

3757

February 9, 1959

ISAAC D.L.W. POSTLE, AS ADMINISTRATOR OF  
THE ESTATE OF LUCIUS J. POSTLE, DECEASED,  
Plaintiff

VS

RAY WILSON, Defendant

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

CASE NO. 3757

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

I, Bettye Frink, Secretary of State, hereby certify that on February 4, 1959  
I sent by registered mail in an envelope addressed as follows:

" Ray Wilson  
Steele,  
Missouri"

"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:

" Ray Wilson  
Steele  
Missouri

You will take notice that on February 4, 1959 the Sheriff of Montgomery  
County, Alabama, served upon me, in my official capacity, summons and complaint in a  
case entitled: ISAAC D.L.W. POSTLE, AS ADMINISTRATOR OF THE ESTATE OF LUCIUS  
J. POSTLE, DECEASED, Plaintiff VS RAY WILSON, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW  
Case No. 3757 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 4  
day of February 1959

Enclosure (1)

(Signed) Bettye Frink  
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 February 9, 1959 I received the return card, showing  
receipt by the designated addressee of the aforementioned matter at Steele Mo.  
on 2-7-59

WITNESS MY HAND and the Great Seal of the State of Alabama this the 9 day  
of February 1959

*Bettye Frink*

Bettye Frink  
Secretary of State

Enclosures: Return Receipt Card and copy  
of Summons and Complaint.  
cc: Honorable Harry J. Wilters, Jr.  
Wilters & Brantley  
Attorneys at Law  
Courthouse Square  
Bay Minette, Alabama

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon RAY WILSON 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 ISAAC D.L.W. POSTLE, as Administrator of the estate of Lucius J. Postle, deceased.

WITNESS my hand, this 31 day of August, 1959.

W. J. Postle  
Clerk

ISAAC D.L.W. POSTLE, AS  
ADMINISTRATOR OF THE ESTATE  
OF LUCIUS J. POSTLE, DECEASED,

PLAINTIFF

VS

RAY WILSON

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. \_\_\_\_\_

1.

The Plaintiff, Isaac D.L.W. Postle, as Administrator of the estate of Lucius J. Postle, deceased, claims of the Defendant SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS, as damages for that heretofore on to-wit, the 16th day of October, 1958, the Defendant acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile truck on or along U. S. Highway # 90, a public highway, at or near the point where said highway intersects Baldwin County road # 83, near Robertsdale and in Baldwin County, Alabama; that said automobile truck was driven into or against the automobile the Plaintiff's intestate was driving, at said time and place, and as a proximate result of said negligence the Plaintiff's intestate, Lucius J. Postle, was seriously injured and as a proximate consequence thereof died.

The Plaintiff avers that the said injuries to and death of the Plaintiff's intestate, Lucius J. Postle, were proximately caused by the negligence of the Defendant, Ray Wilson, acting by and through his agent, servant or employee, who was then and there acting within the line and

scope of his employment in so operating said automobile truck along said highway, at said time and place.

2.

The Plaintiff claims of the Defendant SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS as damages for that heretofore on, to-wit, October 16, 1958, the Plaintiff's intestate, Lucius J. Postle, was driving a vehicle in an easterly direction along and upon U. S. Highway # 90; a public highway in Baldwin County, Alabama, at a point in Baldwin County, Alabama, in or near the city of Robertsdale and at or near the point where the said Highway # 90 intersects Baldwin County road # 83; that at said time and place the Defendant's agent, servant or employee, who was then and there acting within the line and scope of his employment so negligently operated the vehicle he was driving as to cause it to run into or against the vehicle the Plaintiff's intestate, Lucius J. Postle, was driving and as a direct proximate consequence of said negligence the Plaintiff's intestate, Lucius J. Postle, was seriously injured and as a proximate consequence thereof died.

3.

The Plaintiff claims of the Defendant SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS as damages for that heretofore on, to-wit, October 16, 1958, the Plaintiff's intestate, Lucius J. Postle, was driving a vehicle in an easterly direction along and upon U. S. Highway # 90; a public highway in Baldwin County, Alabama, at a point in Baldwin County, Alabama, in or near the City of Robertsdale and at or near the point where the said Highway # 90 intersects Baldwin County road # 83; that at said time and place the Defendant's agent, servant or employee, who was then and there acting within the line and scope of his employment unlawfully attempted to pass Lucius J. Postle in a crossing of an intersection of highways and drove his vehicle out of his right half of the highway in violation of Section 10 of Title 36 of the 1940 Code of Alabama as amended, and as a proximate consequence thereof drove his vehicle into the automobile Lucius J. Postle was driving and as a proximate consequence thereof the Plaintiff's intestate, Lucius J. Postle,

was seriously injured and as a proximate consequence thereof died.

Plaintiff avers that the death of Lucius J. Postle, was the proximate result of the negligence of the Defendant's said agent, servant or employee, acting within the line and scope of his employment as such in attempting to pass at an intersection of highways in violation of said Code of Alabama, at said time and place.

323.1  
The Plaintiff avers that the Defendant, Ray Wilson, is and was on the date of said collision to-wit, October 16, 1958, a non-resident of the State of Alabama, and that the present post office address of said Defendant is Steele, Missouri, and the Plaintiff prays that service of process upon the Defendant Ray Wilson, be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

Wilters & Brantley

BY: [Signature]

Attorneys for the Plaintiff

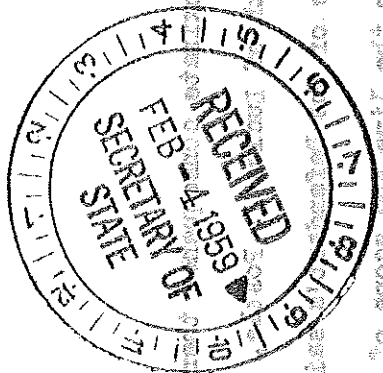
The Plaintiff demands a trial by jury.

Wilters & Brantley

BY: [Signature]

Attorneys for the Plaintiff

3757



and seriously injured and as a result of the injuries sustained by him he died. The plaintiff avers that the death of said employee was the proximate result of the negligence of the defendant in servant of employee, acting within the time and scope of his employment as such in attempting to pass at an intersection of highways in violation of said Code of Virginia, as said time and place.

The plaintiff avers that the defendant, Ray Wilson, is and was on the date of said collision to-wit: October 10, 1928, a non-resident of the State of Virginia, and that the deceased had office address of said State in Special Assessment, and the plaintiff prays that service be made upon the defendant Ray Wilson, and in accordance with the provisions of said Code of Virginia of 1920, Title 1, Section 122. The plaintiff prays that the defendant Ray Wilson, and the plaintiff prays that service be made upon the defendant Ray Wilson, and in accordance with the provisions of said Code of Virginia of 1920, Title 1, Section 122. The plaintiff prays that the defendant Ray Wilson, and the plaintiff prays that service be made upon the defendant Ray Wilson, and in accordance with the provisions of said Code of Virginia of 1920, Title 1, Section 122.

ISAAC D. B. POSTLE, AS ADMR.  
OF THE ESTATE OF LUCIUS J.  
POSTLE, DECEASED.

PLAINTIFF  
VS  
RAY WILSON  
DEFENDANT

BILL COMPLAINT

FILED

JAN 31 1939

JOSEPH A. DUCK, CLERK  
REGISTER

Witness A. Wilson

Approved for the Notary

Witness A. Wilson

Approved for the Notary

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon RAY WILSON 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 ISAAC D.L.W. POSTLE, as Administrator of the estate of Lucius J. Postle, deceased.

WITNESS my hand, this 31 day of January, 1959.

Reed J. Duck  
Clerk

ISAAC D.L.W. POSTLE, AS  
ADMINISTRATOR OF THE ESTATE  
OF LUCIUS J. POSTLE, DECEASED,

PLAINTIFF

VS

RAY WILSON

DEFENDANT

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

NO. \_\_\_\_\_

I.

The Plaintiff, Isaac D.L.W. Postle, as Administrator of the estate of Lucius J. Postle, deceased, claims of the Defendant SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS, as damages for that heretofore on to-wit, the 16th day of October, 1958, the Defendant acting by and through his agent, servant or employee, who was then and there acting within the line and scope of his employment, so negligently operated an automobile truck on or along U. S. Highway # 90, a public highway, at or near the point where said highway intersects Baldwin County road # 83, near Robertsdale and in Baldwin County, Alabama; that said automobile truck was driven into or against the automobile the Plaintiff's intestate was driving, at said time and place, and as a proximate result of said negligence the Plaintiff's intestate, Lucius J. Postle, was seriously injured and as a proximate consequence thereof died.

The Plaintiff avers that the said injuries to and death of the Plaintiff's intestate, Lucius J. Postle, were proximately caused by the negligence of the Defendant, Ray Wilson, acting by and through his agent, servant or employee, who was then and there acting within the line and

scope of his employment in so operating said automobile truck along said highway, at said time and place.

2.

The Plaintiff claims of the Defendant SEVENTY FIVE THOUSAND (\$75,000.60) DOLLARS as damages for that heretofore on, to-wit, October 16, 1958, the Plaintiff's intestate, Lucius J. Postle, was driving a vehicle in an easterly direction along and upon U. S. Highway # 90; a public highway in Baldwin County, Alabama, at a point in Baldwin County, Alabama, in or near the city of Robertsdale and at or near the point where the said Highway # 90 intersects Baldwin County road # 83; that at said time and place the Defendant's agent, servant or employee, who was then and there acting within the line and scope of his employment so negligently operated the vehicle he was driving as to cause it to run into or against the vehicle the Plaintiff's intestate, Lucius J. Postle, was driving and as a direct proximate consequence of said negligence the Plaintiff's intestate, Lucius J. Postle, was seriously injured and as a proximate consequence thereof died.

3.

The Plaintiff claims of the Defendant SEVENTY FIVE THOUSAND (\$75,000.00) DOLLARS as damages for that heretofore on, to-wit, October 16, 1958, the Plaintiff's intestate, Lucius J. Postle, was driving a vehicle in an easterly direction along and upon U. S. Highway # 90; a public highway in Baldwin County, Alabama, at a point in Baldwin County, Alabama, in or near the City of Robertsdale and at or near the point where the said Highway # 90 intersects Baldwin County road # 83; that at said time and place the Defendant's agent, servant or employee, who was then and there acting within the line and scope of his employment unlawfully attempted to pass Lucius J. Postle in a crossing of an intersection of highways and drove his vehicle out of his right half of the highway in violation of Section 10 of Title 36 of the 1940 Code of Alabama as amended, and as a proximate consequence thereof drove his vehicle into the automobile Lucius J. Postle was driving and as a proximate consequence thereof the Plaintiff's intestate, Lucius J. Postle,

was seriously injured and as a proximate consequence thereof died.

Plaintiff avers that the death of Lucius J. Postle, was the proximate result of the negligence of the Defendant's said agent, servant or employee, acting within the line and scope of his employment as such in attempting to pass at an intersection of highways in violation of said Code of Alabama, at said time and place.

The Plaintiff avers that the Defendant, Ray Wilson, is and was on the date of said collision to-wit, October 16, 1958, a non-resident of the State of Alabama, and that the present post office address of said Defendant is Steele, Missouri, and the Plaintiff prays that service of process upon the Defendant Ray Wilson, be had in accordance with the provisions of the Code of Alabama of 1940, Title 7, Section 199.

Wilters & Brantley

BY: 

Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

Wilters & Brantley

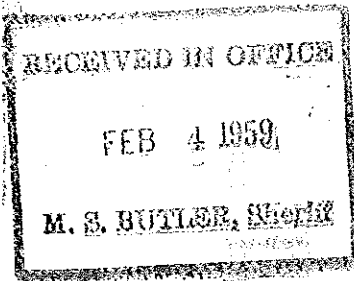
BY: 

Attorneys for the Plaintiff

*Exempted Feb 4, 1959  
sent yd also*



200



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Executed by serving 3 copies of  
the within on Betty Park  
Secretary of State of the State of  
Alabama.

This the 4 day of Feb 1959

Sheriff of Montgomery County  
M. S. Butler,

By Walter Mitchell D. S.

The Sheriff claims 2  
miles at 10c per mile for a total  
of \$ 20

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

3757

*Sum*

ISAAC D.I.W. POSTIE, AS ADMR.  
OF THE ESTATE OF LUCIUS J.  
POSTIE, DECEASED.

PLAINTIFF

VS

RAY WILSON

DEFENDANT

BILL OF COMPLAINT

FILED

JAN 31 1959

ALICE J. DUCK, CLERK  
REGISTER

In the Matter of the Removal  
to the District Court of the  
United States for the Southern  
District of Alabama, Southern  
Division, of the case of:

ISAAC D.L.W. POSTLE, as Administrator  
of the Estate of Lucius J. Postle, Deceased,

Plaintiff,

VS.

RAY WILSON

Defendant.

TO: Hon. Alice Duck  
Clerk, Circuit Court of  
Baldwin County, Alabama

Pursuant to the provisions of law in such cases made and  
provided, there is hereby filed with you a copy of the petition of  
the defendant in the above entitled cause to remove said cause to  
the United States District Court for the Southern Division of the  
Southern District of Alabama. The said petition, accompanied by  
a bond with good and sufficient surety conditioned as is required  
by law, has been this day filed in the said United States District  
Court for the Southern Division of the Southern District of Alabama.

Written notice of the filing of the aforesaid petition and bond  
has been this day mailed to attorney for the plaintiff herein, and  
you are hereby notified that the filing of a copy of the aforesaid  
petition with you as Clerk of the Circuit Court of Baldwin County,  
Alabama, effects the removal of said cause to the aforesaid District  
Court of the United States.

DATED this 24 day of February, 1959.

N B Hand  
Attorney for Defendant  
622 First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

*Filed Feb. 25, 1959*

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ISAAC D.L.W. POSTLE, as :  
Administrator of the Estate of :  
Lucius J. Postle, Deceased, :  
Plaintiff, :

VS. : CIVIL ACTION NO. \_\_\_\_\_

RAY WILSON :  
Defendant. :  
:

PETITION OF DEFENDANT FOR REMOVAL TO UNITED STATES DISTRICT COURT  
TO THE HONORABLE JUDGES OF SAID COURT:

Comes your petitioner, Ray Wilson, defendant in the above styled cause, and respectfully shows unto this Honorable Court as follows:

1. That the defendant, Ray Wilson, is now and was at the time of the commencement of this suit a citizen of the State of Missouri; that the plaintiff, Isaac D.L.W. Postle, as Administrator of the Estate of Lucius J. Postle, Deceased, is now and was at the time of the commencement of the suit a citizen of the State of Alabama; that this is an action brought by a citizen of the State of Alabama against a citizen of the State of Missouri, and is wholly between citizens of different states, and one which can be fully determined between them.

2. That this is a claim for the wrongful death of Lucius J. Postle in an automobile accident alleged to have occurred as a proximate result of the negligence of the defendant.

3. That the amount sued for and involved in this action ex-

ceeds the sum of Ten Thousand Dollars (\$10,000.00), excluding interest; that defendant has filed no pleadings in said cause in the State Court and the time within which this defendant is allowed by law to file its said petition for removal has not expired; and that defendant has a good defense to said cause. Defendant attaches hereto as Exhibit "A" and makes a part hereof, a copy of all process, pleadings and orders purported to have been served upon him in such action.

4. Petitioner desires to remove this action to this court on the ground of diversity of citizenship existing therein between the plaintiff and the defendant, pursuant to the Acts of Congress in that behalf provided. Petitioner, therefore, files and offers herewith bond with good and sufficient surety in the penal sum of Five Hundred Dollars (\$500.00) conditioned that the defendant will pay all costs and disbursements incurred by reason of this said removal proceedings should it be determined that this action was wrongfully or improperly removed to this said court.

5. Petitioner represents that promptly upon the filing of this petition and the said bond filed herewith, this petitioner shall give written notice thereof to the adverse party and shall file a copy of the petition with the Clerk of the Circuit Court of Baldwin County, Alabama, wherein said action is now pending.

WHEREFORE, your petitioner prays that the said bond filed herewith be accepted as good and sufficient and that this court will enter such order or orders as may be proper in the premises.

ISAAC D.L.W. POSTLE, AS ADMINISTRATOR OF THE ESTATE  
OF LUCIUS J. POSTLE, DECEASED VS RAY WILSON

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to  
addressee

☐ Show address where  
delivered

3757

*(Additional charges required for these services)*

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

*Ray Wilson*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DELIVER TO ADDRESSEE ONLY

DATE DELIVERED

ADDRESS WHERE DELIVERED *(only if requested in item #1)*

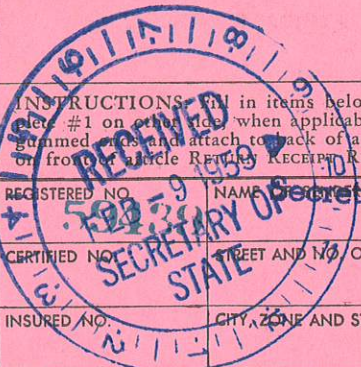
2-7-59

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300

POD Form 3811 Jan. 1958

<p>INSTRUCTIONS: Fill in items below and complete #1 on other side when applicable. Moisten gummed side and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.</p>		<p>POSTMARK OF DELIVERING OFFICE</p> <p>FEB 7 9 AM 1959 MO.</p>
		<p>RETURN TO</p>
REGISTERED NO.	NAME OF PERSON	
CERTIFIED NO.	STREET AND NO. OR P.O. BOX	
INSURED NO.	CITY, ZONE AND STATE	



CSS-16-71548-4

DATED this 24 day of February, 1959.

W B Hand  
Attorney for Ray Wilson  
622 First National Bank Building  
Mobile, Alabama

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA:

COUNTY OF MOBILE:

W. B. Hand, being first duly sworn, deposes and says that he is a member of the Law Firm of Hand, Arendall, Bedsole, Greaves & Johnston, Attorneys for the defendant in the above styled cause, and is authorized to execute this affidavit in behalf of said defendant; that he has read the foregoing petition and knows the contents thereof, and the facts stated therein are true.

W B Hand

Subscribed and sworn to before me

this 24 day of February, 1959.

Dorothy G North  
Notary Public, Mobile County, Alabama.