

CHARLES W. WILSON, as the)	IN THE CIRCUIT COURT OF
father and next friend of)	
RONNIE WILSON, a minor,)	BALDWIN COUNTY, ALABAMA
Plaintiff,)	AT LAW
Vs)	
DANA PAUL WILCOX,)	
Defendant.)	NO <u>3855</u>

STATE OF ALABAMA
COUNTY OF MOBILE

Comes now Dana Paul Wilcox, and without waiving process or notice of process or service, or any of his rights and privileges, and appears specially and not generally, for the sole purpose of filing this Plea in Abatement in this cause, upon the following separate and several grounds:

1. At the time of the automobile accident, made the basis of this suit, the defendant was a resident of Alabama, residing at Route 1, Robertsdale, Alabama; at the time of the filing of this suit the defendant was a resident of Alabama, ^{his residence} /being Route 1, Robertsdale, Alabama; at the time of the filing of this suit the defendant was a member of the Armed Services of the United States of America, temporarily stationed at Altus Air Force Base, Oklahoma; that he has not secreted nor concealed himself so that process could not be served upon him; that at all times since the date of this accident, namely December 19, 1958, to the date of this Affidavit, ^{as} whatever absence of this defendant from the State of Alabama/has in fact occurred, has been due to reasons over which he has no control, namely his service as a member of the Armed Services of the United States of America; and that he has not been lawfully served with process, and no Summons or Complaint has been lawfully issued or served upon him in this cause.

WHEREFORE, Dana Paul Wilcox prays unto the court that the said service or said attempted service upon him be quashed and vacated; and that this cause or suit be abated.

Dana Paul Wilcox
Dana Paul Wilcox

STATE OF ALABAMA
COUNTY OF MOBILE

Personally appeared before me the undersigned authority Dana Paul Wilcox who being by me first duly sworn, deposes and says that he has personal knowledge of the facts stated in the foregoing Plea in Abatement and that the said statements of fact therein contained are true.

Dana Paul Wilcox
Dana Paul Wilcox

Subscribed and sworn to before me this 11th day of July

1959.

Eleanor Jean Sledge
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

JUL 13 1959

ALICE J. DUCK, CLERK
REGISTER

3855



OFFICE OF THE INSPECTOR GENERAL
U.S. DEPARTMENT OF JUSTICE

MEMORANDUM FOR THE ATTORNEY GENERAL
SUBJECT: [Illegible]

DATE: JUL 13 1959

FILED

JUL 13 1959

ALICE J. DUCK, CLERK
REGISTER

CHIEF OF BUREAU
U.S. DEPARTMENT OF JUSTICE

TO: THE ATTORNEY GENERAL
FROM: [Illegible]
SUBJECT: [Illegible]

DEPT. OF JUSTICE

Very truly yours,
[Illegible Signature]

CHARLES W. WILSON, as the
father and next friend of
RONNIE WILSON, a minor,

Plaintiff,

vs.

DANA PAUL WILCOX,

Defendant.

Y

Y

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE NO.

Comes the Plaintiff in the above styled cause and files this
his motion to strike the plea in abatement filed by the Defendant
in said cause, and assigns the following separate and several
grounds, viz:

1. That such plea does not set out any grounds whereby this
cause or suit may be abated.

2. That the allegations in the plea that the Defendant has
not been lawfully served with a copy of the Summons and Complaint
in said cause is not sufficient grounds to abate the suit.

3. That such plea does now show what type of attempted ser-
vice was had on the Defendant and does not set out sufficient facts
to justify this Court in quashing service.

Filed
1-19-60

Shannon & Stone
Attorneys for Plaintiff

STATE OF ALABAMA

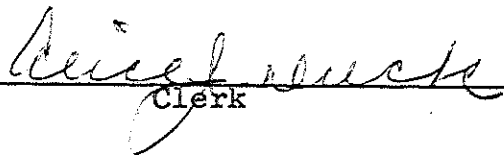
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Dana Paul Wilcox 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 the same, then and there to answer the complaint of Charles W. Wilson, as the father and next friend of Ronnie Wilson, a minor.

Witness my hand on this the 9 day of June, 1959.


Clerk

CHARLES W. WILSON, as the
father and next friend of
RONNIE WILSON, a minor,

Plaintiff,

vs.

DANA PAUL WILCOX,

Defendant.

X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

The Plaintiff claims of the Defendant the sum of Fifteen Thousand Dollars (\$15,000.00) as damages for that on, to-wit: December 19, 1958, on Baldwin County Highway #59, at a point approximately fifty (50) yards West of the intersection of such Highway with U. S. Highway # 90 in Loxley, Baldwin County, Alabama, the Defendant negligently drove an automobile into, upon or against Ronnie Wilson who was on said date approximately four and one-half (4½) years of age and as a proximate result of the negligence of such Defendant the said Ronnie Wilson was injured in this: his nose was badly damaged, he received a severe concussion over his right ear, his forehead was skinned and bruised, his left hip was severely bruised, three of his front teeth were loosened, his sight was impaired by the blow on his head which caused a large knot over his right ear, he was caused to suffer and has continued to suffer severe headaches and he was badly bruised all over his body. He was caused to incur

large medical and hospital expenses. Plaintiff avers that the negligence of the Defendant was the proximate cause of the injuries and damages of the said Ronnie Wilson, hence this suit.


Attorneys for Plaintiff

Plaintiff demands a trial of this
cause by jury.

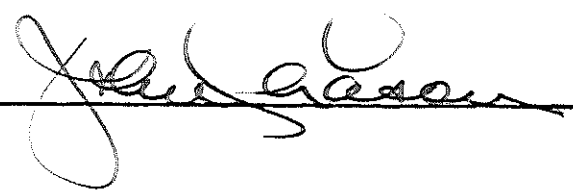

Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared John Chason who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is John Chason; that he is one of the Attorneys of Record for the Plaintiff in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, in which Charles W. Wilson, as the father and next friend of Ronnie Wilson, a minor, is the Plaintiff and Dana Paul Wilcox is the Defendant. That affiant has attempted to ascertain whether the said Dana Paul Wilcox is a resident of Baldwin County, Alabama, or a non-resident of the State of Alabama, and his present address. That affiant is informed and believes and upon such information and belief says that the Defendant Dana Paul Wilcox is a member of the Armed Forces of the United States of America, his present address being Master Sergeant Dana P. Wilcox, 603 Dahlia Avenue, Altus A F B, Oklohama, and affiant does not know where such Defendant claims his place of residence to be or whether he will be absent from the State of Alabama for a period of more than six months but affiant believes that it is necessary to obtain process under the provisions of Title 7, Section 201-202 of the 1940 Code of Alabama and hereby requests the Court to send a copy of the Summons and Complaint filed in said cause to such Defendant by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" with a return receipt demanded.



Sworn to and subscribed before me on
this the 9th day of June, 1959.


Notary Public, Baldwin County, Alabama

FILED

JUN 9 1959

ALICE J. DUCK, CLERK
REGISTER

CHARLES W. WILSON, as the
father and next friend of
RONNIE WILSON, a minor,

Plaintiff,

vs.

DANA PAUL WILCOX,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

FILED

JUN 9 34

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

CHARLES W. WILSON, as the father
and next friend of RONNIE WILSON,
a minor,

Plaintiff,

vs.

DANA PAUL WILCOX,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

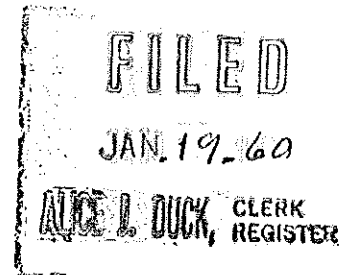
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

MOTION TO STRIKE

* * * * *



LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

2833
CHARLES W. WILSON, as the father
and next friend of RONNIE WILSON,
a minor,

Plaintiff,

vs.

DANA PAUL WILCOX,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

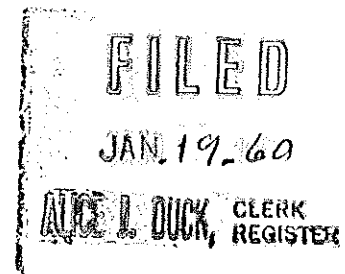
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

MOTION TO STRIKE

* * * * *



LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA