

JOSEPH CHASTAIN,	]	IN THE CIRCUIT COURT OF
Plaintiff,	]	BALDWIN COUNTY, ALABAMA
VS.	]	AT LAW
PHYLLIS S. NESBITT, AS	]	
ADMINISTRATRIX OF THE	]	
ESTATE OF EUGENE BRITTON,	]	
DECEASED,		
Defendant.	]	CASE NO. <u>10,195</u>

COUNT ONE


Plaintiff claims of the defendant the sum of Ten Thousand and No/100 (\$10,000.00) Dollars as damages for that heretofore and on, to-wit, the 11th day of July 1971, Eugene Britton so negligently operated an automobile on Daphne Avenue at or near its intersection with U. S. Highway 98 in Daphne, Alabama, both public highways in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the automobile belonging to plaintiff then and there being operated on U. S. Highway 98, and as a proximate result of the aforesaid negligence plaintiff's said automobile was bent, broken, crushed and demolished, and plaintiff was deprived of the use of said automobile in his business, all to his damage in the aforesaid sum, hence this suit.

COUNT TWO

Plaintiff claims of the defendant the sum of Ten Thousand and No/100 (\$10,000.00) Dollars for that heretofore and on, to-wit, the 11th day of July 1971, Eugene Britton wantonly damaged plaintiff by so wantonly operating an automobile on Daphne Avenue at or near its intersection with U. S. Highway 98 in Daphne, Alabama, both public highways in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the automobile belonging to plaintiff then and there

being operated on U. S. Highway 98, and as a proximate result of the aforesaid wantonness plaintiff's said automobile was bent, broken, crushed and demolished, and plaintiff was deprived of the use of said automobile in his business, all to his damage in the aforesaid sum, hence this suit.

JOHNSTONE, ADAMS, MAY, HOWARD & HILL

By   
As Attorneys for Plaintiff  
P. O. Box 1988, Mobile, Alabama 36601

Plaintiff demands a trial by jury.

Defendant may be served at:

Bay Minette, Alabama

FILED

JAN 13 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No. 10,195

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Phyllis S. Nesbitt, As Adminstratrix of the 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. Nesbitt, Ad Adminstratrix of the Estate of Eugene Britton, Deceased  
Defendant.....

by Joseph Chastain

Plaintiff.....

Witness my hand this 13th day of January 1932

Eunice B. Blackmore, Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOSEPH CHASTAIN

Plaintiffs

vs.

PHYLLIS S. NESBITT, AS ADMINISTRATRIX  
OF THE ESTATE OF EUGENE BRITTON, DECEASED

Defendants

SUMMONS AND COMPLAINT

Filed January 13, 1972

Eunice B. Blackmon Clerk

JAN 13 1972

JAYLE SHERIFF

Johnstone, Adams, May, Howard & Hill  
P. O. Box 1988  
Mobile, Alabama 36601

Plaintiff's Attorney  
Defendant's Attorney

Defendant lives at

Received In Office

January 13 1972  
Taylor Wilkins Sheriff

I have executed this summons

this 1-18 1972

by leaving a copy with

Phyllis S. Nesbitt

Sherriff's Office 50 miles at  
Ten Cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff  
BY DEPUTY SHERIFF

Taylor Wilkins Sheriff  
H. J. Brown Deputy Sheriff

some R.T.  
R. Dale

JOHNSTONE, ADAMS, MAY, HOWARD AND HILL

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

POST OFFICE BOX 1988

MOBILE, ALABAMA 36601

TELEPHONE 432-7683  
AREA CODE 205

C. A. L. JOHNSTONE, JR.  
R. F. ADAMS  
JAMES L. MAY, JR.  
ALEX T. HOWARD, JR.  
J. JEPHTHA HILL  
CHARLES S. BAILEY, JR.  
BROCK B. GORDON  
BEN H. HARRIS, JR.  
WILLIAM H. HARDIE, JR.

DOUGLAS INGE JOHNSTONE  
E. WATSON SMITH  
JACK MCLENDON PATE  
CHARLES A. BENTLEY, JR.  
DAVID C. HANNAN

April 25, 1972

GESSNER T. MCCORVEY (1882-1965)  
BEN D. TURNER (1886-1968)

Mrs. Eunice B. Blackmon  
Circuit Clerk  
Baldwin County  
Bay Minette, Alabama 36507

Re: 10195  
Chastain vs. Nesbitt

Dear Mrs. Blackmon:

I shall appreciate it if you will have this lawsuit, which is for property damage dismissed with prejudice on motion of the plaintiff, with costs to be taxed against the defendant and a cost bill therefor sent to Mr. Nelson Burnett as attorney for the defendant, at 116 South Coden Avenue, Bayou la Batre, Alabama 36509. Mr. Burnett has agreed to this.

With appreciation for your courtesy in the premises,  
I am

Very truly yours,



RFA:rcj


cc: Mr. Nelson Burnett

JOSEPH CHASTAIN, JR.,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
Vs.	)	
	)	
PHYLLIS S. NESBIT, AS	)	CASE NO. 10,195
ADMINISTRATRIX OF THE	)	
ESTATE OF EUGENE BRITTON,	)	
DECEASED,	)	
	)	
Defendant.	)	

D E M U R R E R

Comes the defendant Phyllis S. Nesbit, As Administratrix of the Estate of Eugene Britton, Deceased, and demurs to each count of the complaint filed herein, separately and severally, and for grounds of demurrer set down and assign separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action.
2. For that negligence is therein alleged merely as a conclusion of the pleader.
3. It is not alleged that the willful or wanton conduct complained of proximately caused the accident, the injuries and damages complained of.
4. For aught that appears from said complaint, plaintiff's injuries and damages were not the direct and proximate result of any willful or wanton negligence on the part of defendant in this cause.
5. For that the willful or wanton conduct complained of is but a conclusion of the plaintiff with no facts alleged in support thereof.

Bryan, Gordon, Nelson and Allen  
  
 By: Nelson Burnett  
 As Attorneys for Plaintiff  
 116 South Coden Avenue  
 Bayou La Batre, Alabama 36509

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 Robert F. Adams, Attorney for Plaintiff, postage prepaid, on this the 26th day of January, 1972.

**FILED**

JAN 28 1972

  
 Nelson Burnett

EUNICE B. BLACKMON CIRCUIT CLERK