

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon M. DYSON & COMPANY CONTRACTORS, a non-resident corporation and WARREN PATTERSON, Project Superintendent of said company and JOHN DOE, whose names is otherwise unknown 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 M. DYSON & COMPANY CONTRACTORS, a non-resident corporation and WARREN PATTERSON, Project Superintendent of said company and JOHN DOE, whose name is otherwise unknown, by JENNIE PRESLEY, Plaintiff.

WITNESS my hand this 15 day of Oct., 1971.

Eunice B. Blackman
CLERK

JENNIE PRESLEY	*	IN THE CIRCUIT COURT OF
Plaintiff	*	BALDWIN COUNTY, ALABAMA
VS	*	AT LAW.

M. DYSON & COMPANY	*	CASE NO. <u>10,077</u>
CONTRACTORS, a non-	*	
resident corporation	*	
& WARREN PATTERSON,	*	
Project Superintendent	*	
of said company and	*	
JOHN DOE, whose name is	*	
otherwise unknown	*	
Defendants	*	

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The plaintiff claims of the defendants the sum of TEN THOUSAND (\$10,000.00) DOLLARS as damages for that heretofore, on to-wit June 15, 1971 in the City of Foley, County of Baldwin State of Alabama the said Plaintiff owned two houses, one located on West Myrtle Avenue of the value of \$5,000.00 and one located on Second Avenue and Oak Street of the value of \$5,000.00 both in the Aaronville Section of the City of Foley and then and there Defendant's servant, agent or employee while acting within the line and scope of his authority, negligently piled or permitted to be piled trash near a vacant building owned by said Plaintiff and negligently permitted trash to be burned and as a proximate consequence whereof the fire from said trash pile was permitted to catch to one of Plaintiff's houses which when

burning caused the other house belonging to Plaintiff to catch fire all to Plaintiff's great damage as aforesaid, hence this suit.

FILED

OCT 15 1971

EUNICE B. BLACKMON CIRCUIT
CLERK


ATTORNEY FOR PLAINTIFF

I hereby certify that I have this _____ day of _____, 1971, served M. Dyson and Company by serving an agent of said company, viz, Warren Patterson, Project Superintendent at Foley, Alabama.

Taylor Wilkins, Sheriff of Baldwin County

BY: _____

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon M. DYSON & COMPANY CONTRACTORS, a non-resident corporation and WARREN PATTERSON, Project Superintendent of said company and JOHN DOE, whose names is otherwise unknown 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 M. DYSON & COMPANY CONTRACTORS, a non-resident corporation and WARREN PATTERSON, Project Superintendent of said company and JOHN DOE, whose name is otherwise unknown, by JENNIE PRESLEY, Plaintiff.

WITNESS my hand this 15 day of Oct., 1971.

Eunice B. Blackmon
CLERK

* * * * *

JENNIE PRESLEY

Plaintiff

VS

M. DYSON & COMPANY
CONTRACTORS, a non-
resident corporation
& WARREN PATTERSON,
Project Superintendent
of said company and
JOHN DOE, whose name is
otherwise unknown

Defendants

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW.

* CASE NO. 10,014

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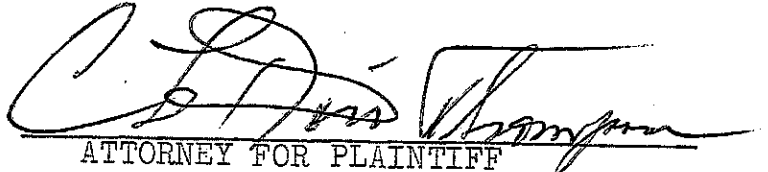
The plaintiff claims of the defendants the sum of TEN THOUSAND (\$10,000.00) DOLLARS as damages for that heretofore, on to-wit June 15, 1971 in the City of Foley, County of Baldwin, State of Alabama the said Plaintiff owned two houses, one located on West Myrtle Avenue of the value of \$5,000.00 and one located on Second Avenue and Oak Street of the value of \$5,000.00 both in the Aaronville Section of the City of Foley and then and there Defendant's servant, agent or employee while acting within the line and scope of his authority, negligently piled or permitted to be piled trash near a vacant building owned by said Plaintiff and negligently permitted trash to be burned and as a proximate consequence whereof the fire from said trash pile was permitted to catch to one of Plaintiff's houses which when

burning caused the other house belonging to Plaintiff to catch fire all to Plaintiff's great damage as aforesaid, hence this suit.

FILED

OCT 15 1971

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA


ATTORNEY FOR PLAINTIFF

I hereby certify that I have this _____ day of _____, 1971, served M. Dyson and Company by serving an agent of said company, viz, Warren Patterson, Project Superintendent at Foley, Alabama.

Taylor Wilkins, Sheriff of Baldwin County

BY: _____

Received 18 day of Oct. 1971
and on 21 day of Oct 1971

I served a copy of the within StC
on M. Dixon + Co.; Warren (NE)
Patterson

By service on John Doe - Nick Aaron
Ferguson for M. Dixon Co
TAYLOR WILKINS, Sheriff
By Roger Wynn D. S.

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Roger Wynn
DEPUTY SHERIFF

#10,077
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Fannie Presley

M. Dixon + Co.
Contractor, a

non-resident corp.

+ Warren Patterson,

Project Superintendent
of said company & Belknap,
whose name is otherwise
unknown

OCT 18 1971

TAYLOR WILKINS
SHERIFF

C. S. Thompson

JENNIE PRESLEY

PLAINTIFF

VS

M. DYSON, & COMPANY,
CONTRACTORS, a non-resident
Corporation & WARREN PATTERSON
Project Superintendent of said Company
and JOHN DOE, whose name is
otherwise unknown

DEFENDANTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

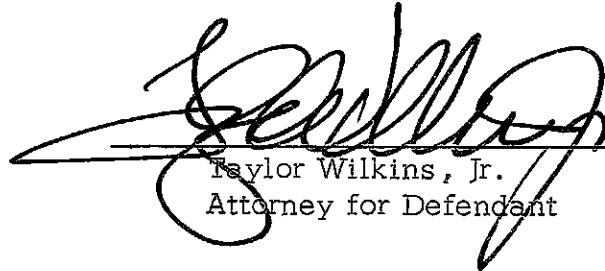
CASE NO: 10,077

DEMURRER

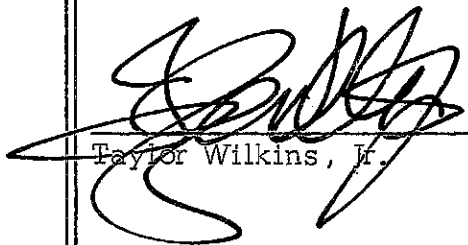
Comes now M. Dyson Building Company, Incorporated, and files this demurrer to the Complainant's complaint and sets down and assigns the following grounds separately and severally.

1. The Plaintiff has failed to state a cause of action in his bill of complaint.
2. The Plaintiff has failed to allege which defendants' servant, agent or employee negligently piled or permitted to be piled certain trash near a vacant building owned by the Plaintiff, there appearing to be three defendants named in said bill of complaint. The allegations of the bill of complaint are mere conclusions of the pleader.
3. The Plaintiff has failed to properly allege the fire was the proximate cause of the damage alleged.
4. The Plaintiff alleges the houses were valued at \$5,000.00 but fails to allege the damages resulting from said fire.
5. The allegation of a house located on West Myrtle Avenue does not sufficiently locate the house or place of the negligence as alleged.
6. The allegation wherein it is alleged that said burning caused the other

house to catch fire is an insufficient allegation and is a conclusion of the pleader.

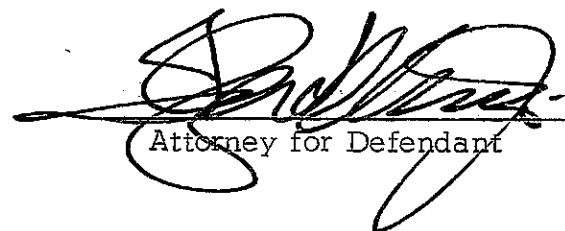

Taylor Wilkins, Jr.
Attorney for Defendant

Defendant respectfully demands a trial of this cause by jury.


Taylor Wilkins, Jr.

I, the undersigned, Taylor Wilkins, Jr., do hereby certify that I have on this the 4th day of November, 1971, forwarded a true and exact copy of the foregoing demurrer to C. LeNoir Thompson, Attorney at Law, Bay Minette, Ala., attorney of record for the Plaintiff, by mailing the same in the United States Post Office, properly addressed, with the postage paid thereon.

DONE this the 4th day of November, 1971.


Attorney for Defendant

FILED

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EUNICE B. BLACKMON CIRCUIT
CLERK