

COMPLAINT

GENERAL F. MILLER,

PLAINTIFF

VS

GATHER PERKINS AND ROBERT
PERKINS,

DEFENDANTS

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

4552

Plaintiff claims of the Defendants the sum of Five Hundred and NO/100 (\$500.00) Dollars as damages heretofor on, to-wit: the 7th day of July, 1960, the Defendant, Gather Perkins, while acting within the line and scope of his employment as agent, servant or employee of the Defendant, Robert Perkins, so negligently operated a motor vehicle owned by the Defendant, Robert Perkins, northwardly on Chicago Street in the Town of Robertsdale, Baldwin County, Alabama, so as to cause or allow said vehicle to colide with a motor vehicle owned by the Plaintiff and being operated by Dwight Miller southwardly on the said street, where he had a lawful right to be and as a direct and proximate result of the negligence of the Defendants, the Plaintiffs' motor vehicle was damaged in and about the front end, bumper, door, and was greatly damaged, for all of which Plaintiff was caused to incur expenses in the repair of his motor vehicle for all of which Plaitiff claims damages as aforesaid.

James A. B...
Attorney for Plaintiff

FILED

JAN 16 1961

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Gather Perkins and Robert Perkins

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 _____

Gather Perkins and Robert Perkins _____, Defendant. S. _____

by General F. Miller _____

_____, Plaintiff. _____

Witness my hand this 16 day of Jan 1961

Ex 2-9-61

Reingluck, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

General F. Miller

Plaintiffs

vs.

Gather Perkins and

Robert Perkins

Defendants

Summons and Complaint

Filed

FILED

19

JAN 16 1961

Clerk

ALICE J. DUCK, CLERK
REGISTER

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Loxley, Alabama

Received In Office

1-16-, 1961

Sheriff.

I have executed this summons

this

2-91961

by leaving a copy with

Gather Perkins
Robert Perkins

Sheriff claims

80

miles at

8.00

Ten Cents per mile Total \$

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

Edleigh Steadham

Deputy Sheriff.

Loxley, Ala

STATEMENT

LAW OFFICE OF
JAMES A. BRICE

FOLEY, ALABAMA
January 13, 1961

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

ENCLOSURES:

Summons and Complaint-- General F. Miller vs Gather Perkins and
Robert Perkins
Reynolds Bros. Lumber Co. vs Roy Gentry
John Ray Nelson vs Julian C. Kirk
Bon Secour Fisheries vs Kenneth Harms
Ernest E. Gates vs Mrs. Louise Childress
and Tony Ray Hammac
Security Ins. Co. vs Glenn A. Page

GENERAL F. MILLER

Plaintiff

vs

GATHER PERKINS AND
ROBERT PERKINS

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Come the defendants in the above styled cause and for answer to said complaint and to each count thereof and to each phase thereof separately and severally show unto this Honorable Court as follows:

-1-

As to Count I, not guilty.

-2-

Comes defendant, Robert Perkins and without waiving the demurrer heretofore filed to the plaintiff's complaint, and separately to each count thereof, by insisting on said demurrers as a defense to the action of the plaintiff, says that at the time this action was commenced, the plaintiff was indebted to him in the sum of Five Hundred (\$500.00) Dollars, for that on to-wit, July 7, 1960, the said Dwight Miller acting in the line and scope of his employment as the agent, servant or employee of the plaintiff, General F. Miller, so negligently operated a motor vehicle Southwardly on Chicago Street in the Town of Robertsdale, Baldwin County, so as to cause or allow said vehicle to collide with a motor vehicle owned by the said defendant, Robert Perkins, and operated by said defendant, Gather Perkins, where she had a lawful right to be, and as a direct and proximate result of the negligence of the said Dwight Miller, agent, servant or employee of the said plaintiff, said defendant's motor vehicle was greatly damaged in and about the rear of said vehicle damaging the body, frame, fenders and gas tank as well as lights mounted on or about said body, for all of which said defendant, Robert Perkins, was caused to incur said expenses in the repair of said motor vehicle,

Wherefore, defendant claims said sum.

THOMPSON & WHITE

BY:

C. J. Thompson
Attorneys for defendants.

FILED

JUL 24 1960

ALICE J. DUCK, CLERK
REGISTER

GENERAL F. MILLER

Plaintiff

vs

GATHER PERKINS AND ROBERT
PERKINS,

Defendants

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Come the defendants and demur to the complaint filed in
said cause and for demurrer show unto this Honorable Court as fol-
lows:

-1-

That said complaint fails to state a cause of action.

-2-

That said complaint fails to allege that the vehicle
allegedly owned and operated by the said defendants or one of them
was operated on a public highway.

-3-

That said complaint fails to allege where said accident
occurred, to-wit at an intersection, or between intersections, or
at what point on said roadway or street said accident occurred.

-4-

That said complaint fails to allege the time of day at
which said accident occurred.

THOMPSON & WHITE

BY:

LeDoris Thompson
Attorneys for defendants.

FILED

23 1960

ALICE J. DUCK

CLERK
RECEIVED