

G. P. GARNER,

Plaintiff

vs.

DAVE COOKS and TOMMIE COOKS,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

NO. 3589.

The plaintiff claims of the defendants, Dave Cooks and Tommie Cooks, the sum of Five hundred and seventy-five and no/100(\$575.00)Dollars for that on heretofore, to-wit: the 28th day of March, 1958, the plaintiff was lawfully operating his motor vehicle on State Highway #59, a public road in Baldwin County, Alabama, at a point two miles North of Stockton, Alabama, and at the same time and at the same place, the defendant, Tommie Cooks, who was then and there acting as the agent of the defendant, Dave Cooks, while acting within the line and scope of his agency, so negligently operated a motor vehicle so as to cause or allow the same to run into, upon or against the vehicle which the plaintiff was operating so that the plaintiff's automobile was completely destroyed, and the said damages to the plaintiff's automobile were the proximate consequence of the negligence of the defendant, Tommie Cooks, who was then and there acting as an agent of the defendant, Dave Cooks, while acting in the line and scope of said agency, as aforesaid, hence this suit.

Shannon Owens Jr.
Attorney for Plaintiff

Executed July 8, 1958

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3589.

Received 21 d. of June 1958
and on 8 day of July 1958
I served a copy of the within S. C.

on: Dave Cooke & Tommie
Cooke

By service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbert D. S.
Latham 40 mi

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY Talbert
DEPUTY SHERIFF

G. P. GARNER,
Plaintiff

vs.

DAVE COOKS AND TOMMIE
COOKS,

Defendants

SUMMONS AND COMPLAINT

FILED

JUN 19 1958

ALICE J. BUCK, Clerk

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
101 Court House Square
BAY MINETTE, ALABAMA

Defendants reside at Latham

We the jury find for
the Plaintiff and
award him 50000
to be paid by the
defendants Tommy
Cook and Dave
Cook

J. J. [Signature]
foreman

G. P. GARNER,

PLAINTIFF

VS

DAVE COOKS and TOMMIE COOKS,

DEFENDANTS

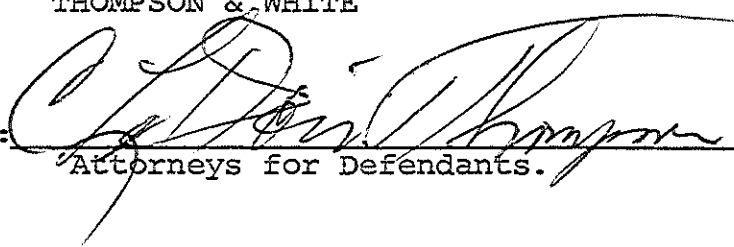
* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA.
*
* IN LAW.
*
* CASE NO. 3589
*

Come the defendants in the above styled cause and demur to the complaint filed in said cause and as grounds for said demurrer shows unto this Honorable Court as follows:

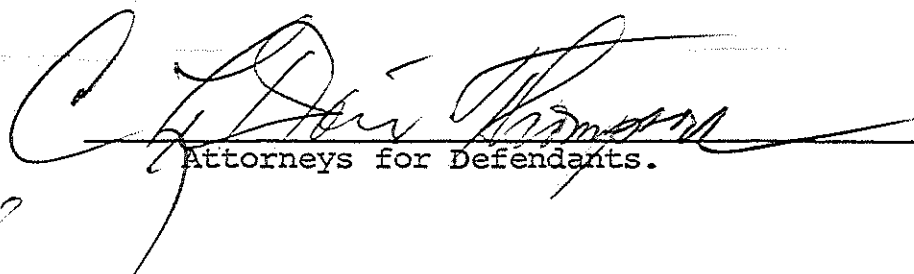
1. That the said complaint fails to identify the location of the alleged accident.
2. That said complaint fails to identify whether said accident occurred in the daytime or in the nighttime.
3. That said complaint fails to allege the time said accident occurred.
4. That said complaint fails to allege in detail how plaintiffs automobile was damaged.
5. That plaintiff's allegations "that the plaintiff's automobile was completely destroyed" is a conclusion of the pleader.

THOMPSON & WHITE

BY:


Attorneys for Defendants.

Defendants respectfully request trial by jury.


Attorneys for Defendants.

Filed 7-29-58

G. P. GARNER

PLAINTIFF

VS

DAVE COOKS AND
TOMMIE COOKS,

DEFENDANTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 3589

Come the Defendants and for answer separately and
severally show unto this Honorable Court as follows:

1. Not guilty.

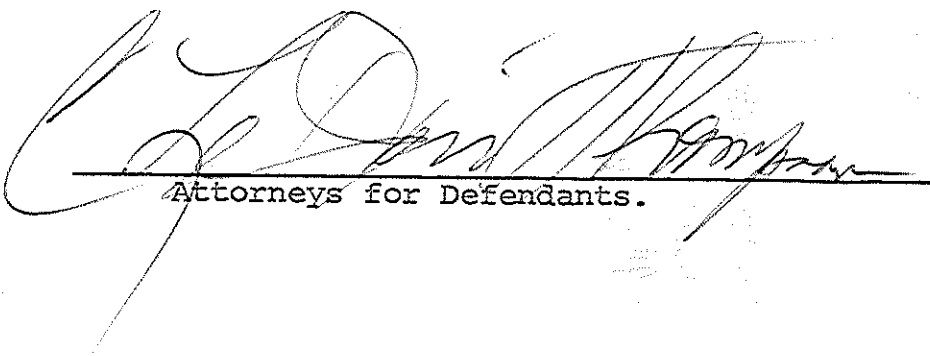
THOMPSON & WHITE

BY: 

Attorneys for Defendants.

Defendants respectfully request trial by jury in
said cause.

Filed
Sept. 25, 1958


Attorneys for Defendants.

G. P. GARNER
PLAINTIFF
VS
DAVE COOKS AND
TOMMIE COOKS
DEFENDANTS

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA.
*
* AT LAW.
*
* CASE NO. 3589
*
*
*
*

Come the Defendants in the above styled cause and amend their answer heretofore filed in said cause in accordance with the evidence herein taken in open court to read as follows:

G. P. GARNER
PLAINTIFF
VS
DAVE COOKS AND
TOMMIE COOKS
DEFENDANTS

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA.
*
* AT LAW.
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* CASE NO. 3589
*
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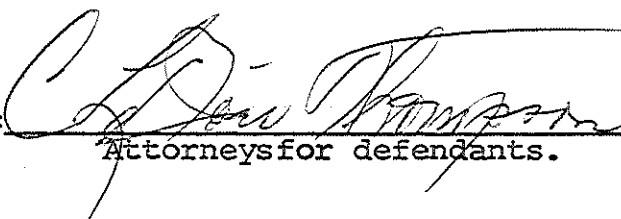
Come the Defendants and for answer separately and severally show unto this Honorable Court as follows:

1. Not guilty.
2. Plaintiff was at the time and place, alleged in the complaint, guilty of contributory negligence which proximately contributed to his alleged damages and which should prevent a recovery by plaintiff in this suit, in that the plaintiff, at the time and place alleged in the complaint, so negligently operated the motor vehicle which he was then and there driving as to cause it to run upon, into or against the motor vehicle in which this defendant was a passenger.

Thompson & White

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BY:


Attorneys for defendants.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No.

..... June TERM, 1958..

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Dave Cooks and Tommie Cooks

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 Dave Cooks and
Tommie Cooks, Defendant ..S...

by G. P. Garner, Plaintiff.....

Witness my hand this 19 day of June 19 58.

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Reice J. Wick, Clerk

The State of Alabama,
Baldwin County

APRIL _____ TERM, 1962

WHEREAS, at a regular March Term, 1959, of the Circuit Court of Baldwin County,

recovered judgment against Tommie Cooks, et al.

Ray E. Loper Lumber Company, a corporation.

You Are Therefore Hereby Commanded to Summon Ray E. Loper Lumber

Company, a corporation.

then and there within the three first days of the term, to answer on oath, whether at the time of the service of the garnishment, or at the time making its answer, or at any time intervening the time of serving the garnishment, and making the answer it was _____ indebted to said defendant _____ and whether it will not be indebted in future to said defendant _____

Herein fail not, and have you then and there this Writ.

Issued 16 day of April A. D., 1962.

ATTEST: _____, Clerk.

Ent 4-18-62

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

NO. 3589

Personally appeared before me, Alice J. Duck, Clerk of the Circuit Court in and for Baldwin County and State aforesaid J. Connor Owens, Jr., Attorney for George Garner

who being duly sworn, on oath says, that a regular March Term
of the Circuit Court of Baldwin County, to-wit: on the 11th day of March
19 59, George Garner

recovered a judgment against Tommie Cooks and Dave Cooks

for the sum of
Five Hundred and No/100 ~~partially~~ partially Dollars
besides costs of suit; that said judgment remains ~~wholely~~ unsatisfied and in full force and effect: that
said defendant still owes \$432.60;

Ray E. Loper Lumber Company, a corporation,
supposed to be indebted to or have effects of the said Tommie Cooks
in its possession, or under its control, and that he believes process of
Garnishment against said Ray E. Loper Lumber Company, a corporation,
is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 16
day of April A. D. 19 62

Alice J. Duck
Clerk.

J. Connor Owens, Jr.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT

NO. 3589

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is necessary to obtain satisfaction of said judgment.

Sworn to and subscribed this 16
day of April A. D. 19 62

Alice J. Duck
Clerk.

J. Connor Owens, Jr.

State of Alabama

BALDWIN COUNTY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
NO. 3589TO Tommie Cooks, Defendant.

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

George Garner, Plaintiff,versus Tommie Cooks, et al, DefendantS.now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which Ray E.Loper Lumber Company, a corporation,

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 16day of April, 1962.David J. [Signature]
Clerk of the Circuit Court.