

CAROLYN M. ATHEY,
Plaintiff,
vs.
HERBERT H. LEVINS,
Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY,
ALABAMA
AT LAW
CASE NO. 3675

COUNT ONE

Plaintiff claims of the Defendant the sum of Ten Thousand and No/100 (\$10,000.00) Dollars as damages in this that heretofore on to-wit the 23rd day of August, 1958, the Defendant so negligently operated a motor vehicle southwardly on U. S. Highway 31, a public highway in Baldwin County, Alabama, at a point approximately 1.5 miles North of Bay Minette, Alabama, as to collide with or run against the automobile of the Plaintiff which was then being driven Northwardly on said U. S. Highway 31, and as a proximate consequence thereof Plaintiff's automobile was badly bent, broken and damaged or demolished, rendering the same unfit for use as a motor vehicle, and Plaintiff was badly cut, bruised and battered about the head, body and legs; the bones of her foot were fractured, her left knee was severely lacerated and her right knee was badly bruised and contused, and she was compelled to incur great expense for medical care and attention, and she lost time from her employment, and she suffered great physical pain and mental anguish, all to the injury of the Plaintiff, hence this suit.


ATTORNEYS FOR PLAINTIFF

Plaintiff respectfully requests that this cause be tried by a jury.


ATTORNEYS FOR PLAINTIFF

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Herbert H. Levins

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.....

Herbert H. Levins

....., Defendant.....

by Carolyn M. Athey

....., Plaintiff.....

Witness my hand this 17th day of October 19 58

Augustus Clerk

CAROLYN M. ATHEY,)
Plaintiff,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
HERBERT H. LEVINS,) AT LAW NO. 3675
Defendant.)

PLEAS

Now comes the defendant and for pleas to the complaint, assigns, separately and severally, the following:

1. The defendant saith that he is not guilty of the matters alleged therein.
2. The defendant for answer to the complaint saith that the plaintiff was guilty of negligence which proximately contributed to her alleged injuries and damages in that at the time and place alleged in the complaint she so negligently operated the automobile which she was then and there driving as to cause it to collide with or run against the automobile of the defendant.

J. B. Blackman
Attorney for defendant

FILED
NOV 10 1958
ALICE I. DUCK, CLERK REGISTER

GORDON & JANSEN
ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING

MOBILE II, ALABAMA

October 15, 1958

A. FLETCHER GORDON
VERNOL R. JANSEN, JR.

Mrs. Alice J. Duck
Clerk of Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck

We enclose herewith original and three copies of complaint and summons, together with our firm check in the sum of \$3.00. Please accomplish service of process on the defendant by serving the Secretary of State as provided under Use of Highways law. Please acknowledge receipt of these papers and advise us when service has been accomplished.

With best wishes and kindest personal regards, we remain

Very truly yours,

GORDON & JANSEN

BY 

VRJjr/np
Encl. 2

October 27, 1958

CAROLYN M. ATHEY, Plaintiff
VS
HERBERT H. LEVINS, Defendant

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA AT LAW

CASE NO. 3675

TO THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW:

I, Mary Texas Hurt Garner, Secretary of State, hereby certify that on October 24, 1958 I sent by registered mail in an envelope addressed as follows:

" Herbert H. Levins
Route 6, Box 287
Hattisburg, Mississippi"

"Registered Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

" Herbert H. Levins
Route 6, Box 287
Hattisburg, Mississippi

You will take notice that on October 24, 1958 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: CAROLYN M. ATHEY, Plaintiff VS HERBERT H. LEVINS, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 3675 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 24 day of October 1958

Enclosure (1)

(Signed) Mary Texas Hurt Garner
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on October 27, 1958 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Hattiesbu-g Miss. on 10/25/58

WITNESS MY HAND and the Great Seal of the State of Alabama this the 27 day of October 1958

Mary Texas Hurt Garner
Mary Texas Hurt Garner
Secretary of State



Enclosures: Return Receipt Card and copy of Summons and Complaint.
cc: Honorable Vernol R. Jansen, Jr.
Gordon & Jansen
Attorneys at Law
1607-1610 Merchants National Bank Bldg.
Mobile, 11, Alabama

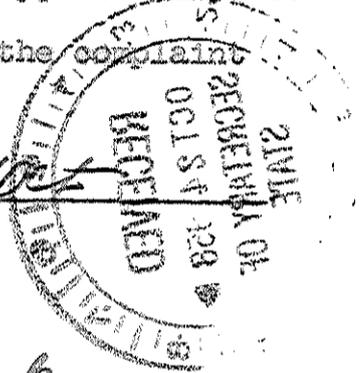
STATE OF ALABAMA)
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Herbert H. Levins to appear within thirty days from 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 Carolyn M. Athey.

WITNESS my hand this 17 day of Oct 1958.



WIRE MAIL REGISTERED CLERK

OCT 14 1958

FILE

David J. [Signature]
CLERK

SHERIFF'S RETURN

Received _____ day of _____, 1958,
and on _____ day of _____, 1958 I
served a copy of the within complaint on Herbert H. Levins
by service on _____.

SHERIFF

1072