

State of Alabama
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Oran Devan Flowers and Owen.D. Flowers to appear and plead, answer or demur within thirty days to the Bill of Complaint filed in the Circuit Court of said County by Service Fire Insurance Company of New York as Plaintiff and against Oran Devan Flowers and Owen S. Flowers as Defendants.

Witness my hand, this 14 day of July 1959.

Alice J. Luck
Clerk

Service Fire Insurance
Company of New York, *et al.*
Plaintiff

Vs

Oran Devan Flowers and
Owen S. Flowers
Defendants

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 3902

The Plaintiff claims of the Defendants \$239.86, due by Subrogation rights of the Plaintiff, granted by the Defendants to the Plaintiff, on to wit February 20, 1958 by assignment of the rights of recovery of the Defendants to the Plaintiff. The automobile of the Defendants was insured under a policy of collision insurance with Plaintiff Company. On to wit 2/14/1958 said automobile belonging to Defendants was involved in an accident, for which the Defendants collected the sum of \$310.38 from the Alabama Farm Bureau Insurance Company, on to wit 2/18/1958, under a Liability Insurance Policy of the driver of the other automobile involved in said accident. On to wit 2/20/58 the Defendants collected the sum of \$239.86 from the Plaintiff. On to wit 2/20/58, the Defendants ~~collected the sum of \$239.86 from the Plaintiff~~ made the representation to the Plaintiff that they had not made any settlement or received any money in settlement of any claim for damages arising out of said accident. The Defendants signed a loan receipt for the \$239.86 paid them, to the Plaintiff upon Plaintiff paying the \$239.86, as well as signing an assignment of all of their rights of recovery to the Plaintiff. Upon discovery by the Plaintiff that the Defendants had collected from the liability policy of Insurance of the driver of the other car involved in the accident, as well as collecting the \$239.86 on the collision policy issued by the Plaintiff, the Plaintiff demanded a return of the money paid Defendants by Plaintiff, from the Defendants, to which they were entitled under their rights of subrogation, which said demand was refused by the Defendants, hence this suit to recover.

Robert F. McFarley
Attorney for the Plaintiff

Plaintiff demands a trial by jury.

Robert F. McFarley
Attorney for the Plaintiff

Filed
July 14, 1959
E.H. July 18, 1959

3902

Service Fire Insurance
Company of New York

Plaintiff

Vs

Oran Devan Flowers and
Owen S. Flowers

Defendants

Received 14 day of July 1959
and on 18 day of July 1959
I served a copy of the within Oran Devan Flowers
on Owen S. Flowers
by service on _____

TAYLOR WILKINS, Sheriff
By W. A. Talbert D. S.
12 miles north of B.M.

Sheriff claims 48 miles at
Ten Cents per mile Total \$ 4.80
TAYLOR WILKINS, Sheriff
BY Talbert
DEPUTY SHERIFF

Summons and Complaint

FILED
JUL 14 1959

ALICE J. DUCK, Clerk

Phillipsville

SERVICE FIRE INSURANCE
COMPANY OF NEW YORK,

Plaintiff

vs.

ORAN DEWAN FLOWERS and
OWEN S. FLOWERS,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

No. 3902

DEMURRER

Now come the defendants, by their attorney, and demur to the Bill of Complaint filed in this cause and for grounds thereof, assign the following:

1. The Bill of Complaint does not state a cause of action.
2. The said Bill of Complaint does not set out the material portions of the alleged assignment dated February 20, 1958.
3. The said Bill of Complaint does not attach as an Exhibit the alleged assignment dated February 20, 1958.
4. The said Bill of Complaint does not set out the material portions of the alleged loan receipt executed by the defendants.
5. The Bill of Complaint does not set forth the capacity in which the Plaintiff brings this suit.

Filed 4-15-59

W. J. French
clerk

[Signature]
Attorney for Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW NO. 3902

SERVICE FIRE INSURANCE
COMPANY OF NEW YORK,

Plaintiff

vs.

ORAN DEVAN FLOWERS and
OWEN S. FLOWERS,

Defendant

DEMURRER

FILED

AUG 5 1959

ALICE L. DICK, CLERK
REGISTER

LAW OFFICES OF
J. CONNOR OWENS, JR.
101 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA