

LAW OFFICES
JAMES A. BRICE
FOLEY, ALABAMA

JAMES A. BRICE
RICHARD C. LACEY

P. O. Box 298
WHITSHALL 3-3601

September 11, 1959

3978

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

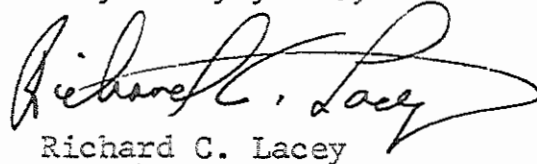
Dear Mrs. Duck:

I am enclosing complaint on behalf of Howard Posey against Lone Star Boat Company. The defendant is a non-resident operator of a motor vehicle and service must be obtained through the Secretary of State. We have been informed by the Secretary of State for the State of Texas that process may be served on the following person:

Franklin R. Valentine, Jr.
403 South Akard
Dallas, Texas

I enclose check for \$3.00 to cover Secretary of State's fee.

Very truly yours,


Richard C. Lacey

RCL/vd

Enclosure

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

POST OFFICE BOX 298

January 2, 1960

WHITEHALL 3-3601

Mrs. Alice J. Duck
~~Circuit Clerk~~
Bay Minette, Alabama

Re: Howard Posey
vs: Lone Star Boat Company
Law No. 3978

Dear Mrs. Duck:

From correspondence with the Secretary of State, I understand that you are holding the Summons and Complaint which she returned.

In order to perfect service through her, I am enclosing an affidavit as to the application of Title 7, Section 193, Code of Alabama 1940. I will appreciate your again forwarding the papers to the Montgomery County Sheriff for service on the Secretary of State.

Very truly yours,


James A. Brice

JAB/vd

Enclosure

January 15, 1960

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA AT LAW.

HOWARD POSEY, individually and d/b/a
POSEY'S LANDING,
Plaintiff

vs

LONE STAR BOAT COMPANY, a corporation,
Defendant

Case No. Not Given

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

I, Bettye Frink, Secretary of State, hereby certify that on January 6, 1960, I sent by registered mail in an envelope addressed as follows:

" Franklin R. Valentine, Jr.
403 South Akard
Dallas, Texas"

"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:

" Franklin R. Valentine, Jr.
403 South Akard
Dallas, Texas"

You will take notice that on January 6, 1960, The Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint and affidavit in a case entitled HOWARD POSEY, individually and d/b/a POSEY'S LANDING, Plaintiff

VS LONE STAR BOAT COMPANY, a corporation, Defendant:

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW.

Case No. Not Given, a true copy of which summons and complaint and affidavit are 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, being under provisions of Title 7, Section 193 of the 1940 Code of Alabama and Supplement thereto.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 6 day of January 1960

(Signed) Bettye Frink
Bettye Frink
Secretary of State

Encs. 2

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 and affidavit in the above-styled cause.

I further certify that on Jan 14 1960, I received the return card, showing receipt by the designated addressee of the aforementioned matter, at Dallas, Tex.

on Jan 12 1960

WITNESS MY HAND and the Great Seal of the State of Alabama this the 15 day of January 1960

cc: Honorable James A. Brice
Attorney at Law
Foley, Alabama

Bettye Frink
Bettye Frink
Secretary of State

Encs. Copy of summons and
complaint and affidavit.

Return Receipt retained by this office in
accordance with said statute.

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 Lone Star Boat Company, a corporation

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 _____

Lone Star Boat Corporation _____, Defendant

by Howard Posey, ind . and d/b/a Posey's Landing

_____, Plaintiff

Witness my hand this 14th day of September 19 59

W. J. Luck _____, Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed: _____ 19__

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19__

, Sheriff

I have executed this summons

this _____ 19__

by leaving a copy with

Sheriff

Deputy Sheriff

AFFIDAVIT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared James A. Brice, who is known to me, and who by me being first duly sworn, doth depose and say: That he is the attorney for the Plaintiff in the case of Howard Posey, individually and d/b/a Posey's Landing vs. Lone Star Boat Company, a corporation, now pending in the Circuit Court of Baldwin County, Alabama; that said corporation has failed to designate the Secretary of State its true and lawful attorney, upon whom all such process, pleadings or papers may be served; that no other such agent has been designated by said corporation; that the provisions set forth in Section 193, Title 7, Code of Alabama 1940 are applicable to this cause.

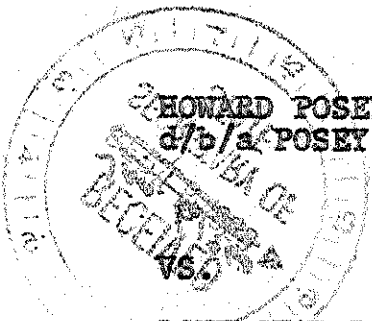
Sworn to and subscribed before me on
this the 14th day of January, 1960.


Notary Public, Baldwin County, Alabama

FILED

JAN * 1960

ALICE L. DICK, CLERK



HOWARD POSEY, individually and
d/b/a POSEY'S LANDING,

Plaintiff,

LONE STAR BOAT COMPANY, a
corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT ONE

Plaintiff claims of the Defendant the sum of Five Hundred and No/100 (\$500.00) Dollars as damages, for that the Defendant, by its agent, servant, or employee, Leslie Sattenfield, did so negligently operate a motor vehicle, heretofore on to-wit: the 28th day of October, 1958, at Gulf Shores, Baldwin County, Alabama, upon the property of the Plaintiff, so as to cause or allow said vehicle to run upon and over a concrete ramp, which is owned by Plaintiff, and as a direct and proximate result of the negligence of the Defendant by its agent, servant, or employee, Leslie Sattenfield, the Plaintiff's concrete ramp was damaged and rendered useless; Plaintiff's business of launching boats from said ramp was interrupted; Plaintiff suffered great expense in repairing said ramp all to Plaintiff's injury, hence this suit.

JAMES A. BRICE

RICHARD C. LACEY

ATTORNEYS FOR PLAINTIFF

DEMAND FOR TRIAL BY JURY

The Plaintiff demands trial by Jury.

Of Counsel

To be served on

Franklin R. Valentine, Jr.

403 South Akard

Dallas, Texas

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-14-2010 BY 60322 UCBAW

THOMAS V. BRICK

FILED
SEP 14 1939
CLERK
ALICE J. DUCK, REGISTER

[illegible]

COPY

A circular stamp from the Secretary of State. The outer ring contains the text "U.S. DEPARTMENT OF STATE" at the top and "WASHINGTON, D.C." at the bottom. The center of the stamp features the words "RECEIVED" and "6/2/50" in a bold, sans-serif font, with a large, stylized "X" or checkmark drawn over them. The stamp is slightly faded and has a textured appearance.

CONFIDENTIAL

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

INDEX

THE CONCORD CORP. OF

HOWARD POSEY, individually
and doing business as
POSEY'S LANDING,

PLAINTIFF,

VS.

LONE STAR BOAT COMPANY, a corp-
oration,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. _____.

DEMURRER

Now comes the defendant in this cause, by its attorney, and demurs to the complaint heretofore filed in this cause and as grounds thereof, assigns the following separately and severally:

1. Said complaint does not state a cause of action.
2. Said complaint does not set out the negligent act complained of.
3. That said complaint affirmatively shows that the accident complained of happened on private property and it does not set out any duty violated by the defendant's agent.
4. For aught it appears a motor vehicle may be operated on a concrete ramp.
5. The complaint alleges no duty owed to the plaintiff by the defendant or the defendant's agent.
6. Said complaint does not allege that the defendant's agent was not an invitee of the plaintiff.
7. Said complaint does not allege that the defendant's agent was not a guest of the plaintiff.

FILED

FEB 24 1960

ALICE A. DUCK, CLERK
REGISTER

James Owens, Jr.
Attorney for defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW NO. 3978

HOWARD POSEY,

Plaintiff

vs.

LONE STAR BOAT COMPANY,

Defendant

DEMURRER

FILED

FEB 24 1960

ALICE E. DICK, CLERK
REGISTER

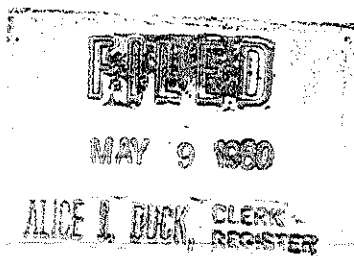
LAW OFFICES OF
J. CONNOR OWENS, JR.

101 COURTHOUSE SQUARE
BAY MINETTE, ALABAMA

HOWARD POSEY, individually) IN THE CIRCUIT COURT OF
and doing business as)
POSEY'S LANDING,) BALDWIN COUNTY, ALABAMA
PLAINTIFF,) AT LAW.
VS.)
LONE STAR BOAT COMPANY, a)
corporation,)
DEFENDANT.)

WITHDRAWAL OF DEMAND FOR TRIAL BY JURY

Comes the Plaintiff by his attorney and withdraws his demand for trial by jury previously filed in this matter.



James A. Quinn
ATTORNEY FOR PLAINTIFF

HOWARD POSEY, indivi-
dually and d/b/a POSEY'S
LANDING,

Plaintiff

vs.

LONE STAR BOAT COMPANY,
a corporation

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

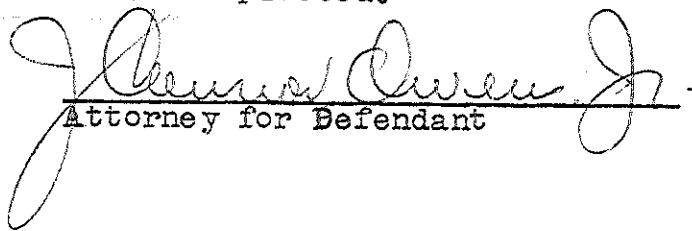
IN LAW NO. _____.

PLEA IN ABATEMENT

Comes the defendant in the above entitled cause, appearing specially and only for the purpose of filing this plea, and says that the plaintiff in this cause ought not to have and maintain its said action for the defendant alleges as follows:

1. That said complaint shows on its face that the injury complained of happened or occurred on private property of the plaintiff.
2. That the defendant corporation was not at the time of the accident or of the filing of this suit, a domestic corporation of the State of Alabama, but alleges that it was and is a corporation organized and existing under the laws of the State of Texas.
3. That the defendant corporation was not at the time of the accident or the filing of this suit doing business within the State of Alabama nor has it at any time had any agent, servant or employee doing business in the State of Alabama, nor has it ever designated any person as agent; nor has such corporation carried on business in the State of Alabama without qualifying to do business as provided by the Constitution and Laws of this State.

Wherefore, the defendant prays that this suit should be abated, and should not be allowed to proceed.


Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared J. Connor Owens, Jr., who being duly sworn, did depose and say as follows: That he is attorney for

the Lone Star Boat Company, a corporation, and that the facts alleged in the Plea of Abatement are true and correct.

James Owen

Sworn to and subscribed before me, the undersigned authority on this the 2nd day of February, 1960.

J. D. Madeline
Notary Public

FILED

FEB 3 1960

ALICE L. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN LAW NO. 3278

HOWARD POSEY individually
and d/b/a POSEY'S LANDING

Plaintiff

vs.

LONE STAR BOAT COMPANY,
a corporation

Defendant

PLEA IN ABATEMENT

FILED

FEB 3 1960

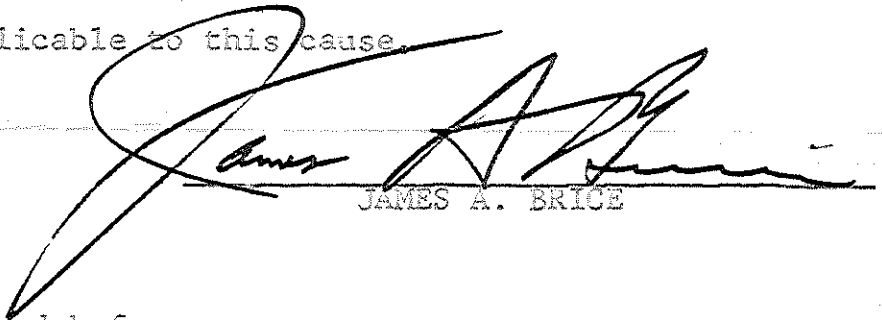
ALICE L. DUCK, CLERK
REGISTER

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


A F F I D A V I T

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared James A. Brice, who is known to me, and who by me being first duly sworn, doth depose and say: That he is the attorney for the Plaintiff in the case of Howard Posey, individually and d/b/a Posey's Landing vs. Lone Star Boat Company, a corporation, now pending in the Circuit Court of Baldwin County, Alabama; that said corporation has failed to designate the Secretary of State its true and lawful attorney, upon whom all such process, pleadings or papers may be served; that no other such agent has been designated by said corporation; that the provisions set forth in Section 193, Title 7, Code of Alabama 1940 are applicable to this cause.


JAMES A. BRICE

Sworn to and subscribed before me on
this the 14th day of January, 1960.


Notary Public, Baldwin County, Alabama

FILED

JAN 14 1960

ALICE J. DUCK, CLERK
REGISTER

HOWARD POSEY, individually and
d/b/a POSEY'S LANDING,

Plaintiff,

VS.

LONE STAR BOAT COMPANY, a
corporation,

Defendant.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

70 3978

COUNT ONE

Plaintiff claims of the Defendant the sum of Five Hundred and No/100 (\$500.00) Dollars as damages, for that the Defendant, by its agent, servant, or employee, Leslie Sattenfield, ^{who was acting} did so negligently operate a motor vehicle, heretofore on to-wit: the 28th day of October, 1958, at Gulf Shores, Baldwin County, Alabama, upon the property of the Plaintiff, so as to cause or allow said vehicle to run upon and over a concrete ramp, which is owned by Plaintiff, and as a direct and proximate result of the negligence of the Defendant by its agent, servant, or employee, Leslie Sattenfield, the Plaintiff's concrete ramp was damaged and rendered useless; Plaintiff's business of launching boats from said ramp was interrupted; Plaintiff suffered great expense in repairing said ramp all to Plaintiff's injury, hence this suit.

James A. Brice
JAMES A. BRICE
Richard C. Lacey
RICHARD C. LACEY
ATTORNEYS FOR PLAINTIFF

DEMAND FOR TRIAL BY JURY

The Plaintiff demands trial by Jury.

Richard C. Lacey
OF Counsel

Montgomery County, Ala.
M. E. Butler, Sheriff
The County of Montgomery, Alabama
do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same is on file in the office of the Sheriff of said County.
Witness my hand and the seal of said County this 28th day of October 1958.
M. E. Butler, Sheriff

the five and scope of his employment.

Returned ~~dated of~~ 195--
 Not found in my County
 after diligent search and
 inquiry.
 M. S. Butler, Sheriff
 of my County
 S. Butler, Sheriff
 195--

No. 3978 Page

The State of Alabama

Baldwin County

CIRCUIT COURT

HOWARD POSEY, ind and d/b/a

POSEY'S LANDING

Plaintiffs

vs.

LONE STAR BOAT COMPANY, a corp

Defendants

Summons and Complaint

Filed 9-14 1959

Arice French Clerk

To be served on;
Franklin R. Valentine, Jr
403 South Akard
Dallas, Texas

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

JAN 6 1960

Received In Office
M. S. BUTLER, Sheriff

RECEIVED IN OFFICE

SEP 16 1959, Sheriff

I have executed this summons

M. S. BUTLER, Sheriff

this 19

by leaving a copy with

Executed by serving 3 copies of

the within on Betty K. Smith

Secretary of State of The State of

Alabama

This the 16 day of Sept 1959

Sheriff of Montgomery County

M. S. Butler,

By *[Signature]* D. S.

The Sheriff claims 2 miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff
Montgomery County, Ala.

Sheriff

Deputy Sheriff

HOWARD POSEY, individually
and doing business as
POSEY'S LANDING,

PLAINTIFF,

VS.

LONE STAR BOAT COMPANY, a
corporation,

DEFENDANT.

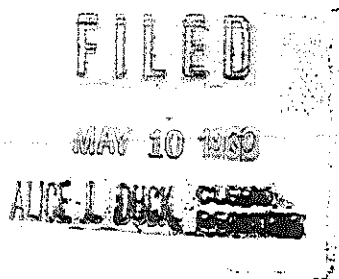
¶
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW No. _____

PLEAS

Comes the Defendant in the above styled cause and
for plea to the complaint filed in said cause, says:

1. That the allegations of the complaint are untrue.
2. Not guilty.



James A. [Signature]
Attorney for Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 3978

HOWARD POSEY, individually
and doing business as
POSEY'S LANDING,

PLAINTIFF,

VS.

LONE STAR BOAT COMPANY, a
corporation,

DEFENDANT.

ANSER

FILED
MAY 10 1980
ALICE L. DUCK, CLERK
REGISTER

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