CASE NO. 37063 - BOLLING

GEORGE J. BURROUGHS OHN COLEMAN

JURY

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

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY: RICHARD W. VOLLMER, JR.

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

N.J.

PLEADINGS, ROCESS, ETC,

C & S served on Defts. on October 22, 1971. 1. Complaint & Summons

* 10-29-71 2. Plea in Abatement

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

44-281

I, JOHN E. MAN DEVILLE, 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

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

ONE

:

The Plaintiff claims of the Defendants Fifteen Thousand Dollars (\$15,000.00) as damages for that on, to-with 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.

THE STATE OF ALABAMA

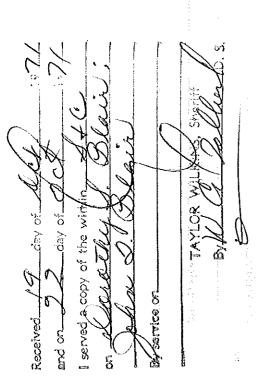
MOBILE COUNTY

To Any Sheriff of the State of Alabama:

CIRCUIT COURT

appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabathe place of holding the same, then and there to answer the complaint of GEORGE J. BURROUGHS ITNESS: John E. Mandeville, Clerk of said Court, this 13th day of October 19. Attest Attest C. Mandeville Clerk of said Court, this 13th day of October 19. SHERIFT'S RETURN ceived day of 19 and on 19 , 1 served a coge within 000. Service on RAY D. BRIDGES, SHERIFF	DOROTHY S.	BLAIR and	I JOHN T	. BLAIR,	separate	ly and :	severally	
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FOR SERVING 2 LTOTTOTT 12 P. P. P. TRAVEL EXPENSE ON EACH OF \$ 3 00 P. P. PROCESS(ES) OR A TOTAL OF \$ 3 00 P.



JUDGE No. 37063 - B

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 JOHN T. BLAIR, separately and severally,)	AT LAW
)	
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, Defendant
Dorothy S. Blair, Defendant
John J. Blair, Defendant
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, Raviel T. Picker, 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

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

Notary Public, Baldwin County, Alabama CERTIFICATE OF SERVICE

THURSDAY, NOVEMBER 4, 1971

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

and the second

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

And the second s

281 Page

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, Alab	ama, 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 a	ınd
s everally	
Defendant, (************************************	
Minute Book No. 44 , Page No. 281	
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of sai	id Court at office
in the City of Mobile, Alabama, on this the 9th day of November	10.71

ATTEST:

Clerk, Circuit Court, Mobile County, Alabama.

CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY

Act No. 740, Reg. Session Ala. Legislature 1:	D 57		F G G T (Act No. 571, Reg (Amend Sec. 34 an	Ses. I	æg. 195 Title 11	(6) Code	Ala, 1940
Amend Sec. 21, Title 11, Code Als. 1940) CLERK'S FEES	Pltff.	Deft.	SHERIFF'S FEES		Plt	ff.	Deft.
Suits for \$100 or less\$ 6.00			Serving Summons & Complaint 2 \$	1.50	3	00	
ouits for over \$100 but less			Serving Writ of Garnishment	1.50 1.50			
than \$1,000 10.00 uits for \$1,000 and over 20.00	20 00		Levying Attachment & Return Executing Writ Possession	6.25 5.00			
uits in detinue, ejectment, etc 10.00			Seizing personal property under Writ of Detinue	6.00			
uits not otherwise provided 10.00			Serving subpoenas, each	.75			
Vrits, Mandamus, Prohibition, etc 15.00			Impanelling Jury Taking & Approving Bond	.75 2.00			
Appeals from Court General Sessions			Collecting Costs Execution	1.50			
Appeals from Probate Court 20.00			Making Deed for Property sold				
Appeals from JP Courts			Commission, collecting money on executions, 1st \$200 5%; \$200 to \$500 4%; over \$500 3% \$				
Appeals from State Dept of Pub. Safety, and other State Agencies			\$ Total\$		3 (00	
Vorkmen's Compensation Settle 10.00							
Sarnishment on Judgment 6.00							
Order of Sale, Motions to sell 6.00							
Agencies 3.00							
Cert. Copy of Record - per	80		RECAPITULATION				
Taking Appeal Bond			Clerk		20	80	
Record for Supreme Court etc., per 100 words			Sheriff Taylor Wilkins		3	00	
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Court, per 100 words			Inferior Civil Court Justice Peace fees Fair Trial Tax		2	00_	
Checking - including Reporters			Witness fees				
Transcript of Evidence 10.00			Commissioner's fees				
Certifying Abstract in lieu of			Certificate of Judgment Judgment				
Transcript on Appeal 5.00			10% Damages				
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centage allowed Sheriffs\$			Library fee	1.50	1	50	
			Trial Tax (County)	1.50 1.50	11	50	
\$			Advertisement	1.00			
Total\$	20 80		Garnishee's fees				

JOHN E. MANDEVILLE, Clerk

execution for same.

GEORGE J. BURROUGHS,	χ	
Plaintiff	X IN THE CIRCUIT CO	OURT OF
vs.	X .	
V D •	X BALDWIN COUNTY, A	ALABAMA
DOROTHY S. BLAIR and JOHN T. BLAIR,	χ	
separately and severally,	X AT LAW CASE NO.	10,112
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.

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 1 day

FILED

OCT 4 1972

EUNICE B. BLACKMON CHROUTE

GEORGE J. BURROUGHS,

Plaintiff,

VS.

1000 \$

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

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GEORGE J. BURROUGHS,	X					
Plaintiff,	χ	IN THE CIRCUIT COURT OF				
vs.	χ	DAT DUTAL GOTINGS AT A DAMA				
v 3 •	χ	BALDWIN COUNTY, ALABAMA				
DOROTHY S. BLAIR and JOHN T. BLAIR, separate-	χ	AT LAW NO. 10, 1/2				
ly and severally,	χ					
Defendants.	χ					

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:

Attorneys for Defendants.

Defendants respectfully demand

and the second

a trial of this cause by jury.

CHASON, STONE & CHASON

BV.

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NOV: 0 1971

EUNICE B. BLACKISSN CIRCUM

GEORGE J. BURROUGHS,

Plaintiff,

vs.

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

Defendants.

BALDWIN COUNTY, ALABAMA

IN THE CIRCUIT COURT OF

AT LAW NO. 10/6

PLEA IN ABATEMENT

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EUNICE B. BLACKISON CHROUT