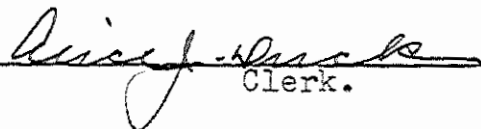


STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Angeline Donnally, Executrix of the Estate of C. A. Donnally, Deceased; Sellers and Bodenhamer, a Partnership composed of James C. Sellers and O. L. Bodenhamer; James C. Sellers and O. L. Bodenhamer, to appear within thirty 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 Audrey J. Pruett.

WITNESS my hand this 31 day of October, 1955.


Clerk.

* * * * *

AUDREY J. PRUETT,)	
Plaintiff,)	
VS.)	IN THE CIRCUIT COURT OF
ANGELINE DONNALLY, Executrix of)	BALDWIN COUNTY, ALABAMA
the Estate of C. A. Donnally, De-)	
ceased; SELLERS AND BODENHAMER, a)	AT LAW
Partnership composed of James C.)	
Sellers and O. L. Bodenhamer; JAMES)	
C. SELLERS and O. L. BODENHAMER,)	
Defendants.)	

AMENDED COMPLAINT

Now comes the Plaintiff, by her Attorney, and amends the Complaint heretofore filed in this cause so that as amended the said Complaint will read as follows:

"COUNT ONE:

The Plaintiff claims of the Defendant, Angeline Donnally, as Executrix of the Last Will and Testament of C. A. Donnally, Deceased, the sum of Five Thousand Dollars (\$5000) damages for trespass by the said C. A. Donnally, acting by and through the Defendant, Sellers and Bodenhamer, a Partnership composed of James C. Sellers

and O. L. Bodenhamer, as the agent, servant or employee of the said C. A. Donnally, while acting within the line and scope of its authority as said agent, servant or employee on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's Creek; thence following the meanderings of said creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10 and 11 of an unrecorded Map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by C. A. Donnally, acting by and through his agent, servant or employee as aforesaid, interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream, which is the South boundary of the above described property, was altered to run over, through and across said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby, all to Plaintiff's damages as aforesaid, hence this suit.

COUNT TWO

The Plaintiff claims of the defendant, Angeline Donnally, Executrix of the Estate of C. A. Donnally, Deceased, the sum of Five Thousand Dollars (\$5000) damages for trespass by the said C. A. Donnally, acting by and through the Defendant, Sellers and

Bodenhamer, a Partnership composed of James C. Sellers and O. L. Bodenhamer, as the agent, servant or employee of the said C. A. Donnally, acting within the line and scope of its authority as said agent, servant or employee, on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's Creek; thence following the meanderings of said creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10 and 11 of an unrecorded Map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by C. A. Donnally, acting by and through his said agent, servant or employee as aforesaid, interfered with and impeded Plaintiff ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream, which is the South Boundary of the above described property, was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby, all to Plaintiff's damages as aforesaid, hence this suit.

Plaintiff further alleges that said trespass was willfully done and committed and willfully continues by C. A. Donnally, acting by and through his said agent, servant or employee as aforesaid after the Plaintiff, acting by and through her agent, servant or employee, while acting within the line and scope of his authority as said agent, servant or employee had warned the said C. A. Donnally not to do and commit the same and that the said C. A.

Donnally acted in gross, reckless and willful disregard of the Plaintiff's rights in and to the said property, and in addition to actual damages Plaintiff claims of Angeline Donnally, Executrix of the Estate of C. A. Donnally, Deceased, punitive damages.

COUNT THREE:

The Plaintiff claims of the Defendant, Sellers and Bodenhamer, a Partnership composed of James C. Sellers and O. L. Bodenhamer, the sum of Five Thousand Dollars damages for trespass by the said Defendant on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's Creek; thence following the meanderings of said creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10 and 11 of an unrecorded Map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by the Defendant interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream which is the South Boundary of the above described property was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby all to Plaintiff's damages as aforesaid, hence this suit.

COUNT FOUR:

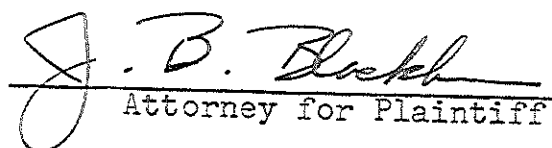
The Plaintiff claims of the defendant, Sellers and Bodenhamer, a Partnership composed of James C. Sellers and O. L. Bodenhamer, the sum of Five Thousand Dollars (\$5000) damages for

trespass by the said Defendant on the following tract of land, viz

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's Creek; thence following the meanderings of said creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10 and 11 of an unrecorded Map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by the defendant interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream which is the South Boundary of the above described property was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby all to Plaintiff's damages as aforesaid, hence this suit.

Plaintiff further alleges that said trespass was willfully done and committed and willfully continues by Defendant after the Plaintiff, acting by and through her agent, servant or employee, while acting within the line and scope of his authority as said agent, servant or employee, has warned the Defendant not to do and commit the same and that the Defendant acted in gross, reckless and willful disregard of Plaintiff's rights in and to the said property, and in addition to actual damages Plaintiff claims of Defendant punitive damages."


Attorney for Plaintiff

Received 31 day of Oct 1955
and on 7 day of Dec 1955
served a copy of the within Amended Complaint
on Angeline Donnally
by service on Angeline Donnally

TAYLOR WILKINS, Sheriff
By Taylor Wilkins D.S.

Returned 3 day of Nov 1955
Not found in my county after diligent search and in-
quiry.
By R. J. Mangin Sheriff

NO. 2538
AMENDED COMPLAINT

AUDREY J. PRUETT,
Plaintiff,

VS.

ANGELINE DONNALLY, Executrix of
the Estate of C. A. Donnally, De-
ceased; SELLERS AND BODENHAMER, a
Partnership composed of James C.
Sellers and O. L. Bodenhamer;
JAMES C. SELLERS AND O. L.
BODENHAMER,
Defendants.

(Handwritten notes in cursive script, mostly illegible)

FILED

OCT 31 1955

ALICE L. DUCK, Clerk

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA::

You are hereby commanded to summon C. A. Donnally; Sellars Dredging Company, a partnership, composed of James C. Sellars and George Sellars; James C. Sellars and George Sellars to appear within thirty 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 Audrey J. Pruett.

WITNESS my hand this 18 day of February, 1955.

Audrey J. Pruett
Clerk.

AUDREY J. PRUETT,

Plaintiff,

VS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

C. A. DONNALLY; SELLARS DREDGING
COMPANY, a partnership composed of
James C. Sellars and George Sellars;
JAMES C. SELLARS and GEORGE SELLARS,

Defendants.

C O M P L A I N T
COUNT ONE

The Plaintiff claims of the defendant, C. A. Donnally the sum of Five Thousand and No/100 (\$5000.00) Dollars damages for trespass by the said defendant, acting by and through the defendant Sellars Dredging Company, a partnership composed of James C. Sellars and George Sellars, as the agent, servant or employee of the said defendant, C. A. Donnally, while acting within the line and scope of its authority as said agent, servant or employee, on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of begin-

ning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by defendant, C. A. Donnally, acting by and through his said agent, servant or employee as aforesaid, interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream, which is the South Boundary of the above described property, was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby, all to Plaintiff's damages as aforesaid, hence this suit.

COUNT TWO

The Plaintiff claims of the defendant, C. A. Donnally the sum of Five Thousand and No/100 (\$5000.00) Dollars damages for trespass by the said defendant, acting by and through the defendant, Sellars Dredging Company, a partnership composed of James C. Sellars and George Sellars, as the agent, servant or employee of the said defendant, C. A. Donnally, while acting within the line and scope of its authority as said agent, servant or employee, on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point,

thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by defendant, C. A. Donnally, acting by and through his said agent, servant or employee as aforesaid, interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream, which is the South Boundary of the above described property, was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby, all to Plaintiff's damages as aforesaid, hence this suit.

Plaintiff further alleges that said trespass was willfully done and committed and willfully continued by defendant, C. A. Donnally, acting by and through his said agent, servant or employee as aforesaid after the Plaintiff acting by and through her agent, servant or employee, while acting within the line and scope of his authority as said agent, servant or employee had warned the defendant, C. A. Donnally not to do and commit the same and the defendant C. A. Donnally acted in gross, reckless and willful disregard of the Plaintiff's rights in and to the said property, and in addition to actual damages Plaintiff claims of defendant, C. A. Donnally punitive damages.

COUNT THREE

The Plaintiff claims of the defendant, Sellars Dredging Company, a Partnership composed of James C. Sellars and George Sellars, the sum of Five Thousand and No/100 (\$5000.00) Dollars damages for trespass by the said defendant on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by the defendant interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream which is the South Boundary of the above described property was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby all to Plaintiff's damages as aforesaid, hence this suit.

COUNT FOUR

The Plaintiff claims of the defendant, Sellars Dredging Company, a Partnership composed of James C. Sellars and George Sellars, the sum of Five Thousand and No/100 (\$5000.00) Dollars

damages for trespass by the said defendant on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of the Bon Secour River, map dated February 15, 1950, by J. B. Allen Surveyor.

belonging to the Plaintiff, and for dredging a ditch or channel on and across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by the defendant interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch or channel the course of a stream which is the South Boundary of the above described property was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby all to Plaintiff's damages as aforesaid, hence this suit.

Plaintiff further alleges that said trespass was willfully done and committed and willfully continued by defendant after the Plaintiff, acting by and through her agent, servant or employee, while acting within the line and scope of his authority as said agent, servant or employee, had warned the defendant not to do and commit the same and the defendant acted in gross, reckless and willful disregard of Plaintiff's rights in and to the said property, and

in addition to actual damages Plaintiff claims of defendant punitive damages.

COUNT FIVE

The Plaintiff claims of the defendants the sum of Five Thousand and No/100 (\$5000.00) Dollars damages for trespass by the said defendants on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen Surveyor.

belonging to the Plaintiff and for dredging a ditch or channel on or across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by defendants interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch and channel the course of a stream, which is the South Boundary of the above described property, was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby, all to Plaintiff's damages as aforesaid, hence this suit.

COUNT SIX

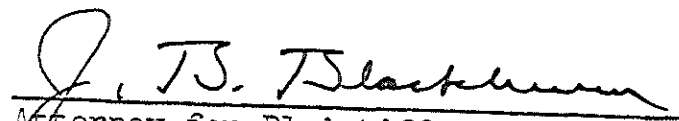
The Plaintiff claims of the defendants the sum of Five Thousand and No/100 (\$5000.00) Dollars damages for trespass by the

said defendants on the following tract of land, viz:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen Surveyor.

belonging to the Plaintiff and for dredging a ditch or channel on or across the said property. Plaintiff alleges that the said trespass occurred on, to-wit, August 12, 1954, and continues until this date. Plaintiff further alleges that the ditch or channel so dredged by defendants interfered with and impeded Plaintiff's ingress and egress to and from part of her said property and that by dredging the said ditch and channel the course of a stream, which is the South Boundary of the above described property, was altered to run over, through and across the said Plaintiff's land; the view and landscaping of Plaintiff's property was greatly altered so as to make it less beautiful and attractive, all proximately decreasing the value of the use and occupation of said property and the value of said property was proximately decreased thereby, all to Plaintiff's damages as aforesaid, hence this suit.

Plaintiff further alleges that said trespass was willfully done and committed and willfully continued by defendants after the Plaintiff acting by and through her agent, servant or employee, while acting within the line and scope of his authority as said agent, servant or employee, had warned the defendants not to do and commit the same, and the defendants acted in gross, reckless, and willful disregard of Plaintiff's rights in and to the said property, and in addition to actual damages Plaintiff claims of defendants punitive damages.


Attorney for Plaintiff

Plaintiff demands a trial of said cause by jury.

J. T. Blackburn
Attorney for Plaintiff

no 2538

COMPLAINT

AUDREY J. PRUETT,

Plaintiff,

VS.

C. A. DONNALLY; SELLARS DREDGING
COMPANY, a partnership composed
of James C. Sellars and George
Sellars; JAMES C. SELLARS and
GEORGE SELLARS

Defendants.

Received 18 day of Feb 1955

and on 22 day of Feb 1955

I served a copy of the within Complaint

on

By service on C. A. Donnelly

TAYLOR WILKINS, Sheriff

By Carlisle Children D. S.

Received 18 day of Feb 1955

and on 21 day of Feb 1955

I served a copy of the within Complaint

on Sellars Dredging Co., a

partnership composed of James C. Sellars & Geo. Sellars

By service on James C. Sellars & George Sellars

TAYLOR WILKINS, Sheriff

By Carlisle Children D. S.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

FILED

FEB 18 1955

ALICE J. DUCK, Register

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

AUDREY J. PRUETT,

Plaintiff,

VS.

C. A. DONNALLY; SELLARS
DREDGING COMPANY, a Part-
nership composed of James C.
Sellars and George Sellars;
JAMES C. SELLARS and GEORGE
SELLARS,

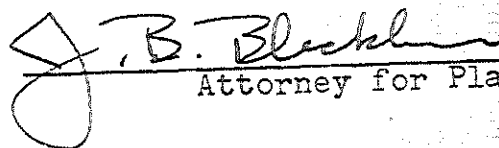
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

AMENDMENT TO BILL OF COMPLAINT

Now comes the Plaintiff, by her Attorney, and strikes
C. A. Donnally as a party defendant to said Complaint and substitute
therefor Angeline Donnally, as Executrix of the Last Will and
Testament of C. A. Donnally, Deceased, the death of said C. A.
Donnally having been suggested.

Now comes the Plaintiff, by her Attorney, and strikes
as parties defendant, Sellars Dredging Company, a Partnership
composed of James C. Sellars and George Sellars; James C. Sellars
and George Sellars, and substitutes therefor as parties defendant,
Sellers and Bodenhamer, a Partnership composed of James C. Sellers
and O. L. Bodenhamer; James C. Sellers and O. L. Bodenhamer.


Attorney for Plaintiff

2538

AMENDMENT TO BILL OF COMPLAINT

AUDREY J. PRUETT,

Plaintiff,

VS.

C. A. DONNALLY; SELLARS DREDGING
COMPANY, a Partnership composed
of James C. Sellars and GEORGE
SELLARS; JAMES C. SELLARS and
GEORGE SELLARS,

Defendants.

FILED

OCT 27 1955

ALICE J. DUCK, Clerk

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Defendants.

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

MOTION TO STRIKE AMENDED COMPLAINT

Comes now the Defendant, James C. Sellers, and appearing specially for the purpose of filing this motion, and for no other object, and moves this Honorable Court to strike the amended complaint heretofore filed against him in this cause individually and as a partner of the firm of Sellers and Bodenhamer, a partnership composed of James C. Sellers and O. L. Bodenhamer and as grounds for said motion assigns the following, separately and severally:

1. That he was stricken as a party Defendant in said cause by an amendment filed therein on October 27, 1955.
2. That said cause has been discontinued as to him.
3. That said amendment is not authorized by law.
4. That the amendment works a complete change of parties Defendant.
5. That the cause of action in the above styled suit has been discontinued.

Respectfully submitted,

CHASON & STONE

By: M. Palmer Shaw
Attorneys for Defendant,
James C. Sellers.

8537
AUDREY J. PRUETT,

Plaintiff,

vs.

JAMES C. SELLERS, et al.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

MOTION TO STRIKE AMENDED
COMPLAINT

*Filed 12-20-55
Ainsworth, Clerk*

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

AUDREY J. PRUETT,
Plaintiff,
vs.
C. A. DONNALLY, et al.,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2538

ANSWERS TO INTERROGATORIES PROPOUNDED TO
SELLARS DREDGING COMPANY

Comes now James C. Sellers, one of the Defendants in the
above styled cause and for answer to the interrogatories heretofore
propounded to Sellars Dredging Company, and says as follows:

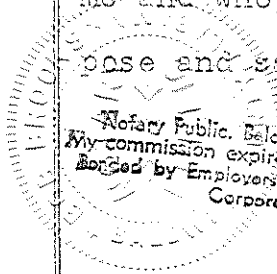
1. Sellers & Bodenhamer.
2. There was not on August 12, 1954, any concern of which
this Defendant was a member known as Sellars Dredging Company. The
firm of Sellers & Bodenhamer is a general partnership composed of
James C. Sellers and O. L. Bodenhamer, whose addresses are Kingfisher
Lodge, Foley, Alabama.
3. See Answer to Interrogatory numbered 2.
4. See answer to Interrogatory numbered 2.
5. I was employed by C. A. Donnally but I did not dredge
a ditch across the property described in this Interrogatory.
6. See Answer to Interrogatory numbered 5.


James C. Sellers

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County
in said State, personally appeared James C. Sellers, who is known
to me and who, after being by me first duly and legally sworn, did de-
pose and say under oath as follows:


Notary Public, Baldwin County, Ala.
My commission expires August 7, 1956.
Bonded by Employers Liability Assurance
Corporation



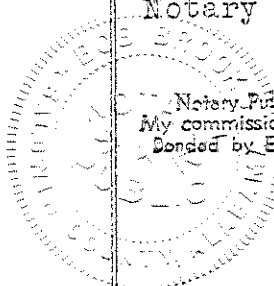
That he executed the foregoing answers to interrogatories and
that the answers are true and correct.

Dated this ____ day of April, 1955.


James C. Sellers

Sworn to and subscribed
before me this 28 day of
April, 1955.


Notary Public, Baldwin County, Ala.



Notary Public, Baldwin County, Ala.
My commission expires August 7, 1956.
Bonded by Employers Liability Assurance
Corporation

Donnelly Set

25-38

ALICE L. DUCK, Clerk

MAY 5 1955

FILED

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

AUDREY J. PRUETT,

Plaintiff,

VS.

C. A. DONNALLY; SELLARS DREDGING
COMPANY, a partnership composed of
James C. Sellars and George Sellars;
JAMES C. SELLARS and GEORGE SELLARS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

INTERROGATORIES PROPOUNDED TO C. A. DONNALLY

Now comes the Plaintiff, by her attorney, and propounds the following interrogatories separately and severally to the Defendant, C. A. Donnally, to be answered by the said C. A. Donnally within sixty days after the service hereof:

1. Did you, or some other person at your request and under orders from you, on or about August 12, 1954, dredge a ditch or channel across the following described property situated in Baldwin County, Alabama, to-wit:

Beginning at the Northeast corner of Grant Section 30, Township 8 South, Range 4 East, Baldwin County, Alabama, thence run South along the East line of said Section 30, 1,797 feet to a point, thence run West 30 feet to a point to allow for a road; thence run South 240 feet to a point, thence run West 180 feet to a point, the point of beginning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor?

2. If your answer to interrogatory number one is yes, what was the length, width and depth of the ditch or channel so dredged?

3. If your answer to interrogatory number one is yes, give the exact date or dates when the ditch or channel was started and completed.

4. If your answer to interrogatory number one is yes and if the said ditch or channel was dredged at your request or orders give the name of the person, firm or corporation who dredged the said ditch or channel.

5. If your answer to interrogatory number one is yes, state whether or not you had permission from any person to dredge the ditch or channel.

5. (a) If your answer to interrogatory number five is yes state the name of the person who gave you permission to dredge the said ditch or channel.

5. (b) If your answer to interrogatory number five is yes give the date on which you were given permission to dredge the said ditch or channel.

6. If your answer to interrogatory number one is yes, did you know, at the time that the said ditch or channel was dredged the owner of the said property?

6. (a) If your answer to interrogatory number one is yes did you know, at the time the ditch or channel was dredged, who was in possession of the said property?

7. If your answer to interrogatory number one is yes, did you have any conversation with Audrey J. Pruett or J. D. Pruett relative to dredging a ditch or channel across this property, before any dredging operation was commenced?

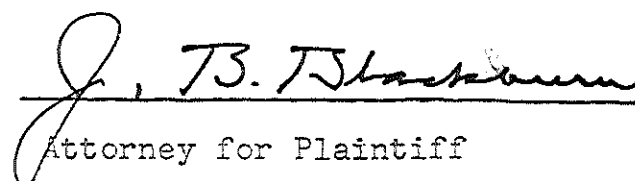
7. (a) If your answer to interrogatory number seven is yes, did Audrey J. Pruett or J. D. Pruett give you permission to dredge the said ditch or channel?

8. Do you know a man by the name of B. K. Thiem?

8. (a) If your answer to interrogatory number eight and number one is yes, did you have a conversation with B. K. Thiem during the said dredging operations?

8. (b) If your answer to interrogatory number eight "A" is yes state whether or not B. K. Thiem gave you permission to dredge the said ditch or channel across the said property.

8. (c) If your answer to interrogatory number eight "B" is yes did you know at the time this conversation took place that B. K. Thiem was the caretaker of this property for Audrey J. Pruett?


Attorney for Plaintiff

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared J. B. Blackburn who first being duly and legally sworn deposes and says: That he is the attorney for the Plaintiff in the above styled cause and that if the answers to the above and foregoing interrogatories are well and truly made by the defendant, C. A. Donnally, they will be material evidence in the trial of this cause.

J. B. Blackburn

Sworn to and subscribed before me
on this the 10th day of February, 1955.

Sam R. Co

Notary Public, Baldwin County, Alabama.

By service on C. A. Donnelly

TAYLOR WILKINS Sheriff
By Carlisle Pickens D.S.

no 2538

INTERROGATORIES PROPOUNDED TO
C. A. DONNALLY

AUDREY J. PRUETT,

Plaintiff,

v3.

C. A. DONNALLY; SELLARS DREDGING COMPANY, a partnership composed of James C. Sellars and George Sellars; JAMES C. SELLARS and GEORGE SELLARS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
U. S. BLACKBURN
FEB 16 1955
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

AUDREY J. PRUETT,

Plaintiff,

VS.

C. A. DONNALLY; SELLARS DREDGING
COMPANY, a partnership composed of
James C. Sellars and George Sellars;
JAMES C. SELLARS and GEORGE SELLARS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

INTERROGATORIES PROPOUNDED TO

SELLARS DREDGING COMPANY

Now comes the Plaintiff, by her attorney, and propounds
the following interrogatories separately and severally to the De-
fendant, Sellars Dredging Company, to be answered by the said Sel-
lars Dredging Company within sixty days after the service hereof:

1. What is the correct name of the concern sometimes
known as Sellars Dredging Company?

2. State whether or not the subject concerned was a
partnership on August 12, 1954, and if you say that it was, state
the names of the partners of the firm, their address and whether
they are general partners or limited partners.

3. State whether or not such concern was a corporation
on August 12, 1954, and if you say that it was, specify the state
in which the concern was incorporated and the officer of said co-
poration designated to receive service of summons and complaint.

4. State whether or not such concern was a sole pro-
prietorship on August 12, 1954, and if you say that it was, specify
the name of the sole proprietor and his address.

5. During the month of August, 1954 were you employed
by C. A. Donnally and did you dredge a ditch or channel across the
following described property situated in Baldwin County, Alabama
to-wit:

Beginning at the Northeast corner of Grant Section 30,
Township 8 South, Range 4 East, Baldwin County, Alabama,
thence run South along the East line of said Section 30,
1,797 feet to a point, thence run West 30 feet to a point
to allow for a road; thence run South 240 feet to a point,
thence run West 180 feet to a point, the point of begin-

ning, thence run South 210 feet, more or less, to Keller's creek; thence following the meanderings of said Creek downstream in a Westerly direction to Bon Secour River, thence following the meanderings of Bon Secour River in a Northerly direction to a point, which is directly West of the point of beginning, thence run East 380 feet along Cedar Drive to the point of beginning. Being Lots 9, 10, 11, of an unrecorded map of the Thiem Subdivision of part of the South Half of the North 240 acres of Grant Section 30, Township 8 South, Range 4 East, East of Bon Secour River, map dated February 15, 1950, by J. B. Allen, Surveyor.

6. If you did dredge a ditch or channel across the above described property did you do so as the agent, servant or employee of C. A. Donnally and if you dredged the said ditch or channel as such agent, servant or employee were you acting within the line and scope of your authority when the said ditch or channel was dredged?

J. B. Blackburn
Attorney for Plaintiff

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, the undersigned authority, personally appeared J. B. Blackburn who first being duly and legally sworn deposes and says: That the answers to the above and foregoing interrogatories if well and truly made, will be material evidence in the trial of this cause.

J. B. Blackburn
Sworn to and subscribed before
me on this the 10th day of February, 1955.

John R. O.
Notary Public, Baldwin County, Alabama.

no 2538- ✓

INTERROGATORIES PROPOUNDED TO
SELLARS DREDGING COMPANY

AUDREY J. PRUETT,

Plaintiff,

VS.

C. A. DONNALLY; SELLARS DREDGING
COMPANY, a partnership composed of
James C. Sellars and George Sellar
JAMES C. SELLARS and GEORGE
SELLARS

Received 18 day of Feb 1955
and on 21 day of Feb 1955

I served a copy of the within Interrogatories
on Sellars Dredging Company

by service on James C. Sellars

TAYLOR WILKINS, Sheriff

B. Carlisle, Sheriff D. S.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

FEB 18 1955

J. B. BLACKBURN
ALICE J. DICK, Register
ATTORNEY AT LAW

BAY MINETTE, ALABAMA

AUDREY J. PRUETT,

Plaintiff,

vs.

C. A. DONNALLY, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 2538


DEMURRER

Come now the Defendants in the above styled cause and demur to the Complaint heretofore filed against them, and to each Count thereof, separately and severally, and assign the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.
2. There is a misjoinder of causes of action.
3. It affirmatively appears from the Complaint that there is a misjoinder of causes of action in the same count.
4. For aught that appears from the allegations of the Complaint the alleged trespass by the Defendants was not the proximate cause of the damages complained of.
5. For aught that appears from the allegations of the Complaint the alleged change in the course of the stream which is the South boundary of the property described in the Complaint was not proximately caused by the alleged trespass of the Defendants.
6. The allegations of the Complaint are vague, indefinite and uncertain in that it does not appear therefrom in what manner, or to which part of the Plaintiff's property, her ingress and egress was interfered with and impeded.
7. For aught that appears from the allegations of the Complaint the Defendants did not go upon the lands of the Plaintiff.

Respectfully Submitted,

CHASON & STONE

By: 
Attorneys for Defendants

AUDREY J. PRUETT,

Plaintiff,

vs.

C. A. DONNALLY, ET AL.,

Defendants.

--*-*-*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO: 2538

--*-*-*

DEMURRER TO COMPLAINT

--*-*-*

FILED

MAR 19 1955

ALICE J. DUCK, *clerk*
Register

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA