



MARY TEXAS HURT
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

November 25, 1957

3343

Honorable Douglas S. Webb
Horne & Webb, Attorneys at Law
Atmore, Alabama

Re: Captain Sisby Holley VS Ronald Jack Fry

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on October 31, 1957, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

ENS Ronald Jack Fry, USNR, 605886
U. S. Naval Air Station
Corpris Christi, Texas

On November 25, 1957, this letter (Registered No. 56269) was returned to me with reason for non-delivery given as "REFUSED " and "MAN SAYS HE BELIEVES FOR SOME OTHER OFFICER WITH APPROX. SAME NAME." Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

Mary Texas Hurt Garner
Mary Texas Hurt Garner
Secretary of State

Jamie L. Pettigrew
By: Jamie L. Pettigrew
Administrative Assistant

cc: Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

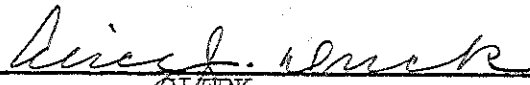
C I R C U I T C O U R T

STATE OF ALABAMA |
BALDWIN COUNTY |

TO: ANY SHERIFF OF THE STATE OF ALABAMA,
GREETING:

You are hereby commanded to summons Ronald Jack Fry to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama to be held for said County at the place of holding same, then and there to answer, plead or demur to the complaint of Captain Sisby Holley.

Witness my hand, this 21 day of September, 1957.


CLERK.

* * * * *

C O M P L A I N T

CAPTAIN SISBY HOLLEY, |
 |
 PLAINTIFF. |
VS: |
 |
RONALD JACK FRY, |
 |
 DEFENDANT. |

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.
NUMBER: _____.

(1)

The plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff had a right to be, and while he was so driving defendant negligently drove an automobile into, over, upon or against the automobile being then and there driven East by plaintiff and as a proximate consequence of the negligence of defendant plaintiff was injured and damaged as follows:

Plaintiff suffered a severe brain unjury;
Plaintiff suffered permanent injury to his
brain; plaintiff suffered multiple lacerations
over much of his body; plaintiff suffered
multiple fractures of his ribs.
Plaintiff's left side of his body was severely
and permanently injured; plaintiff's nervous

STATE OF ALABAMA
BALDWIN COUNTY

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GREETING:

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Witness my hand, this 21 day of September, 1957.

W. J. H. H. H. H.
CLERK.

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

C O M P L A I N T

CAPTAIN SISBY HOLLEY,
PLAINTIFF.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

VS: 1

LAW SIDE.

RONALD JACK FRY,

DEFENDANT.

NUMBER: _____

(1)

The plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff had a right to be, and while he was so driving defendant negligently drove an automobile into, over, upon or against the automobile being then and there driven East by plaintiff and as a proximate consequence of the negligence of defendant plaintiff was injured and damaged as follows:

Plaintiff suffered a severe brain injury;
Plaintiff suffered permanent injury to his
brain; plaintiff suffered multiple lacerations
over much of his body; plaintiff suffered
multiple fractures of his ribs.
Plaintiff's left side of his body was severely
and permanently injured; plaintiff's nervous

system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs; plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

(2)

The plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this, that on, to-wit; the 7th day of November, 1956 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and while so driving and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama, where plaintiff had a right to be and to drive, the defendant wilfully and wantonly drove an automobile traveling West into, over upon or against the automobile plaintiff was then and there driving and wilfully and wantonly injured plaintiff in this;

Plaintiff suffered a severe brain injury; Plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs;

plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

Plaintiff avers that his said injuries were the proximate consequence of said wilful and wanton conduct on the part of the said defendant at the said time and place.

(3)

Plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 while plaintiff was driving an automobile East over U. S. Highway Number 90, a public highway in Baldwin County, Alabama at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama the defendant at said time and place ran a motor vehicle against the automobile being then and there driven East by plaintiff and as a proximate consequence thereof, plaintiff was injured and damaged as follows:

Plaintiff suffered a severe brain injury; Plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs; plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

"And plaintiff avers that the defendant at said time and place, wantonly injured plaintiff by wantonly running a motor vehicle

into, over, upon or against the automobile plaintiff was then and there driving and as a proximate consequence of said wanton conduct plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out, etc"

HORNE & WEBB

BY:

Douglas Webb

ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB

BY:

Douglas Webb

ATTORNEYS FOR PLAINTIFF.

703343

RECORDED

Executed by serving 3 copies of
the within on Mary Texas Hurt,
Secretary of State of the State of
Alabama.

This the 31 day of Oct, 1957

Sheriff of Montgomery County,

M. S. Butler

By Goodwyn D. S.

The Sheriff claims 2
miles at 10c per mile for a total
20¢
M. S. Butler, Sheriff
Montgomery County, Ala.

FILED

SEP 21 1957

ALICE J. DUCK, Clerk

Law Offices of
Horne & Webb
Attorneys at Law
Atmore, Ala.

C I R C U I T C O U R T

STATE OF ALABAMA
BALDWIN COUNTY

TO: ANY SHERIFF OF THE STATE OF ALABAMA,
GREETING:

You are hereby commanded to summons Ronald Jack Fry to appear within thirty (30) days from the service of this writ in the Circuit Court of Baldwin County, Alabama to be held for said County at the place of holding same, then and there to answer, plead or demur to the complaint of Captain Sisby Holley.

Witness my hand, this 21 day of September, 1957.

Ansie J. Leach
CLERK.

C O M P L A I N T

CAPTAIN SISEY HOLLEY,
PLAINTIFF.
VS:
RONALD JACK FRY,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.
NUMBER: _____

(1)
The plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama where plaintiff had a right to be, and while he was so driving defendant negligently drove an automobile into, over, upon or against the automobile being then and there driven East by plaintiff and as a proximate consequence of the negligence of defendant plaintiff was injured and damaged as follows:

Plaintiff suffered a severe brain injury; Plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous

system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs; plaintiff was caused to lose much time from his business and work; plaintiff suffered a partial permanent loss of the use of his limbs; plaintiff suffered severe bruises over much of his body area; plaintiff was caused to suffer the loss of a great deal of his blood; all to the damage of plaintiff as aforesaid.

(2)

The plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this, that on, to-wit; the 7th day of November, 1956 plaintiff was driving an automobile and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and while so driving and at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama, where plaintiff had a right to be and to drive, the defendant wilfully and wantonly drove an automobile traveling West into, over upon or against the automobile plaintiff was then and there driving and wilfully and wantonly injured plaintiff in this;

Plaintiff suffered a severe brain injury; Plaintiff suffered permanent injury to his brain; plaintiff suffered multiple lacerations over much of his body; plaintiff suffered multiple fractures of his ribs. Plaintiff's left side of his body was severely and permanently injured; plaintiff's nervous system was greatly shocked and impaired and was permanently shocked and impaired; plaintiff was made sick, sore and lame for a long period of time and his physical stamina was impaired and permanently impaired; plaintiff was caused to suffer great physical pain and mental anguish and was put to much trouble, annoyance, inconvenience and loss of time in and about an effort to heal and cure his said wounds and injuries; plaintiff was caused to incur and did incur large doctor bills, hospital bills, nursing bills, and medical bills; plaintiff was internally injured; plaintiff was permanently injured; plaintiff suffered severe and permanent injury and damage to his lungs;

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Plaintiff avers that his said injuries were the proximate consequence of said wilful and wanton conduct on the part of the said defendant at the said time and place.

(3)

Plaintiff, Captain Sisby Holley, claims of the defendant One Hundred Thousand and No/100 (\$100,000.00) Dollars as damages for this; that on, to-wit; the 7th day of November, 1956 while plaintiff was driving an automobile East over U. S. Highway Number 90, a public highway in Baldwin County, Alabama at a point on said public highway in Baldwin County, Alabama approximately four and 9/10 miles West of the town of Loxley, Alabama the defendant at said time and place ran a motor vehicle against the automobile being then and there driven East by plaintiff and as a proximate consequence thereof, plaintiff was injured and damaged as follows:

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into, over, upon or against the automobile plaintiff was then and there driving and as a proximate consequence of said wanton conduct plaintiff avers that he was caused to sustain and did sustain, the injuries and damages complained of and set out, etc"

HORNE & WEBB

BY:

Dough J Webb.

ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB

BY:

Dough J Webb.

ATTORNEYS FOR PLAINTIFF.

110 33 43

23 day of Sept 1957
23 day of Sept 1957
copy of the within A. R.
Ronald Jack Gray

TAYLOR WILKINS, Sheriff
By J. W. Wilkins
O Mi

FILED

SEP 21 1957

ALICE L. BUCK, Clerk

Law Offices of
Horne & Webb
Attorneys at Law
Atmore, Ala.

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF ALABAMA

3. That the amount sued for and involved in this action

SOUTHERN DIVISION

exceeds the sum of Three Thousand and No/100 (\$3,000.00) Dollars,

CAPTAIN SISBY HOLLEY, as Administrator of the Estate of Mary Agnes Holley, deceased, vs. Plaintiff, is allowed by law to file his said

VS. Plaintiff for removal has not expired, CIVIL ACTION NO. _____

RONALD JACK FRY, as to said cause: Your petitioner attached

hereto as Exhibit 'Defendant'. As a part hereto, a copy of all

process, pleadings, and orders purported to have been served upon

PETITION OF DEFENDANT RONALD JACK FRY
FOR REMOVAL TO UNITED STATES DISTRICT COURT

4. TO THE HONORABLE JUDGE OF SAID COURT: to this Court

on the ground of diversity of citizenship existing therein between Comes now your petitioner, Ronald Jack Fry, defendant in the above-styled cause, and, appearing specially and for the sole purpose of filing this petition for removal, respectfully shows to the Acts of Congress in that behalf provided. Petitioner heretofore files and offers herewith bond with good and sufficient surety

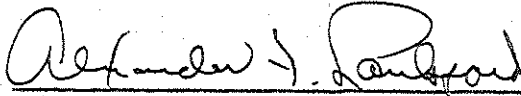
1. That the defendant, Ronald Jack Fry, is now and was at the time of the commencement of this suit a citizen and resident of the State of Pennsylvania, being a member of the armed forces and temporarily stationed in Bermuda; that this is an action brought by Captain Sisby Holley, as Administrator of the Estate of Mary Agnes Holley, deceased, said Administrator being a citizen

2. Petitioner represents that promptly upon the filing of this petition and the said bond filed herewith, this petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of

3. That this is a suit to recover damages for the alleged wrongful death of the said Mary Agnes Holley and property damage which the plaintiff claims has been incurred as a result of the alleged negligence of the defendant.

WHEREFORE, your petitioner prays that the said bond filed herewith be accepted as good and sufficient and that this court will enter such order or orders as may be proper in the premises.

DATED this 4th day of October, 1957.



Alexander F. Lankford
Attorney for Ronald Jack Fry
Defendant
Room 622 First National Bank Building
Mobile, Alabama

OF COUNSEL:

HAND, ARENDALL & BEDSOLE

3. That the amount sued for and involved in this action exceeds the sum of Three Thousand and No/100 (\$3,000.00) Dollars, exclusive of interest and costs; that your petitioner has filed no pleading in said cause in the state court; that the time within which your petitioner is allowed by law to file his said petition for removal has not expired, and that your petitioner has a good defense to said cause. Your petitioner attaches hereto as Exhibit "A", and makes a part hereof, a copy of all process, pleadings, and orders purported to have been served upon him in such action.

4. Petitioner desires to remove this action to this Court on the ground of diversity of citizenship existing therein between the plaintiff, Captain Sisby Holley, as Administrator of the Estate of Mary Agnes Holley, deceased, and the petitioner in pursuance to the Acts of Congress in that behalf provided. Petitioner heretofore files and offers herewith bond with good and sufficient surety to the penal sum of Five Hundred and No/100 (\$500.00) Dollars, conditioned that the petitioner will pay all costs and disbursements incurred by reason of this said removal proceedings should it be determined that this action was wrongfully or improperly removed to this court.

5. Petitioner represents that promptly upon the filing of this petition and the said bond filed herewith, this petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of Baldwin County, Alabama, wherein said action is now pending.

In the Matter of the Removal to the
District Court of the United States
for the Southern District of Alabama,
Southern Division, of the case of:

CAPTAIN SISBY HOLLEY, as Administrator
of the Estate of Mary Agnes Holley,
deceased,

Plaintiff,

vs.

RONALD JACK FRY,

Defendant.

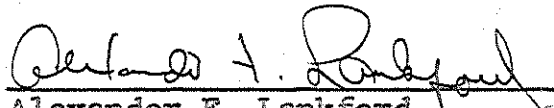
TO: Honorable Alice J. Duck
Clerk, Circuit Court of Baldwin County, Alabama
Bay Minette, Alabama.

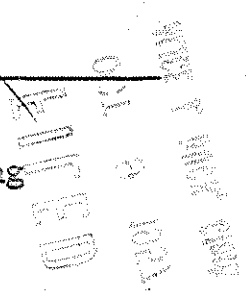
Pursuant to the provisions of law in such cases made and
provided, there is hereby filed with you a copy of the petition
of the defendant in the above entitled cause (being Civil Action
No. 3342) to remove said cause to the United States District Court
for the Southern Division of the Southern District of Alabama.
The said petition, accompanied by bond with good and sufficient
surety conditioned as is required by law, has been this day filed
in the said United States District Court for the Southern Division
of the Southern District of Alabama.

Written notice of the filing of the aforesaid petition and
bond has been this day given to the attorney for the plaintiff
herein by this day mailing such notice, together with a copy of
the said petition for removal, to Frank G. Horne, Esquire, attorney
for the plaintiff, at the address of said attorney at Atmore, Alabama,
postage prepaid, by registered mail, return receipt requested, and
you are hereby notified that the filing of the copy of the aforesaid

petition with you as Clerk of the Circuit Court of Baldwin County, Alabama, affects the removal of said cause to the aforesaid United States District Court.

Dated this 4th day of October, 1957.


Alexander F. Lankford
Attorney for Defendant
First National Bank Building
Mobile, Alabama




OF COUNSEL:

HAND, ARENDALL & BEDSOLE

STATE OF ALABAMA

PLAINT IN EQUITY

IN THE DISTRICT COURT OF THE STATE OF ALABAMA,
BALDWIN COUNTY

For and on behalf of the Estate of Harry Agnes Holley, Deceased

vs.
The Plaintiff, Captain Elmer Holley, an administrator
of the estate of Harry Agnes Holley, Deceased, claims of the defendant
that on the 1st day of November, 1955 plaintiff's
automobile was a passenger in an automobile traveling East on U. S.
Highway Number 90, a public highway in Baldwin County, Alabama and at
a point on said public highway in Baldwin County, Alabama approximately
four and 2/3 miles West of the town of Loxley, Alabama where plaintiff's

Witness my hand, this 21st day of September, 1957.

15/ *Oliver J. Luch*

C O N T A I N S

Captain Elmer Holley as
administrator of the estate of
Harry Agnes Holley, Deceased,
Plaintiff,
vs.
Harry Agnes Holley,
Defendant.

IN THE DISTRICT COURT OF
BALDWIN COUNTY, ALABAMA,
Law Side.
Number:

(1)

The Plaintiff, Captain Elmer Holley, an administrator
of the estate of Harry Agnes Holley, Deceased, claims of the defendant

that on the 1st day of November, 1955 plaintiff's
automobile was a passenger in an automobile traveling East on U. S.
Highway Number 90, a public highway in Baldwin County, Alabama and at
a point on said public highway in Baldwin County, Alabama approximately
four and 2/3 miles West of the town of Loxley, Alabama where plaintiff's

interstate had a right to be and to travel as a passenger defendant negligently drove an automobile into, over, upon or against the automobile in which plaintiff's interstate was then and there riding and as a proximate consequence of the negligence of defendant on the said occasion plaintiff's interstate was so severely injured that she died.

The Plaintiff, Captain Elsie Holley, as administrator of the estate of Harry Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and no/100 (\$100,000.00) Dollars as damages for this; that on, to-wit: the 7th day of November, 1956 plaintiff's interstate was riding as a passenger in an automobile over which plaintiff's interstate had no charge, direction or control and traveling East on U. S. Highway Number 90, a public highway in Baldwin County, Alabama and at a point on said public highway in Baldwin County, Alabama approximately four and 7/10 miles west of the town of Milledgeville, Alabama in said county and state "the defendant was driving an automobile into, over, upon or against the automobile in which plaintiff's interstate was riding, as aforesaid, and as a proximate consequence thereof plaintiff's interstate was so severely injured that she died. And plaintiff avers that the defendant at said time and place wantonly injured plaintiff's interstate by wantonly ramming an automobile into, over, upon or against the automobile in which plaintiff's interstate was riding as a passenger at said time and place, and as a proximate consequence of said wanton conduct plaintiff avers that his interstate was caused to sustain and did sustain injuries so severe that she died.

The Plaintiff, Captain Elsie Holley, as administrator of the estate of Harry Agnes Holley, Deceased, claims of the defendant One Hundred Thousand and no/100 (\$100,000.00) Dollars as damages for this; that on, to-wit: the 7th day of November, 1956 plaintiff's interstate was riding as a passenger in an automobile traveling East on U. S. Highway Number 90, a public highway in Baldwin County,

Alabama when at a point on said public highway in Baldwin County, Alabama approximately four and 7/10 miles West of the town of Lexley, Alabama where plaintiff's intestate had a right to be and to travel the defendant wilfully and wantonly drove an automobile into, over upon or against the automobile in which plaintiff's intestate was then and there riding as a passenger and wilfully and wantonly caused plaintiff's intestate to suffer an extent that she died. Plaintiff avers that the death of his intestate was the proximate consequence of said wilful and wanton conduct on the part of the said defendant at the said time and place.

(4)

The plaintiff, Captain Sisby Holley, as administrator of the estate of Mary Agnes Holley, deceased, claims the further and additional sum other than the amounts claimed in counts one through three of this complaint Two Thousand and No/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit; November 7, 1936 the plaintiff's intestate's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; U. S. Highway Number 90 at a point on said public highway approximately four and 7/10 miles West of the town of Lexley, Alabama where plaintiff's intestate's automobile had a right to be and while said automobile was being operated and driven along the said public highway an automobile which was being driven by the defendant ran upon, over or against the automobile of plaintiff's intestate causing damages and injuries to plaintiff's intestate's automobile in this; the top, radiator, front axle, front wheels, frame, sides, motor, tires, fenders and other parts of plaintiff's intestate's automobile were damaged and injured all to the damages of the plaintiff's intestate as aforesaid. The plaintiff alleges that his intestate's said damages to her said automobile were proximately caused by the negligence of the defendant, in that defendant negligently caused, allowed or permitted his said automobile to run upon, over or against the automobile of plaintiff's intestate and as a proximate consequence thereof, the plaintiff's intestate's automobile was damaged and injured as aforesaid.

(5)

The plaintiff, Captain Sisby Holley, as administrator of

the estate of Mary Agnes Holley, deceased, claims the further and additional sum (other than that claimed in counts one through three of this complaint) of Two Thousand and No/100 (\$2,000.00) Dollars as damages for that heretofore on, to-wit; November 7, 1956 the plaintiff's intestate's automobile was being operated along and upon a public highway in Baldwin County, Alabama, on, to-wit; U. S. Highway Number 90 at a point on said public highway approximately four and 9/10 miles West of the town of Lexley, Alabama where plaintiff's intestate's automobile had a right to be and while said automobile was being operated and driven along the said public highway the defendant wilfully and wantonly drove an automobile he was then and there driving into, over, upon or against the automobile of plaintiff's intestate and wilfully and wantonly injured plaintiff's intestate's automobile in this; the top, radiator, front axle, front wheels, frame, sides, motor, tires, fenders and other parts of plaintiff's automobile were broken, bent, smashed or otherwise damaged and injured all to the damage of plaintiff's intestate as aforesaid. The plaintiff alleges that his intestate's said damages to her said automobile were proximately caused by the wilful and wanton negligence of the defendant in that defendant wilfully and wantonly drove his said automobile into, over upon or against the automobile of plaintiff's intestate and as a proximate consequence thereof, plaintiff's intestate's automobile was wilfully and wantonly damaged and injured as aforesaid.

HORNE & WEBB
BY:

ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the issues involved in this cause.

HORNE & WEBB
BY:

ATTORNEYS FOR PLAINTIFF.



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

June 11, 1958

MARY TEXAS HURT GARNER
SECRETARY OF STATE

Honorable Douglas S. Webb
Horne and Webb
Attorneys at Law
Atmore, Alabama

Re: Captain Sisby Holley VS Ronald Jack Fry

Dear Mr. Webb:

Please refer to your file in the above-styled cause and be advised that on April 4, 1958, I sent by registered mail, return receipt requested, deliver to addressee only, my notice, with copy of Summons and Complaint attached, to:

Lt. JG Ronald Jack Fry
USN, VP 49
Fleet Post Office
New York City, New York

On June 2, 1958, this letter (Registered No. 51093) was returned to me with reason for non-delivery given as "REFUSED."

Will you please advise me as to any further efforts you wish me to make in perfecting this service.

Sincerely yours,

Mary Texas Hurt Garner

Mary Texas Hurt Garner
Secretary of State

Jamie L. Pettigrew

By: Jamie L. Pettigrew
Administrative Assistant

cc: Honorable Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama