

Richard Earl Witt - Plaintiff

VS

Harold H. Phipps - Defendant

2564
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CASE NO. (None Given)

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Mary Texas Hurt, Secretary of State, hereby certify that on March 14, 1955,
I sent by registered mail in an envelope addressed as follows:

" Harold H. Phipps
Route 2
Tylorsville, Mississippi"

"Registered Mail -
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature
and the Great Seal of the State of Alabama in words and figures as follows:

" Harold H. Phipps
Route 2
Tylorsville, Mississippi

You will take notice that on March 14, 1955, the Sheriff of
Montgomery County, Alabama, served upon me, in my official
capacity, summons and complaint in a case entitled:

Richard Earl Witt, Plaintiff VS Harold H. Phipps, Defendant,

in the Circuit Court of Baldwin County, Alabama at Law,
Case No. (None Given) a true copy of which summons and complaint is
attached hereto and the said service upon me as Secretary of State
of the State of Alabama has the force and effect of personal service
upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this
the 14th day of March 1955.

Enclosure (1)

(Signed) Mary Texas Hurt
Secretary of State"

I further certify that the notice above set out which was so mailed in the
envelope addressed as above set forth had attached to it a true copy of the
summons and complaint in the above-styled cause.

I further certify that on March 18, 1955, I received the return card,
showing receipt by the designated addressee of the aforementioned matter
at Tylorsville, Mississippi on March 16, 1955.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 18 day
of March 1955.

Mary Texas Hurt
Mary Texas Hurt
Secretary of State

Enclosures: Return Receipt Card and
copy of Summons and
Complaint.

cc: Honorable Stova F. McFadden
Tonsmeire & Hodnette, Attorneys
First National Bank Bldg
Mobile, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

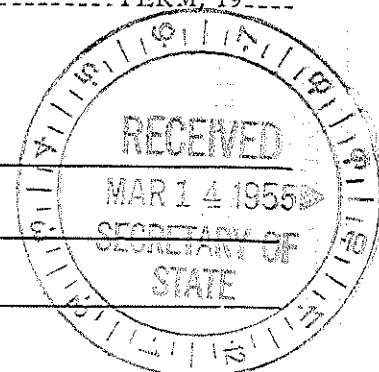
No. _____

TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

HAROLD H. PHIPPS



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 _____

HAROLD H. PHIPPS

_____, Defendant.

by **RICHARD EARL WITT**

_____, Plaintiff.

Witness my hand this **10** day of **March** 19**55**

Walter F. Luck, Clerk

5-25-54
RICHARD EARL WITT

Plaintiff

VS

HAROLD H. PHIPPS

Defendant

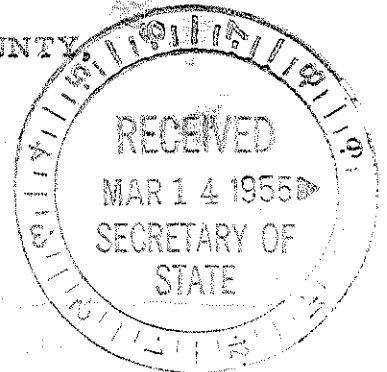
) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

) ALABAMA

) AT LAW

) NO.



COUNT ONE

The Plaintiff claims of the defendant the sum of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) damages for that heretofore and on, to-wit, the 26th day of June, 1954, the defendant so negligently operated the motor vehicle which he was driving eastwardly on U. S. Highway 90 at a point, to-wit, 100 feet west of its intersection with Alabama Highway 3 in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there proceeding westwardly on U. S. Highway 90, and as a direct and approximate result of said negligence, the plaintiff's motor vehicle was broken, bent and damaged, hence this suit.

TONSMEIRE & HODNETTE

By Stora F. McFadden
Attorneys for Plaintiff

Defendant's Address:

Route 2
Taylorsville, Mississippi

NOTE: Service may be had on the defendant by serving the Secretary of State, of the State of Alabama, as provided by Section 199 of Title 7 of the Code of Alabama of 1940.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

Helen Mitchell

TO:

Muskogee, Oklahoma

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Richard Earl Witt

a witnesses in behalf of complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein RICHARD EARL WITT

_____, Complainant
and HAROLD H. PHIPPS

_____, Respondent
on oath, to be by you administered, upon him
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 10th day of September, 1955

Marie J. Duck
Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ _____

RICHARD EARL WITT

Plaintiff

VS

HAROLD H. PHIPPS

Defendant

IN THE CIRCUIT COURT
OF BALDWIN COUNTY

ALABAMA

AT LAW

NO.

INTERROGATORIES

Now comes the plaintiff and propounds interrogatories to Richard Earl Witt, a witness whose testimony, when taken, will be material evidence for the plaintiff on the trial of the above cause.

1. Please state your name, address and occupation.
2. Are you the plaintiff in a suit against Harold H. Phipps filed in the Circuit Court of Baldwin County, Alabama?
3. Were you the owner of a 1952 Hudson bearing Oklahoma license No. 314532 on June 26, 1954?
4. If your answer to interrogatory number three is in the affirmative, please state whether the aforementioned automobile was involved in a collision with another vehicle on the above date on U. S. Highway 90 at a point, to-wit, 100 feet west of its intersection with Alabama Highway 3 in the Town of Loxley, Baldwin County, Alabama.
5. If so, please state the name or names of the owner and the driver of the other vehicle involved.
6. Please state the number of years of driving experience you have had.
7. Please state how long you have been an automobile owner.
8. If your answer to interrogatory number four is in the affirmative, please describe in detail the damage, if any, to your automobile.
9. If your answer to interrogatory number four is in the affirmative, please state what, in your opinion, was the reasonable

TO WHOM IT MAY CONCERN:

This is to certify that these statements in regard to Law
Suit between RICHARD EARL WITT; Plaintiff and HAROLD H.
PHIPPS, Defendant in Circuit Court at Baldwin County, Alabama
are answers to interrogatory sent to Plaintiff through the
Commissioner, HELEN M. MITCHELL, VETERANS HOSPITAL, MUSKOGEE,
OKLAHOMA.

1. RICHARD EARL WITT, Physician, Veterans Administration
(M.D.)
2. Yes
3. Yes. I am the owner of a 1952 Hudson bearing Oklahoma
license No. 3-806 on June 26, 1954.
4. Yes
5. HAROLD H. PHIPPS
6. 20 years
7. 18 years
8. It was damaged to the front end and left side the
low estimate for repair of the damage was \$1284.00.
9. \$1500.00
The high salvage bid was \$185.00

Richard Earl Witt M.D.
Signed

Sworn and subscribed to before me this 12 day of September,
1955.

Helen M. Mitchell
Notary Public

My Commission Expires: 2-23-59

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

March 8, 1955

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.

STOVA F. MCFADDEN

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Please find enclosed original and three copies of complaint in the case of Richard Earl Witt vs Harold H. Phipps. The defendant resides at Route 2, Taylorsville, Mississippi.

We request service of process on the defendant by serving the Secretary of State in Montgomery as provided by Section 199 of Title 7 of the Code and to effect this we enclose our check in the sum of \$3.00 payable to the Secretary of State.

Yours very truly,

TONSMEIRE & HODNETTE

Stova F. McFadden

Stova F. McFadden

SFM/mas

Enclosures

RICHARD EARL WITT	)	IN THE CIRCUIT COURT
Plaintiff	)	OF BALDWIN COUNTY
VS	)	ALABAMA
HAROLD H. PHIPPS	)	AT LAW
Defendant	)	NO.

INTERROGATORIES

Now comes the plaintiff and propounds interrogatories to Richard Earl Witt, a witness whose testimony, when taken, will be material evidence for the plaintiff on the trial of the above cause.

1. Please state your name, address and occupation.
2. Are you the plaintiff in a suit against Harold H. Phipps filed in the Circuit Court of Baldwin County, Alabama?
3. Were you the owner of a 1952 Hudson bearing Oklahoma license No. 314532 on June 26, 1954?
4. If your answer to interrogatory number three is in the affirmative, please state whether the aforementioned automobile was involved in a collision with another vehicle on the above date on U. S. Highway 90 at a point, to-wit, 100 feet west of its intersection with Alabama Highway 3 in the Town of Loxley, Baldwin County, Alabama.
5. If so, please state the name or names of the owner and the driver of the other vehicle involved.
6. Please state the number of years of driving experience you have had.
7. Please state how long you have been an automobile owner.
8. If your answer to interrogatory number four is in the affirmative, please describe in detail the damage, if any, to your automobile.
9. If your answer to interrogatory number four is in the affirmative, please state what, in your opinion, was the reasonable

market value of your automobile immediately prior to the aforementioned accident while it was in its undamaged state. Please also state what, in your opinion, was a reasonable market value of your automobile immediately following the aforementioned accident while it was in its damaged state.

TONSMEIRE & HODNETTE

By Stova F. McFadden
Attorneys for Plaintiff

State of Alabama)
County of Mobile)

Before me, the undersigned authority in and for said state and county, personally appeared Stova F. McFadden, who being by me first duly sworn deposes and says that he is one of the attorneys of record for the plaintiff; that the witness whose testimony is to be taken is a non-resident of the State of Alabama, residing in Muskogee, Oklahoma, that the witness, Richard E. Witt, is a material witness for the plaintiff and his evidence to be secured by this deposition will be material evidence for the plaintiff on the trial of this cause.

Stova F. McFadden
Stova F. McFadden

Subscribed and sworn to before me
on this 9th day of September, 1955.

Genevieve G. Spalding
Notary Public, Mobile County, Alabama

The name of Helen Mitchell, Veterans Administration Hospital, Muskogee, Oklahoma, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories, and it is requested that a commission issue to her for that purpose.

TONSMEIRE & HODNETTE

By Stova F. McFadden
Attorneys for Plaintiff

RICHARD EARL WITT	)	IN THE CIRCUIT COURT
Plaintiff	)	OF BALDWIN COUNTY,
VS	)	ALABAMA
HAROLD H. PHIPPS	)	AT LAW
Defendant	)	NO.

COUNT ONE

The Plaintiff claims of the defendant the sum of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) damages for that heretofore and on, to-wit, the 26th day of June, 1954, the defendant so negligently operated the motor vehicle which he was driving eastwardly on U. S. Highway 90 at a point, to-wit, 100 feet west of its intersection with Alabama Highway 3 in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there proceeding westwardly on U. S. Highway 90, and as a direct and approximate result of said negligence, the plaintiff's motor vehicle was broken, bent and damaged, hence this suit.

TONSMEIRE & HODNETTE

By Stewart F. McFadden
Attorneys for Plaintiff

Defendant's Address:

Route 2
Taylorsville, Mississippi

NOTE: Service may be had on the defendant by serving the Secretary of State, of the State of Alabama, as provided by Section 199 of Title 7 of the Code of Alabama of 1940.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No.

..... TERM, 19....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon HAROLD H. PHIPPS

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

HAROLD H. PHIPPS

....., Defendant

by

RICHARD EARL WITT

....., Plaintiff

Witness my hand this 10 day of March 1955

David J. French, Clerk

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Prichard Egg & Poultry Co., a partnership
composed of W. C. DeGraaf and L. C. DeGraaf, and W. C. DeGraaf and
L. C. DeGraaf, individually,

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 Prichard Egg & Poultry
Co., a partnership composed of W. C. DeGraaf and L. C. DeGraaf, and
W. C. DeGraaf and L. C. DeGraaf, individually,

....., Defendant.....

by U-J Chevrolet Company, Inc., a corporation,

....., Plaintiff.....

Witness my hand this 14 day of March 1955

Bessie J. Newkirk, Clerk