

LAW OFFICES
JACKSON, RIVES, PETTUS & PETERSON

J. KIRKMAN JACKSON
AL G. RIVES
ERLE PETTUS
HERBERT W. PETERSON
ERLE PETTUS, JR.
TIMOTHY M. CONWAY, JR.
FRANK O. BURGE, JR.
EDGAR M. ELLIOTT, III

TENTH FLOOR, MASSEY BUILDING
BIRMINGHAM 3, ALABAMA

November 24, 1956

3091

TELEPHONES
ALPINE 1-3275
ALPINE 1-3276
ALPINE 1-3277

Clerk of the Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: Case No. 3091
Walter Julius Jersild vs.
Employers Life Insurance Co.

Dear Sir:

I enclose herewith a demurrer in behalf of the defendant in the above styled case which I would be most grateful if you would file, executing and returning to us the enclosed receipt utilizing for that purpose the enclosed stamped envelope which is also enclosed.

Thanking you, I am

Sincerely yours,



J. Kirkman Jackson

JKJ:ns
Encl.

STATE OF ALABAMA)
BALDWIN COUNTY)

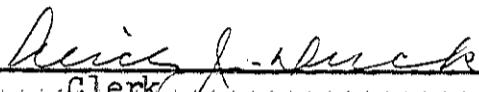
BOOK 016 PAGE 467

. . . . IN THE CIRCUIT COURT . . LAW SIDE . .

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Employers Life Insurance Company, a corporation, 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 same, then and there to answer the complaint of Walter Julius Jersild.

WITNESS my hand this the 14 day of November, 1956.


Clerk

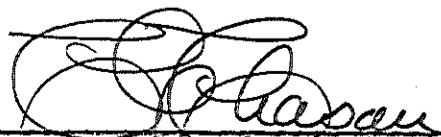
- COMPLAINT -

WALTER JULIUS JERSILD,	}	
	}	
Plaintiff,	}	IN THE CIRCUIT COURT OF
	}	
-vs-	}	BALDWIN COUNTY, ALABAMA
	}	
EMPLOYERS LIFE INSURANCE	}	LAW SIDE
COMPANY, a corporation,	}	
	}	
Defendant.	}	

The Plaintiff claims of the Defendant Five Hundred Dollars (\$500.00) due on Policy Number 161-14, Certificate Number 07, issued October 1, 1953, issued by the Defendant to the Plaintiff, whereby the Plaintiff was insured against Bodily Injury, including therein the loss of sight of an eye, and on, to-wit, November 16, 1954, Plaintiff was injured, which resulted in the loss of sight of an eye, of which Defendant has had notice. Said Policy is the property of the Plaintiff.


Attorney for Plaintiff

Plaintiff demands trial by Jury.


Attorney for Plaintiff

c. g. c.

Defendant is domiciled in Birmingham, Jefferson County, Alabama.

The Sheriff claims 1
miles at 10c per mile for a total of
\$ 104

HOLT A. McDOWELL, Sheriff

NOV 16 1956

executed this the 16 day of Nov
in Employers Life
Insurance Company, a
Corporation.

by leave of a court with with
Mr. Goddard.

of said company.

HOLT A. McDOWELL, Sheriff
Jefferson County, Alabama

by H. A. McDowell U.S.

Received 20 day of Nov. 1956

and on 12 day of Nov. 1956

I served a copy of the within A. & C.

on Employers Life Ins. Co.

By service on Taylor Wilkins

TAYLOR WILKINS, Sheriff

By Taylor Wilkins D. S.

NO. 3099 : 45
1956 NOV 16

SUMMONS AND COMPLAINT

WALTER JULIUS JERSILD,

Plaintiff,

-VS-

EMPLOYERS LIFE INSURANCE
COMPANY, a corporation,

2112-1 Ave No. Defendant.

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Mr. Goddard
IN THE CIRCUIT COURT OF
B ALDWIN COUNTY, ALABAMA
LAW SIDE

(())(())(())(())(())(())(())(())(())(())

FILED

NOV 14 1956

ALICE J. DUBB, CLERK

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

WALTER JULIUS JERSILD,	§	IN THE CIRCUIT COURT OF
Plaintiff,	§	BALDWIN COUNTY, ALABAMA
vs.	§	LAW SIDE
EMPLOYERS LIFE INSURANCE	§	
COMPANY, a corporation,		
Defendant.	§	NO. 3091

DEMURRER TO COMPLAINT

Now comes the defendant in the above styled cause and demurs to plaintiff's complaint and to each count thereof, separately and severally, and for grounds of said demurrer, sets down and assigns the following, separately and severally, to-wit:

1. For that said count states no cause of action against the defendant.

2. For that the policy sued on is not set out in haec verba nor according to its legal effect.

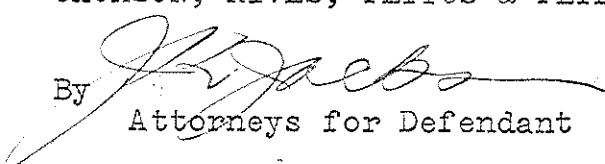
3. For that it is not alleged that the policy was in force at the time of the alleged accident.

4. For that for aught that appears from the allegations of said count, the policy had lapsed at the time of the occurrence of the event made the basis of the suit.

5. For that for aught that appears from the averments of said count, the policy had lapsed from the date of its alleged issuance on October 1, 1953 until the date of the occurrence made the basis of the suit, to-wit, November 16, 1954.

JACKSON, RIVES, PETTUS & PETERSON

By


Attorneys for Defendant

WALTER JULIUS JERSILD,

Plaintiff,

-vs-

EMPLOYERS LIFE INSURANCE
COMPANY, a Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

This day came the Plaintiff, by his Attorney, and filed with the Court the letter of Jackson, Rives, Pettus & Peterson, Attorneys of record for the Defendant, and it being made to appear to the Court that settlement between the parties has been agreed upon, and that both parties agree that a Judgment by Consent may be rendered in this cause, in favor of the Plaintiff and against the Defendant, and the Court being satisfied with the agreement between the parties, it is therefore,

CONSIDERED AND ORDERED by the Court, and it is the Judgement of the Court, that Judgement be, and the same is, hereby rendered in favor of the Plaintiff and against the Defendant, for the sum of Three Hundred Fifty Dollars (\$350.00).

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the Plaintiff have and recover of the Defendant, the said sum of Three Hundred Fifty Dollars (\$350.00), and that the cost of this proceeding be assessed against the Defendant, for all of which execution may issue.

DONE this the 19th day of February, 1957.



Judge, Twenty-eighth Judicial Circuit
Baldwin County, State of Ala.

November 17, 1956

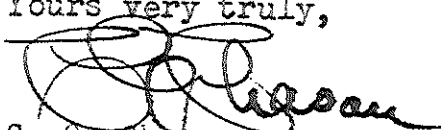
Mr. Taylor Wilkins, Sheriff
Bay Minette, Alabama

Dear Taylor:

I recently filed an action in behalf of Walter J. Jersild against Colonial Life and Accident Insurance Company, which is a foreign corporation, and asked that process be held up until I could determine, with certainty, on whom the proceeding should be filed.

I have now learned that they have no person in this State designated to receive service other than the Superintendent of Insurance of the State of Alabama. I ask, therefore, that service be had on him.

Yours very truly,


C. G. Chason

CGC:fm

cc: Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama