

ROBERT G. HEBERLEIN, a minor,  
by ALFREDA HEBERLEIN WELSCH,  
his next friend,

Plaintiff,

-vs-

ALNITA TILLMAN and JOSEPH C.  
PHILLIPPI,

Defendants,

3561  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE

This day came Robert G. Heberlein and his Attorney, and the Defendants, by their Attorney, an issue being joined between the parties and an agreed statement of facts having been executed and made a part of the proceedings in this cause, and the Court having duly considered the same,

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that the Plaintiff have and recover of the Defendants the sum of Five Hundred Dollars (\$500.00), together with the Costs hereof to be taxed, for all of which execution may issue.

DONE this the 27 day of May, 1958.

Hubert M. Hall  
Judge, Twenty-eighth Judicial Circuit

ROBERT G. HEBERLEIN, a minor,  
by ALFREDA HEBERLEIN WELSCH,  
his next friend,

Plaintiff,

-vs-

ALNITA TILLMAN and JOSEPH  
C. PHILLIPPI,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

AGREED STATEMENT OF FACTS

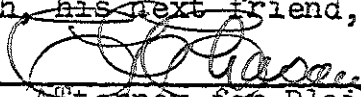
Now comes the Plaintiff and the Defendants in the above styled cause, acting by and through their attorneys, and agree that the following is a true and correct statement of facts in said case:

On November 29, 1957, at approximately 1:00 o'clock P. M., Joseph C. Phillippi was driving the 1957 Buick Convertible, which was owned by Alnita Tillman, Northward on Highway No. 98, leading from Fairhope, Baldwin County, Alabama, toward Daphne, Spanish Fort and Mobile. This is a public highway in Baldwin County, Alabama. Alnita Tillman was a passenger in this said automobile, and Joseph C. Phillippi was acting as her agent, servant or employee, and the operation of the automobile was therefore under her direction and control. At a point approximately 300 feet North of Sea Cliff Drive, at which location there is a curve in U. S. Highway #98 to the right, the automobile driven by Phillippi and occupied by he and Alnita Tillman, crossed over the center line of the highway and struck the 1952 Ford driven by Andrew Thomas Smith, in which Robert G. Heberlein was riding as a passenger. Heberlein received lacerations and abrasions to his forehead and left knee, and a traumatic sprain of the right knee. Other than the scars on his forehead, Robert G. Heberlein has fully recovered from his injuries. Heberlein is nineteen years of age, his father is dead, and his mother is Alfreda Heberlein Welsch.

The above being a true and correct statement of facts in this cause, it is hereby agreed upon as such by the parties.

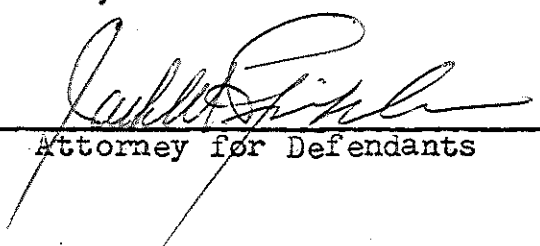
ROBERT G. HEBERLEIN, by Alfreda Heberlein  
Welsch, his next friend, Plaintiff,

BY

  
Attorney for Plaintiff

ALNITA TILLMAN and JOSEPH C. PHILLIPPI,  
Defendants,

BY

  
Attorney for Defendants

ROBERT G. HEBERLEIN, a minor,  
by ALFREDA HEBERLEIN WELSCH,  
his next friend,

Plaintiff,

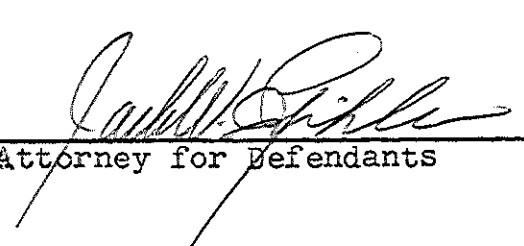
-vs-

ALNITA TILLMAN and JOSEPH C.  
PHILLIPPI,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE

This day come the Defendants, Alnita Tillman and Joseph C. Phillippi, acting by and through their attorney, and acknowledge service of Summons and Complaint filed in said cause, and submit themselves to the jurisdiction of this Court.

  
Attorney for Defendants

ROBERT G. HEBERLEIN, a minor,  
by ALFREDA HEBERLEIN WELSCH,  
his next friend,

Plaintiff,

-vs-

ALNITA TILLMAN and JOSEPH C.  
PHILLIPPI,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

LAW SIDE 3561

Come the Defendants, Alnita Tillman and Joseph C. Phillippi,  
and for answer to the Complaint heretofore filed in said cause,  
sayeth: They and each of them, are not guilty in the matters  
alleged therein.

  
Attorney for Defendants

STATE OF ALABAMA )  
 ) . . . IN THE CIRCUIT COURT . . . LAW SIDE . .  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summons Alnita Tillman and Joseph C. Phillippi 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 Robert G. Heberlein, a minor, by Alfreda Heberlein Welsch, his next friend.

WITNESS my hand this the 27 day of May, 1958.

Alfreda Heberlein Welsch  
Clerk

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- COMPLAINT -

ROBERT G. HEBERLEIN, a minor,  
by ALFRED A HEBERLEIN WELSCH,  
his next friend,

Plaintiff,

-vs-


ALNITA TILLMAN and JOSEPH  
C. PHILLIPPI,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE

The Plaintiff claims of the Defendants the sum of Five Hundred Dollars (\$500.00) as damages, for that heretofore, on, to-wit:- The 29th day of November, 1957, at approximately 1:00 O'clock, P. M., Plaintiff was riding as a passenger in an automobile operated by Andrew T. Smith, on a public highway in Baldwin County, Alabama, viz:- U. S. Highway #98, approximately 300 feet North of Sea Cliff Drive, Fairhope, Alabama, where he had a right to be, and the Defendant, Alnita Tillman, who had driving for her, as her agent, servant or employee, the Defendant, Joseph C. Phillippi, who, acting within the line and scope of his employment, so negligently operating a motor vehicle then and there was to cause said motor vehicle she and he were operating as master

and servant, respectively, to run over, upon or against the automobile in which the Plaintiff was then and there riding; the Plaintiff avers that as a proximate consequence thereof, he was injured about the face and body, receiving lacerations and abrasions to his forehead, and left knee, and a traumatic sprain of the right knee, all to his damage in the sum aforesaid. And the Plaintiff avers that all of his said injuries were proximately caused by the said negligence of the said Defendant, Alnita Tillman and her agent, servant and employee, Joseph C. Phillippi, who was acting within the line and scope of his employment as such agent, servant or employee, in and about the negligent operation of said motor vehicle at the time and place, and on the occasion aforesaid.

  
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Attorney for Plaintiff