PLEADINGS, PROCESS, ETC,

* FILING DATE *

1. Complaint & Summons

* 10-13-71 *

* C & S served on Defts. on October 22, 1971. *

2. Plea in Abatement

* 10-29-71 *

* Nov, 4, 1971 - Plea in Abatement sustained, Case transferred to the
Circuit Court of Baldwin County, Alabama.
/s/ William D. Bolling

44-281

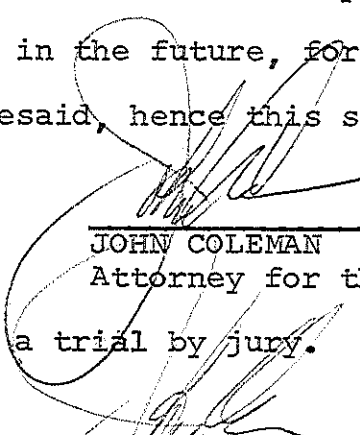
I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court. In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile County, Alabama, on this the 9th day of November 1971.

John E. Mandeville Clerk

GEORGE J. BURROUGHS, : IN THE CIRCUIT COURT OF
 Plaintiff : MOBILE COUNTY,
 VS. : ALABAMA
 DOROTHY S. BLAIR and : AT LAW
 JOHN T. BLAIR, :
 separately and severally, :
 Defendants : CASE NUMBER 37063

ONE

The Plaintiff claims of the Defendants Fifteen Thousand Dollars (\$15,000.00) as damages for that on, to-wit, the 17th day of April, 1970, the Plaintiff's minor daughter, Melissa Ann Burroughs, was crossing East Street, a public street in the city of Stapleton, County of Baldwin, Alabama, at; to-wit, a point one half mile East of its intersection with U. S. Highway 31, and then and there the Defendant Dorothy S. Blair, the agent, servant or employee of the Defendant John T. Blair, while acting within the line and scope of her authority, wantonly drove an automobile into, upon, over or against the Plaintiff's minor daughter, Melissa Ann Burroughs, and by reason thereof and as a proximate consequence and result thereof the Plaintiff's minor daughter, Melissa Ann Burroughs, was wantonly injured in this: she recieved a severe head injury; she recieved a fracture of her right femur, and as a proximate consequence and result thereof the Plaintiff was wantonly injured in this: he was caused to incur expense in and about curing and healing the injuries to his minor daughter, Melissa Ann Burroughs and will be caused to incur expense in and about her curing and healing in the future, for all of which he claims damages as aforesaid, hence this suit.



 JOHN COLEMAN
 Attorney for the Plaintiff

Plaintiff demands a trial by jury.



 JOHN COLEMAN
 Attorney for the Plaintiff

The Defendants may be served at Box 301, Stapleton, Alabama or Loper Lumber Company, Stapleton, Alabama.

STATE OF ALABAMA
 COUNTY OF BALDWIN
 THIS CASE
 WAS FILED
 APR 21 1971
 J. H. ...
 CLERK

THE STATE OF ALABAMA
MOBILE COUNTY

CIRCUIT COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

DOROTHY S. BLAIR and JOHN T. BLAIR, separately and severally

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 _____

GEORGE J. BURROUGHS

WITNESS: John E. Mandeville, Clerk of said Court, this 13th day of October, 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.

[Faint handwritten notes and signatures in the bottom left corner]

Received 19 day of Oct 1971
and on 22 day of Oct 1971
I served a copy of the within Att
on Dorothy S. Blair;
John S. Blair
By service on _____
TAYLOR WILKINS, Sheriff
By W. C. Callard D. S.

Mobile County, Alabama
Case No. 37063-B

TAYLOR WILKINS, SHERIFF OF MOBILE
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING 2 PROCESS(ES) AND 1
TRAVEL EXPENSE ON EACH OF SAID
PROCESS(ES) OR A TOTAL OF \$ 3.00

Mail
(2) No. 37063-B

JUDGE _____ DOCKET
CIVIL DIVISION

CIRCUIT COURT
MOBILE COUNTY

GEORGE J. BURROUGHS

VS. } Complaint and Summons

DOROTHY S. BLAIR and
JOHN T. BLAIR, separately
and severally

Issued 13th day of October, 1971

Defendant's Address
Box 301, Stapleton, Alabama
or
Loper Lumber Company
Stapleton, Alabama

JOHN COLEMAN
Plaintiff's Attorney

GEORGE J. BURROUGHS,)	IN THE CIRCUIT COURT
Plaintiff,)	OF MOBILE COUNTY,
VS)	ALABAMA
DOROTHY S. BLAIR and)	AT LAW
JOHN T. BLAIR, separately)	
and severally,)	
Defendants.)	CASE NO. 37063

PLEA IN ABATEMENT

Come now the defendants, Dorothy S. Blair and John T. Blair, in the above styled cause and appearing specially and only for the purpose of filing this Plea in Abatement and for no other purpose plead in abatement to the complaint filed in this cause as follows:

That the cause should be abated for that the complaint shows on its face that the alleged injuries complained of by the plaintiff occurred on a public highway in Baldwin County, Alabama, to-wit, East Street in the City of Stapleton, County of Baldwin, Alabama, on, to-wit, April 17, 1970. That the complaint further shows on its face that the said action is for personal injuries to plaintiff's minor daughter, and is a personal action as defined in Title 7, Section 54 of the Code of Alabama 1940 Edition as Amended.

The defendants were resident citizens of Baldwin County, Alabama, at all times alleged in the plaintiff's complaint and ever since that time, and at the time and date this lawsuit was commenced against them and the defendants are still permanent resident citizens of Baldwin County, Alabama, having in said County a permanent residence in Stapleton, Baldwin County, Alabama, and the defendants have not, at any time set out in the complaint, nor at the

time this suit was commenced, nor since, been resident citizens of Mobile County, Alabama. The defendants aver that the accident made the basis of this suit did occur in Baldwin County, Alabama.

WHEREFORE, defendants say that the Circuit Court of Mobile County, Alabama, is without jurisdiction of said suit and the said cause of action and that the venue thereof is improperly laid in Mobile County, Alabama, and any suit based on the matters herein complained of, if brought in Alabama at all, should be filed and prosecuted in Baldwin County, Alabama, where the said Dorothy S. Blair and John T. Blair have at all times and do now reside; and defendants pray that said action and said suit be abated by this Court.

Dorothy S. Blair
Dorothy S. Blair, Defendant

John T. Blair Sr
John T. Blair, Defendant

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY Richard W. Vollmer, Jr.
Attorney for Defendants.

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, Daniel T. Rider, a Notary Public in and for said County in said State, personally appeared Dorothy S. Blair and John T. Blair, who by me being first duly sworn on oath, depose and say that they are the defendants in the above styled case and that they have read the foregoing Plea in Abatement and that the matters and facts stated in said Plea in Abatement are true and correct.

Dorothy S. Blair
Dorothy S. Blair

John T. Blair Sr
John T. Blair

Subscribed and sworn to before me this 27 day of October, 1971.

Daniel T. Rider
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 28 day of Oct, 1971.

FILED
OCT 29 8 29 AM '71

John H. Wells
CLERK

THURSDAY, NOVEMBER 4, 1971

GEORGE J. BURROUGHS)
BOLLING -vs- 37063) PLEA IN ABATEMENT SUSTAINED,
DOROTHY S. BLAIR, & JOHN T.) CASE TRANSFERRED TO THE CIRCUIT
BLAIR, separately and severally) COURT OF BALDWIN COUNTY, ALABAMA

This day in open Court came the parties by their attorneys, and defendants' Plea in Abatement filed October 29, 1971, to the complaint in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendants' said Plea in Abatement filed October 29, 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 44

Page 281

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 4th day of November, 1971, in the cause
entitled No. 37063 - GEORGE J. BURROUGHS

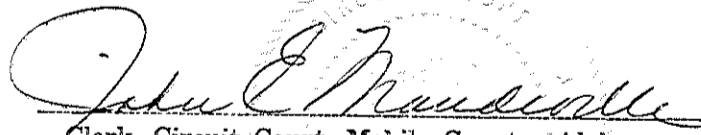
....., Plaintiff,

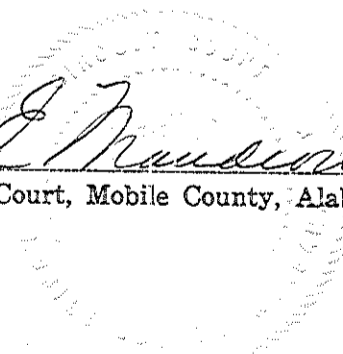
— versus — DOROTHY S. BLAIR and JOHN T. BLAIR, separately and
s everally

Defendant, (~~together with the cancellation thereof~~), as the same remains of record in this office in
Minute Book No. 44, Page No. 281

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 9th day of November, 1971

ATTEST:


Clerk, Circuit Court, Mobile County, Alabama.



GEORGE J. BURROUGHS,	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
DOROTHY S. BLAIR and	X	
JOHN T. BLAIR,	X	AT LAW CASE NO. 10,112
separately and severally,	X	
Defendants	X	

PLEAS

Come the Defendants in the above styled cause and for Pleas to the Complaint filed in said cause separately and severally say:

1. Not guilty.
2. The allegations of the Complaint are untrue.

Sharon Stone Gann
Attorneys for Defendants

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 4 day of Oct 1972

J. Blackmon

FILED

OCT 4 1972

EUNICE B. BLACKMON CIRCUIT CLERK

STATE OF ALABAMA

NOV 1 1968

FILED

GEORGE J. BURROUGHS,

Plaintiff,

VS.

DOROTHY S. BLAIR and
JOHN T. BLAIR, separately
and severally,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO:10,112

JAMES R. OWEN
ATTORNEY AT LAW
110 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA 36507

August 3, 1972

P. O. BOX 248
TEL 937-2061
AREA CODE 205

Mrs. Eunice Blackmon
Circuit Clerk
Bay Minette, Alabama

Dear Eunice:

I have two cases pending in the Circuit Court in which I would like to have the demurrers set down for a hearing at the next motion day. They are:

George J. Burroughs vs. Dorothy S. Blair
and John T. Blair, Case No. 10,112, and

Melissa Ann Burroughs vs. Dorothy S. Bair
and John T. Blair, Case No. 10,114.

Yours very truly,


JAMES R. OWEN

JRO/ers

6045
Ray
M.
Sawyer

GEORGE J. BURROUGHS,	X		
Plaintiff,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
DOROTHY S. BLAIR and	X	AT LAW	NO. <u>10,112</u>
JOHN T. BLAIR, separate-	X		
ly and severally,	X		
Defendants.	X		

PLEA IN ABATEMENT

Come now the Defendants in the above styled cause, by and through their attorneys of record, and appear specifically and only for the purpose of filing this Plea in Abatement and for no other purpose and in support thereof would respectfully show unto the Court as follows:

1. That it affirmatively appears from the face of the Complaint that the Plaintiff's cause of action was commenced more than one year after the incident complained of and is therefore barred by the statute of limitations.

CHASON, STONE & CHASON

BY: _____

John Chason
Attorneys for Defendants.

Defendants respectfully demand a trial of this cause by jury.

CHASON, STONE & CHASON

BY: _____

John Chason

FILED

NOV 10 1971

EUNICE B. BLACKMON CIRCUIT CLERK

10112

GEORGE J. BURROUGHS,

Plaintiff,

vs.

DOROTHY S. BLAIR and
JOHN T. BLAIR, separately
and severally,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 10112

* * * * *

PLEA IN ABATEMENT

* * * * *

FILED

NOV 10 1971

EUNICE B. BLACKMON
CIRCUIT CLERK