IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT OF ALABAMA

LUCILLE LEAVINS, as Administratrix of the Estate of Horace Wilson, deceased,	I	
Plaintiff,	I	CIVIL ACTION NO. _____
vs.	I	
ARTHUR L. CURTIS,	I	
Defendant.	I	

TO THE HONORABLE DANIEL H. THOMAS, JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA, SOUTHERN DIVISION:

Your petitioner, Arthur L. Curtis, appearing specially for the purpose of filing this his petition to remove this action to the United States District Court for the Southern Division of the Southern District of Alabama, and not otherwise, respectfully shows unto this Honorable Court as follows:

1. That the said csuse is presently pending in the Circuit Court of Baldwin County, Alabama; that the petitioner is a natural person over the age of twenty-one (21) years and is the only defendant in said cause; that petitioner is a resident citizen of the State of Illinois, while the plaintiff, Lucille Leavins, as Administratrix of the Estate of Horace Wilson, deceased, is a resident of Baldwin County, State of Alabama, and is a citizen of the State of Alabama; that, as will herein appear, the controversy upon which this removal is predicated, is one which is wholly between citizens of different states, and one in which the defendant is not a citizen of the state in which the action was brought.

2. That this is an action by the plaintiff to recover damages for the death of her intestate on February 4, 1954

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DIVISION OF THE SOUTHERN DISTRICT OF ALABAMA

LUCILLE LEAVINS, As Administratrix of the Estate of Horace Wilson, deceased,	I	
Plaintiff,	I	CIVIL ACTION NO. 2218
vs.	I	
ARTHUR L. CURTIS,	I	
Defendant.	I	

TO MRS. ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, Alabama:

Please take notice that on this date defendant, Arthur L. Curtis, in the above entitled cause, filed in the District Court of the United States for the Southern Division of the Southern District of Alabama a petition to remove the above entitled cause to the District Court of the United States for the Southern Division of the Southern District of Alabama from the Circuit Court of Baldwin County, Alabama. We are herewith filing with you as Clerk of the Circuit Court of Baldwin County, Alabama, a copy of such petition for removal, pursuant to the provisions of Title 28, Section 1446(e), United States Code Annotated.

DATED this 9th day of April, 1954.

Sam M Johnston Jr

Percy W Johnston Jr

Attorneys for Defendant
804 First National Bank Annex
Mobile, Alabama

3. That the amount sued for and involved in this controversy is FIFTY THOUSAND and no/100 ($50,000.00) DOLLARS, and that the amount in dispute in this action exceeds the sum of THREE THOUSAND and no/100 ($3,000.00) DOLLARS, exclusive of interest and costs; that your petitioner has filed no pleading in said cause and that the time, namely, twenty (20) days after service of process upon the defendant, Arthur L. Curtis, within which to petition for removal of this action to the United States District Court, has not elapsed.

4. That this petition for a removal is accompanied herewith by a copy of all process, pleadings and orders served upon the petitioner in this action, and petitioner files and offers herewith a bond with good and sufficient surety in the penal sum of FIVE HUNDRED and no/100 ($500.00) DOLLARS, conditioned that the defendant, Arthur L. Curtis, an individual, will pay all costs and disbursements incurred by reason of the removal proceedings, should it be determined that the cause was not removable or was improperly removed.

Your petitioner, therefore, prays that the said bond may be accepted as good and sufficient, and that this court, upon the giving of written notice to the adverse parties of the filing of this petition and bond, and upon filing a copy of this petition with the Circuit Clerk of Baldwin County, Alabama, will immediately entertain and take jurisdiction of this action, and that no further or other proceedings may be had in the Circuit Court of Baldwin County, Alabama, unless and until this cause is remanded.

DATED this 9th day of April, 1954.

ARTHUR L. CURTIS

Arthur L. Curtis
~~His Attorney~~

STATE OF ALABAMA]
COUNTY OF MOBILE]

Before me, the undersigned Notary Public in and for said

Arthur L Curtis,

County in said State, personally appeared ~~P. W. JOHNSTON, JR.,~~ who upon being first duly sworn on oath, deposes and says that ~~he is one of the attorneys for the above named petitioner; that he is informed and believes and upon such information and belief avers that~~ the facts and matters set out in the foregoing petition are true.

Arthur L. Curtis

Subscribed and sworn to before me
this 9 day of April, 1954.

Percy W Johnston Jr.
Notary Public, Mobile County, Alabama

RECORDED

APR 9 1954
AM 10 54
FILED

Johnston McCall & Johnston
Attorneys for petitioner
804 First National Bank Annex
Mobile, Ala.

William A. Smith

County in said State, personally appeared ~~[illegible]~~ who upon being first duly sworn on oath, deposes and says that ~~he is one of the attorneys for the above named petitioners~~ ~~that he has read the foregoing petition and knows the contents thereof and~~ ~~[illegible]~~ the facts and matters set out in the foregoing petition are true.

William A. Smith

Subscribed and sworn to before me this 9 day of April, 1954.

Ben W. Schuster Jr.
Notary Public, Mobile County, Alabama

FILED
APR 10 1954
ALICE J. [illegible], Clerk

RECORDED

Petition for Call & Schuster
Attorneys for Petitioner
Est. Joint National Bank Trust
Mobile, Ala.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ARTHUR L. CURTIS to appear within thirty (30) days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of LUCILLE LEAVINS, as Administratrix of the Estate of Horace Wilson, Deceased.

WITNESS my hand, this 22nd day of March, 1954.

Clerk.

* *

LUCILLE LEAVINS, as Administratrix of the Estate of Horace Wilson, Deceased. Plaintiff, VS. ARTHUR L. CURTIS, Defendant.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

COUNT ONE

Plaintiff claims of the Defendant the sum of Fifty Thousand Dollars ($50,000.00) as damages for that heretofore on, to-wit, the 4th day of February, 1954, the Defendant so negligently operated the motor vehicle which he was driving Northwardly on the public highway leading from Point Clear to Fairhope in Baldwin County, Alabama, at a point, to-wit, directly East of the American Legion Club, as to cause or allow the same to strike the Plaintiff's intestate, who was then and there standing alongside the East edge of the paved portion of said public highway and as a direct and proximate result of the negligence of the Defendant, as aforesaid, the Plaintiff's intestate was killed; wherefore Plaintiff sues.

Attorney for Plaintiff.

Plaintiff demands a trial of this cause by jury.

Attorney for Plaintiff.

Received ___ day of April 1959
and on 23 day of March 1963
I have served a copy of the within

By service on Arthur L. Courtes

TAYLOR WILKINS, Sheriff
By Pete Seller D.S.

RECORDED

COMPLAINT

LUCILLE LEAVINS, as Administratrix of the Estate of Horace Wilson, Deceased.

Plaintiff,

VS.

ARTHUR L. CURTIS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
MAR 22 1954
ALICE L. CUCK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA