

STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EDWARD A. ROBERTS, individually, and THE GRAND HOTEL DEVELOPMENT COMPANY, INCORPORATED, 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 same, then and there to answer the complaint of ROBIN RICHARDSON, individually, and suing as mother of COLLIE MILLS, deceased.

WITNESS my hand this the 30 day of April, 1957.

Reidy Duck
CLERK

ROBIN RICHARDSON, Individually,
and suing as mother of COLLIE MILLS,
Deceased,

Plaintiff

vs.

EDWARD A. ROBERTS, Individually,
and THE GRAND HOTEL DEVELOPMENT
COMPANY, INCORPORATED,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE:

The Plaintiff, suing as mother of Collie Mills, a minor under the age of twenty-one years, deceased, claims of the Defendants the sum of Fifty Thousand (\$50,000.00) Dollars as damages for that, heretofore, on to-wit, the 15th day of May, 1956, the Plaintiff's son was a minor of thirteen (13) years of age, and was an invitee on the Defendants' premises known as the Lakewood Golf Club at Point Clear, Baldwin County, Alabama, and Defendants' maintained on the said premises a stream of water artificially maintained, and which stream had been maintained for a long time prior to May 15, 1956, and Plaintiff avers that said stream was attractive to children for swimming and

Plaintiff further avers that said premises and said stream was in an unsafe, dangerous condition and that said Defendants' knew of the conditions thereof, or by the exercise of common judgment and prudence should have known, in that there had been a previous drowning in the said stream on the Defendants' premises; and Plaintiff further avers that her son, while an invitee on the Defendants' premises, did fall or swam in said stream and as a proximate consequence thereof he was drowned in the waters therein contained. Plaintiff avers that the Defendants', their agents, servants or employees while acting within the line and scope of their employment, negligently permitted that stream to be and remain open and unprotected or unguarded by an enclosure of some character or negligently failed to take proper precautions against the dangerous use and condition of the stream on the Defendants' premises.

For the trial of this cause the Plaintiff demands a trial by jury.

SOUTHERN INDUSTRIES CORPORATION

POST OFFICE BOX 1685

MOBILE, ALABAMA

May 6, 1957

EXECUTIVE DEPARTMENT

Mr. George Bellman, Clerk
Sheriff's Office
Mobile, Alabama

Dear Mr. Bellman:

In connection with the Summons and Complaint in the matter of Robin Richardson, Individually and suing as mother of Collie Mills, deceased, Plaintiff; vs. Edward A. Roberts, Individually and The Grand Hotel Development Company, Incorporated, Defendants; in the Circuit Court of Baldwin County, Alabama, At Law --

A representative of your department has called at this office in an attempt to serve Mr. Edward A. Roberts with the above Summons and Complaint. I have notified your representative that Mr. Roberts is at present confined to his home with a serious illness, having recently had one operation and facing another within the next week or ten days. Due to Mr. Roberts' condition, I have asked that your representative not attempt to serve him with this paper at the present time.

Yours very truly,

Leon M. Torbert
Leon M. Torbert

LMT:SK

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR MERCHANTS NATIONAL BANK BUILDING

HEMLOCK 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. MCCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.
J. JEPHTA HILL

May 22, 1957

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

Dear Mrs. Duck:

Please file the enclosed demurrer to the complaint of
Richardsons. Roberts, et al, #3227 on your Law Docket.

We are, with a copy of this letter, sending a copy of
the demurrer to Mr. Bailey.

Very truly yours,



RFA/an
Encl.

cc: Mr. E. M. Bailey
Fairhope, Alabama

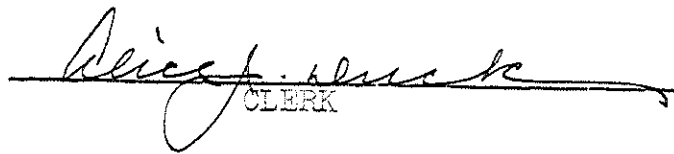
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COUNTY OF BALDWIN

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CLERK

ROBIN RICHARDSON, Individually,
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Deceased,

Plaintiff

vs.

EDWARD A. ROBERTS, Individually,
and THE GRAND HOTEL DEVELOPMENT
COMPANY, INCORPORATED,

Defendants

IN THE CIRCUIT COURT OF
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AT LAW

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the same was frequently used by children for that purpose.

Plaintiff further avers that said premises and said stream was in an unsafe, dangerous condition and that said Defendants' knew of the conditions thereof, or by the exercise of common judgment and prudence should have known, in that there had been a previous drowning in the said stream on the Defendants' premises; and Plaintiff further avers that her son, while an invitee on the Defendants' premises, did fall or swam in said stream and as a proximate consequence thereof he was drowned in the waters therein contained. Plaintiff avers that the Defendants', their agents, servants or employees while acting within the line and scope of their employment, negligently permitted that stream to be and remain open and unprotected or unguarded by an enclosure of some character or negligently failed to take proper precautions against the dangerous use and condition of the stream on the Defendants' premises.

Plaintiff avers that she sustained the foregoing damages for the reason of, and as a proximate consequence of, the negligence of the Defendants' as aforesaid; wherefore Plaintiff sues.

Ernest M. Baile
ATTORNEY FOR THE PLAINTIFF

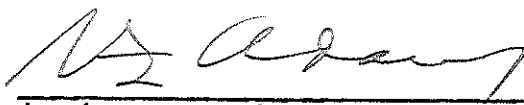
For the trial of this cause the Plaintiff demands a trial by jury.

Ernest M. Baile
ATTORNEY FOR THE PLAINTIFF

7. For that the complaint attempts to set forth the negligence charged to defendant, but the facts stated in the complaint do not, as a matter of law, show negligence.

8. Because the complaint does not state a cause of action against this defendant.

9. Because the facts alleged in the complaint do not constitute acts of negligence on the part of this defendant.



As Attorney for Defendant Grand Hotel
Development Corporation

FILED

MAY 24 1957

ALICE L. BUCK, Clerk

59-7-7

FILED

MAY 24 1957

ALICE L. QUICK, Clerk

FILED

MAY 24 1957

ALICE L. QUICK, Clerk

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

RECORDED