

ROYAL INDEMNITY COMPANY,
a corporation,

Plaintiff,

VS

OSCAR E. MIDDLETON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
NO. 4367.

COUNT ONE: Plaintiff claims of the Defendant ONE HUNDRED FIFTY ONE AND 93/100(\$151.93) DOLLARS, plus interest, for the breach of the condition of a bond made by the Defendant on the 4th day of June, 1956, payable to the People of the State of California, in the sum of Five Hundred (\$500.00) Dollars, with condition the Defendant would indemnify the Plaintiff for any amounts paid by the Plaintiff for the Defendant as the result of said bond. And the Plaintiff says the condition of said bond was broken by the Defendant in this that the Defendant has failed to indemnify the Plaintiff in the amount of \$151.93 paid by the Plaintiff under the terms and conditions of said bond.

Plaintiff avers that the Defendant did by the terms of said bond agree to pay a reasonable attorney's fee which is \$50.64.

COUNT TWO: Plaintiff claims of the Defendant ONE HUNDRED FIFTY ONE AND 93/100(\$151.93) DOLLARS, for money paid by the Plaintiff for the Defendant on, to-wit: the 7th day of February, 1959, which sum of money, with interest thereon is still due and unpaid.

COUNT THREE: Plaintiff claims of the Defendant THIRTY AND 60/100(\$30.60) DOLLARS, with interest thereon, for the breach of the condition of a bond made by the Defendant on the 4th day of June, 1956, payable to the People of the State of California, in the sum of Five Hundred (\$500.00) Dollars, with condition the Defendant would indemnify the Plaintiff for any amounts paid by the Plaintiff for the Defendant as the result of said bond. And the Plaintiff says the condition of said bond has been broken by the Defendant in this that the Defendant

has failed to indemnify the Plaintiff in the amount of \$30.60 paid by the Plaintiff under the terms and conditions of said bond.

Plaintiff avers that the Defendant did by the terms of said bond agree to pay a reasonable attorney's fee, which is \$1500.

COUNT FOUR: Plaintiff claims of the Defendant THIRTY AND 60/100(\$30.60) DOLLARS, with interest thereon, for money paid by the Plaintiff for the Defendant on, to-wit: the 7th day of February, 1959, which sum of money with the interest thereon is still due and unpaid.

BRUTKIEWICZ & CRAIN

By: Leo L. Crain
Attorneys for Plaintiff

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 Oscar E. Middleton

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 _____

Oscar E. Middleton, Defendant _____

by Royal Indemnity Company, a corporation,

_____, Plaintiff _____

Witness my hand this 2nd day of Aug. 1960

Alice J. Luck, Clerk

No. 4367

Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

ROYAL INDEMNITY COMPANY,

a corporation

Plaintiffs

vs.

OSCAR E. MIDDLETON

Loxley, Alabama

Defendants

Summons and Complaint

Filed

FILED

19

AUG 3 1960

Clerk

ALICE J. DUCK, Clerk

BRUTKIEWICZ & CRAIN

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

8/3 1960

Sheriff

I have executed this summons

this

8-4

1960

by leaving a copy with

Oscar E. Middleton

Sheriff claims 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY

Edleigh Steadman
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Edleigh Steadman Deputy Sheriff

Loxley, Ala

ROYAL INDEMNITY COMPANY
a Corporation,

Plaintiff

VS

OSCAR E. MIDDLETON

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4367

DEMURRERS

Comes now the Defendant, Oscar E. Middleton, in the above styled cause, and demurs to the Plaintiff's Complaint, and to each count thereof separately, and assigns the following grounds for demurrers:

I

The following demurrers are directed to Counts One and Three of the Plaintiff's Complaint:

1. Counts One and Three do not state a cause of action.
2. Defendant cannot determine from the pleading what he is called on to defend.

3. Said counts are ambiguous.

II.

The following demurrers are directed to Counts Two and Four of the Plaintiff's Complaint:

1. For aught appearing, the Plaintiff voluntarily paid the money for the defendant which is now sued for.
2. Said counts fail to show the Defendant requested the Plaintiff to pay the moneys sued for.

WILTERS, BRANTLEY & NESBIT

BY: Phillip S. Nesbit

Attorneys for Defendant

The Defendant demands

a trial by Jury.

WILTERS, BRANTLEY & NESBIT

By: Phillip S. Nesbit

Attorneys for Defendant

FILED

AUG 31 1960

ALICE J. DUCK, Clerk

NO. 4367

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BALDWIN COUNTY, ALABAMA

AT LAW

ROYAL INDEMNITY COMPANY
a Corporation

Plaintiff

VS

OSCAR E. MIDDLETON

Defendant

FILED

AUG 31 1960

ALICE L. DUCK, Clerk

DEMURRERS

BRUTKIEWICZ & CRAIN
Attorneys for Plaintiff
Mobile, Alabama

WILTERS, BRANTLEY & NESBIT
Attorneys for Defendant
Robertsdale, Alabama