

WILLIE L. FERRILL, Plaintiff	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA.
ALLIED MILLS, INC., A CORP.,)	
Defendant	)	AT LAW NO. 3063.

FINDING OF FACT AND DECREE OF THE COURT.

This cause coming on to be heard upon the veried Bill of Complaint and upon the answer of the Defendant, the court proceeds to determine the facts from the pleadings and the evidence before the Court.

The Court finds that Allen W. Ferrill, was employed by the defendant on the 19th day of October, 1955, and that the said Allen W. Ferrill and the defendant were both subject to the Workmen's Compensation laws of the State of Alabama; that the said Allen W. Ferrill while so employed suffered an accident which arose out of and in the course of his employment in the following manner: said Allen W. Ferrill was driving his automobile along U. S. Highway 90 when it was run into and struck by another vehicle on said highway; that as a proximate result of said accident said Allen W. Ferrill suffered injuries as a proximate result of which he died on to-wit the 28th day of October, 1955; that the plaintiff is the widow and sole dependent of the said Allen W. Ferrill; that the said Allen W. Ferrill was, at the time of his death, earning wages in excess of Eighty and no/100 (\$80.00) Dollars per week, and that no compensation has been paid by the defendant to the plaintiff, nor has the defendant paid any medical bills or expenses of the funeral of Allen W. Ferrill;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover of the defendant the sum of Two Thousand Nine Hundred and Twelve and no/100 (\$2,912.00) Dollars, being compensation at the rate of Twenty-eight and no/100 (\$28.00) Dollars per week for a period of one hundred four (104) weeks;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY The Court, that

the plaintiff have and recover of the defendant the sum of One Thousand and no/100 (\$1,000.00) Dollars, for the cost of medical treatment rendered to the said Allen W. Ferrill prior to his death;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED By the Court that the plaintiff recover of the defendant the sum of Two Hundred and no/100 (\$200.00) Dollars, for the cost of funeral expenses of the said Allen W. Ferrill;

And it appearing to the Court that the plaintiff will be entitled to compensation in the future at the rate of Twenty-eight and no/100 (\$28.00) Dollars per week during the dependency of the widow;

IT IS ORDERED, ADJUDGED AND DECREED By the Court that the defendant pay to the plaintiff the sum of Twenty-eight and no/100 (\$28.00) Dollars per week for a period of one hundred ninety-six (196) weeks, beginning with January 19, 1958; such compensation to be paid every four weeks as the same becomes due.

And it further appearing to the Court that the plaintiff has pending causes of action against one or more third parties seeking to recover damages for the death of Allen W. Ferrill; and that any recovery in said suits is for the benefit of the defendant herein to the extent of the payments made by the defendant to the plaintiff;

IT IS ORDERED, ADJUDGED AND DECREED By the Court that upon the making of each payment ordered by this decree the defendant shall be subrogated to the extent of such payment to the claim of the plaintiff against such third party or parties;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED By the Court that the payments herein ordered to be made to the plaintiff in the future, are subject to the continuing dependency of the widow and defendant's liability therefor shall be terminated upon the death of the plaintiff, the remarriage of the plaintiff, or the termination of her disability for any other reason.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED By the Court that the costs of this proceeding be and the same hereby are taxed against the defendant and that for all payments herein ordered to be paid at this time let execution issue.

DONE THIS 17 day of December, 1957.

Julius M. Hall

-CIRCUIT JUDGE.

WILLIE L. FERRILL, Plaintiff

-vs-

ALLIED MILLS, INC., A CORP.,

Defendant

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.
)

) AT LAW NO. 3063.

A N S W E R.

Comes now the defendant in the above entitled cause, and for answer to plaintiff's complaint admits that Allen W. Ferrill was employed by the defendant at the time of the accident complained of and that the plaintiff and defendant were both subject to the Workmen's Compensation Laws of the State of Alabama; that Allen W. Ferrill met his death in an accident that arose out of and in the course of his employment and that the plaintiff as his widow is entitled to compensation under the compensation act at the rate of Twenty-eight and no/100 (\$28.00) Dollars per week for a period of three hundred (300) weeks subject to all of the terms, limitations and restrictions of the Workmen's Compensation Act of the State of Alabama;

Defendant further alleges that said Allen W. Ferrill met his death under such circumstances that a cause of action survives against one or more third parties for the wrongful death of Allen W. Ferrill; that suits claiming such damages have been filed in this Honorable Court; and this defendant claims its rights upon making any payment to the plaintiff under the terms of the Workmen's Compensation Act of the State of Alabama to be subrogated to the extent of such payment to the claim and cause of action against said third parties; and claims a lien upon and a right to be reimbursed from the amount of any such judgment or settlement to the extent of any and all payments made or to be made by it to the plaintiff under the compensation laws of the State of Alabama.

ALLIED MILLS, INC., A CORPORATION

BY: _____

STATE OF ALABAMA

COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, SAM W.

PIPES, III, who being by me first duly sworn deposes and says that he is attorney for Allied Mills, Inc., that he has read the above and foregoing answer, that he is informed and believes and on such information and belief avers that the facts stated therein are true.

SAM W. PIPES, III

Subscribed and sworn to before me this

 day of November, 1957.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

attach to rocket sheet

GORDON & JANSEN
ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING
MOBILE 11, ALABAMA

A. FLETCHER GORDON
VERNOL R. JANSEN, JR.
OF COUNSEL:
ROBERT E. GORDON
1325 DAUPHIN STREET

April 11, 1957

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

Dear Mrs. Duck:

We have your notice as to the setting on April 16th of Case No. 3063, Willie D. Ferrill versus Allied Mills, Inc. Mr. Sam Pipes, attorney for the defendant, and I, as attorney for the plaintiff, request that this case be continued pursuant to a written stipulation now on file in your Court. The purpose of this stipulation and of this continuance is to permit us to work out a settlement of damages against third parties and thereby avoid, if possible, this litigation and the troublesome routine of subrogation,

We will call you on the telephone, Monday, April 15th to ascertain whether or not the case may be so continued without our personal appearance in Court on the 16th. Please be assured that we will gladly appear and do not by this written request intend dereliction as to the Court's rules of procedure.

With kindest personal regards, we are,

Very truly yours,

GORDON & JANSEN

By: 

AFG
hbm

LYONS, PIPES & COOK

ATTORNEYS AT LAW

517 FIRST NATIONAL BANK BUILDING

MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPE, JR.

December 16th, 1957.

Hon. Hubert Hall
Judge of the Circuit Court
Baldwin County
Bay Minette, Alabama.

Re: #3063 Ferrill v. Allied Mills.

Dear Judge:

Fletcher Gordon and I have agreed on a finding of fact and decree in the above case, and enclose same herewith. We will both appreciate it if you will sign same, return one signed copy to us and deliver the other to Mrs. Duck.

We would like to pay this lady before Christmas and will do so as soon as the signed order is received.

Very truly yours,

LYONS, PIPES & COOK



Sam W. Pipes, III

SWP:ee

cc: Mr. Fletcher Gordon

GORDON & JANSEN
ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING

A. FLETCHER GORDON
VERNOL R. JANSEN, JR.

MOBILE 11, ALABAMA
September 15, 1958

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

Re: Willie L. Ferrill vs Allied Mills, Inc.

Dear Mrs. Duck:

We herewith enclose authorization for you to cancel the judgement rendered in case number 3063, the same having been paid and satisfied in full. We enclose herewith an extra copy which you may send to Mr. Pipes in connection with the certificate recorded by him.

Thanking you for your many courtesies we are

Very truly yours,

GORDON & JANSEN

BY: 

AFG/ir

Enclosures 2

cc: Mr. Sam W. Pipes, III
Lyons, Pipes and Cook
First National Bank Building
Mobile, Alabama

WILLIE L. FERRILL,
Plaintiff,
-vs-
ALLIED MILLS, INC.,
a corporation,
Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
ALABAMA.
AT LAW.
CASE NO. 3063

Plaintiff claims of the Defendant benefits under the Workmen's Compensation Laws of Alabama, due and owing under the following statement of facts, viz:

That on the 19th day of October, 1955, the relation of employer and employee existed between the Defendant, Allied Mills, Inc., a foreign corporation duly qualified to do business in the State of Alabama, and Allen Windle Ferrill; that Plaintiff was on said date the lawful wife of the said Allen Windle Ferrill, and was wholly dependent upon or supported by the said decedent at the time of said accident and at the time of his death, and had been so dependent upon and supported by said decedent for a reasonable time prior thereto, or for a period of more than ten years continuously next immediately preceding and prior to his death; that Plaintiff is, as of the date of the filing of this complaint, the widow and sole dependent of said decedent; that on said 19th day of October, 1955, the Defendant and the said Allen Windle Ferrill were subject to the Workmen's Compensation Laws of the State of Alabama, and while so employed and engaged in the business of the Defendant, Allied Mills, Inc., and while acting in the line and scope of his employment with said company, the said Allen Windle Ferrill suffered an accident which arose out of and in the course of said employment; that as a proximate result of said accident, the said Allen Windle Ferrill was killed, or died as a proximate result of said injuries received therein and therefrom, on the 28th day of October, 1955; that a controversy has arisen as to the benefits to be paid under the Workmen's Compensation Laws of the State of Alabama.

That Plaintiff's name is Willie L. Ferrill, and she resides at 3251 St. Stephens Road in the City of Prichard, Mobile County, Alabama, that the Defendant's principal place of business and address is Board of Trade Building, Chicago, Illinois, and having an office at 717 Frank Nelson Building, Birmingham, Alabama.

That the above said accident occurred on October 19, 1956, in Baldwin County, Alabama, when the said Allen Windle Ferrill, acting within the line and scope of his employment, and while so engaged, was riding in an automobile travelling in an easterly direction on and along U. S. Highway 90 at a point about 14.6 miles distant eastwardly from Robertsedale, Baldwin County, Alabama, and toward Pensacola, Florida, at which point said automobile became involved in an accident, and as a proximate result thereof, the said Allen Windle Ferrill was severely injured about his head, face, body, legs, ribs, and otherwise, and as a proximate result of said accident and of the injuries sustained therein, the said Allen Windle Ferrill died on the 28th day of October, 1955; that the said employer, Allied Mills, Inc., received prompt notice of said accident, injury and death, or had actual knowledge thereof promptly thereafter, and that at the time of said accident and of the death of the said Allen Windle Ferrill, he was receiving from the said Defendant as remuneration for his said employment and had been receiving the average sum of Ten Thousand (\$10,000.00) Dollars per year.

WHEREFORE, Plaintiff claims of the Defendant, Allied Mills, Inc., such benefits as she is entitled to receive under the Workmen's Compensation Laws of Alabama in addition to any benefits she may have already received thereunder, and prays that notice hereof may be given the Defendant, as required by law, and that hearing may be had, all in accordance with the laws and rules of this Honorable Court.

Willie L. Ferrill
PLAINTIFF

Robert J. Hansen
ATTORNEYS FOR PLAINTIFF.

STATE OF ALABAMA)
COUNTY OF MOBILE)

Before me, J. H. L. Ladd, a Notary Public
in and for said State and County, personally appeared Willie L.
Ferrill, who is known to me, and who, being by me first duly
sworn, deposes and says that she has read the foregoing com-
plaint, knows the contents thereof, and that the facts therein
stated are true and correct as therein written.

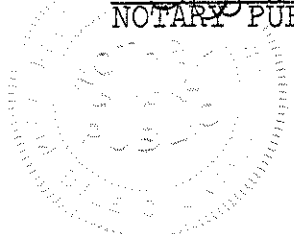
Willie L. Ferrill

Subscribed and sworn to before me on
this the 17th day of October, 1956.

J. H. L. Ladd
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

FILED
OCT 18 1956

ALICE J. DUCK, Clerk



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3063

Oct. TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ALLIED MILLS, INC.

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

ALLIED MILLS, INC.

Defendant

by WILLIE L. FERRILL

Plaintiff

Witness my hand this 18th day of Oct. 19 56

Alice J. [Signature], Clerk

WILLIE L. FERRILL, PLAINTIFF	)	IN THE CIRCUIT COURT OF	
-vs-	)	BALDWIN COUNTY, ALABAMA.	
ALLIED MILLS, INC., A CORP.)		
DEFENDANT.	)	AT LAW	Case No. 3063.

S T I P U L A T I O N

Comes now the plaintiff by and through her attorney of record, and the defendant by and through its attorneys of record, and agree and stipulate in this cause that the plaintiff having elected to file suit against one or more third parties seeking damages for the death of Allen Windle Ferrill, based upon negligence and/or willful misconduct of said third parties, proximately causing the death of said Allen Windle Ferrill;

And the plaintiff desiring that no proceedings be had in this cause pending the outcome of the said litigation against said third parties;

And the defendant having agreed that no proceedings be had in this cause pending the outcome of the said litigation against said third party;

NOW THEREFORE the plaintiff and the defendant do mutually agree that neither the plaintiff nor the defendant shall file any further proceedings, nor shall this case be set, heard or tried until notice is given by one party to the other of her or its desire and intention to proceed with this cause; that the said notice to be given shall be given by filing in this cause a request with the court that the case be set for hearing and copy of said notice served upon the opposite party.

The parties do further mutually pray that the Court will, in order to save the expense of litigation, agree that this cause not proceed to trial pursuant to the terms of this stipulation.

RESPECTFULLY SUBMITTED.


GORDON & JANSEN, ATTORNEYS
FOR THE PLAINTIFF.

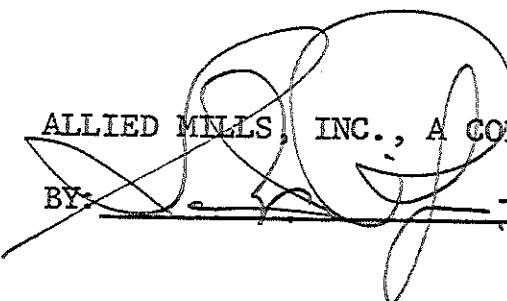

LYONS, PIPES & COOK, ATTORNEYS
FOR THE DEFENDANT.

WILLIE L. FERRILL, Plaintiff	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA.
ALLIED MILLS, INC., A CORP.,)	
Defendant	)	AT LAW NO. 3063.

A N S W E R.

Comes now the defendant in the above entitled cause, and for answer to plaintiff's complaint admits that Allen W. Ferrill was employed by the defendant at the time of the accident complained of and that the plaintiff and defendant were both subject to the Workmen's Compensation Laws of the State of Alabama; that Allen W. Ferrill met his death in an accident that arose out of and in the course of his employment and that the plaintiff as his widow is entitled to compensation under the compensation act at the rate of Twenty-eight and no/100 (\$28.00) Dollars per week for a period of three hundred (300) weeks subject to all of the terms, limitations and restrictions of the Workmen's Compension Act of the State of Alabama;

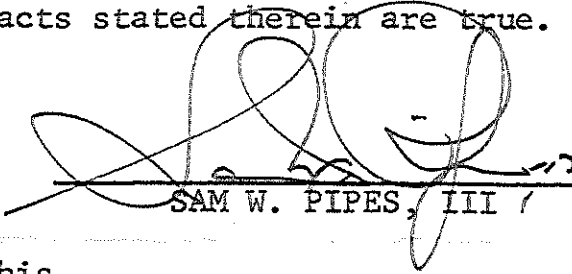
Defendant further alleges that said Allen W. Ferrill met his death under such circumstances that a cause of action survives against one or more third parties for the wrongful death of Allen W. Ferrill; that suits claiming such damages have been filed in this Honorable Court; and this defendant claims its rights upon making any payment to the plaintiff under the terms of the Workmen's Compensation Act of thd State of Alabama to be subrogated to the extent of such payment to the claim and cause of action against said third parties; and claims a lien upon and a right to be reimbursed from the amount of any such judgment or settlement to the extent of any and all payments made or to be made by it to the plaintiff under the compensation laws of the State of Alabama.

ALLIED MILLS, INC., A CORPORATION
 BY: 

STATE OF ALABAMA
 COUNTY OF MOBILE

Personally appeared before me, the undersigned authority, SAM W.

PIPES, III, who being by me first duly sworn deposes and says that he is attorney for Allied Mills, Inc., that he has read the above and foregoing answer, that he is informed and believes and on such information and belief avers that the facts stated therein are true.


SAM W. PIPES, III

Subscribed and sworn to before me this

16th day of December, 1957.


NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

STATE OF ALABAMA)
(
COUNTY OF MOBILE)

KNOW ALL MEN BY THESE PRESENTS, that I, A. FLETCHER GORDON, of the firm of Gordon and Jansen, attorneys of record of Willie L. Ferrill in that certain cause in the Circuit Court of Baldwin County, Alabama, At Law, #3063, wherein the said Willie L. Ferrill, as sole surviving dependent of Allen W. Ferrill, deceased, is Plaintiff and Allied Mills Inc., a corporation is Defendant, do hereby acknowledge that the judgment heretofore rendered in said cause by the said Court, has been paid and satisfied in full and that the same is ready to be cancelled of record; and as attorney of record for the said Plaintiff, I the said A. FLETCHER GORDON, do hereby constitute and appoint Alice J. Duck of Baldwin County, Alabama as my true and lawful attorney in fact for me and in my name and stead as one of said attorneys of record for the Plaintiff in the above stled cause to enter upon the record of said judgment the fact of such payment and satisfaction in full and to cancel the said judgment, with full power and authority in the premises.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 4th day of September, 1958.


A. FLETCHER GORDON

STATE OF ALABAMA)
(
COUNTY OF MOBILE)

I, May L. Gaston, a Notary Public in and for said State and County, do hereby certify that A. FLETCHER GORDON, whose name is signed to the foregoing power of attorney, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the power of attorney, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 4th day of September, 1958.


May L. Gaston
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPE, JR.

December 24th, 1957.

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

Re: At Law #3063. Ferrill v.
Allied Mills, Inc. (27036)

Dear Mrs. Duck:

On December 17th Judge Hall signed a finding of fact and decree in the above case. There is a typographical error in our copies on the second page in the fourth paragraph, the decree for the commencement for payment of compensation in the future being shown as January 19, 1957 when in fact it should be January 19, 1958.

We thought we had corrected all of the copies before forwarding them to the Judge for signature, but one of our copies does not appear to have been changed. It is therefore possible that the original was not changed, and we would appreciate your changing the 7 to an 8 before the recording of the decree.

If of course the copy that the court signed was previously changed to the correct date we ask that you disregard this letter.

Very truly yours,

LYONS, PIPES & COOK



Sam W. Pipes, III

SWP:ee

cc: Judge Hubert Hall
Gordon & Jansen.

LYONS, PIPES & COOK
ATTORNEYS AT LAW
517 FIRST NATIONAL BANK BUILDING
MOBILE 8, ALABAMA

JOSEPH H. LYONS
SAM W. PIPES, III
WALTER M. COOK
FRANK T. POPE, JR.

December 16th, 1957.

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

Re: #3063 Ferrill v. Allied Mills.

Dear Mrs. Duck:

Please file the enclosed answer in the above case. We are
by copy of this letter forwarding copy of the answer and
finding of fact and decree of court/for his signature and
filing with you.

Very truly yours,

LYONS, PIPES & COOK



Sam W. Pipes, III

SWP:ee

cc: Mr. Fletcher Gordon