

JOE RYBAR

Plaintiff,

vs.

JOHN L. KRCHAK

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2955

DEMURRER


Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the Complaint heretofore filed against him and to each count thereof separately and severally and assigns the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.
2. Count one fails to state a cause of action.
3. Count two fails to state a cause of action.
4. The Complaint fails to allege a duty owing from the Defendant to the Plaintiff and breach thereof by the Defendant.
5. The allegations of the Complaint are vague, indefinite and uncertain.
6. The allegations of the Complaint fail to allege in what particulars the alleged truck of the Plaintiff was damaged.
7. The allegations of the Complaint fail to allege for what period of time the Plaintiff lost the use of his truck.

Respectfully submitted,

CHASON & STONE

By:

  
Attorneys for Defendant

RECORDED

JOE RYBAR

Plaintiff,

vs.

JOHN L. KRCHAK

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2955

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DEMURRER

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FILED

JUL 24 1956

ALICE J. DICK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons JOHN L. KRCHAK 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 JOE RYBAR.

Witness my hand this the 22 day of June, 1956.

David L. Luck  
Clerk

JOE RYBAR	§	
Plaintiff,	§	IN THE CIRCUIT COURT OF
vs.	§	BALDWIN COUNTY, ALABAMA
JOHN L. KRCHAK	§	AT LAW
Defendant	§	NO. _____

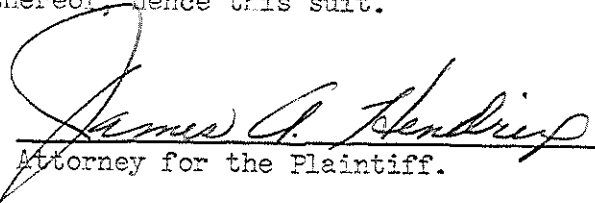
COUNT 1.

The plaintiff claims of the Defendant, the sum of FIVE THOUSAND (\$5000.00) DOLLARS as damages for that on, to-wit: April 27, 1956, the Plaintiff's automobile truck was being operated along and upon a public highway in Baldwin County, Alabama, to-wit, The Loxley-Silverhill Farm to Market Road at a point about two and one-half (2½) miles South of the Town of Loxley, Alabama, near where said Road crosses Prone Creek, and that then and there the defendant negligently drove an Automobile truck into or against the automobile truck belonging to the Plaintiff, and as the proximate result of the negligence of the said defendant the automobile truck of the Plaintiff was demolished; that the Plaintiff's said Automobile truck was used in the operation of the Plaintiff's business and that as the proximate result of the negligence of the said defendant the plaintiff lost the use thereof, hence this suit.

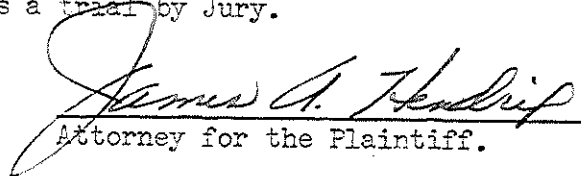
COUNT 2.

The Plaintiff claims of the Defendant, the sum of FIVE THOUSAND (\$5000.00) DOLLARS AS damages for that on, to-wit: April 27, 1956, at approximately 11:30 A. M., Arnold Lee Chandler was driving an automobile truck belonging to the Plaintiff along and upon a public highway in Baldwin County, Alabama, to-wit, The Loxley-Silverhill Farm to Market Road at a point about

two and one-half ( $2\frac{1}{2}$ ) miles South of the Town of Loxley, Alabama, near where said road crosses Prone Creek, and that then and there the defendant negligently drove an automobile truck into or against the automobile truck belonging to the Plaintiff, and as the proximate result of the negligence of the said defendant the automobile truck of the Plaintiff was demolished; that the Plaintiff's said automobile truck was used in operation of the Plaintiff's business and that as the proximate result of the negligence of the said defendant the plaintiff lost the use thereof, hence this suit.

  
Attorney for the Plaintiff.

The Plaintiff respectfully demands a trial by Jury.

  
Attorney for the Plaintiff.

Received 22 day of June 1956  
and on 28 day of June 1956  
I served a copy of the within St C  
on John L. Krchak

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. Leigh Stedman S.

Robert Dale, clark

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY W. Leigh Stedman  
DEPUTY SHERIFF

no. 2955

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

RECORDED

JOE RYBAR, Plaintiff

vs.

JOHN L. KRCHAK, Defendant

SUMMONS AND COMPLAINT

FILED  
JUN 22 1956  
MAICE J. DUCK, Clerk

JAMES A. HENDRIX  
ATTORNEY AT LAW  
ROBERTSDALE, ALA.

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