

EDWIN N. OLSON,

Plaintiff,

vs.

GULF TELEPHONE COMPANY,
A Corporation,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause, by his attorneys, and amends the complaint heretofore filed by him so that the same shall read as follows:

COUNT ONE

The Plaintiff claims of the Defendant Twenty-five Thousand Dollars (\$25,000.00) as damages for that on, heretofore, to-wit: the 12th day of May, 1959, at or about 5:00 A. M. the Plaintiff was operating a motor vehicle in an Easterly direction on U. S. Highway #90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet East of the intersection of said U. S. Highway #90 with the Old Loxley Road, at which time and place a telephone or power pole owned or maintained by the Defendant and situated on the North edge of said highway to which there was attached a wire cable which crossed said highway in a Southwesterly-Northeasterly direction at said point fell and caused said wire cable to fall across said highway in front of and in the path of the motor vehicle being operated by the Plaintiff and to come in contact with said motor vehicle causing it to be diverted from its path of travel in a Northeasterly direction into a ditch or embankment located along the North edge of said highway. And the Plaintiff alleges that it was the duty of the Defendant to keep and maintain said poles and the lines and wires attached thereto or suspended therefrom in a safe condition so as not to injure or damage persons while traveling along said highway and that said telephone or power pole fell or was caused to fall by the negligence of the Defendant in failing to maintain said power pole in a safe condition. And the Plaintiff further alleges that as a proximate consequence and result of the negligence of the Defendant aforesaid, he suffered serious

personal injuries in this: a fracture of the right scapula; fractures of the second, third, fourth and fifth right ribs; his left thumb was injured; his right shoulder was injured; he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries; and he was caused to lose time from his work; all to the damage of the Plaintiff as aforesaid, wherefore he brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) for that on, heretofore, to-wit: the 12th day of May, 1959, the Defendant so negligently maintained a telephone or power line and the poles supporting the same along the North edge of U. S. Highway #90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet East of the intersection of said Highway with the Old Loxley Road, as to cause or allow one of said telephone or power poles to fall and thereby cause a wire cable to fall across said highway in front of and to come in contact with the front end of a motor vehicle then and there being operated by the Plaintiff in an Easterly direction along said U. S. Highway #90; and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the Plaintiff's automobile was forced into a ditch or embankment along the North edge of said highway and the Plaintiff was caused to suffer serious personal injuries in this: a fracture of the right scapula; fractures of the second, third, fourth and fifth right ribs; his left thumb was injured; his right shoulder was injured; he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries; he was caused to lose time from his work. And the Plaintiff alleges that it was the duty of the Defendant to keep and maintain said poles and the lines and wires attached thereto or suspended therefrom in a safe condition so as not to injure or damage persons while traveling along said highway and that all of his said injuries and damages were the proximate consequence

and result of the negligence of the Defendant, aforesaid, wherefore he brings this suit and asks judgment in the above amount.

COUNT THREE

The Plaintiff claims of the Defendant Twenty-five Thousand Dollars (\$25,000.00) as damages for that on, heretofore, to-wit: the 12th day of May, 1959, the Defendant owned and operated a telephone line or lines in Baldwin County, Alabama, which were attached to or suspended from poles running along the side of and adjacent to U. S. Highway #90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet East of the intersection of said U. S. Highway #90 with the Old Loxley Road and at said time and place the wires of the Defendant company were suspended diagonally across said public highway between poles on the opposite sides of the travelled portion of said highway. That the Defendant so negligently and carelessly maintained its telephone lines and wires at this point as to cause or allow the poles upon which said lines and wires were strung to become unfit, rotten and decayed and thereby rendered insufficient and inadequate to hold the wires and lines strung thereon. That on said date the Plaintiff, not knowing of the existence of said wires or of the dangerous condition of the poles upon which the same were strung, was traveling in an Easterly direction along said highway and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the wires or lines of the Defendant fell across said highway immediately in front of the motor vehicle being operated by the Plaintiff causing said motor vehicle to come in contact with said wires or line and forcing it into a ditch or embankment along the North edge of the traveled portion of said highway. And as a proximate consequence and result of the negligence of the Defendant, aforesaid, the Plaintiff sustained serious personal injuries in this: a fracture of the right scapula; fractures of the second, third, fourth and fifth ribs; his left thumb was injured; his right shoulder was injured, he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries and he was caused to lose time from his work. And

the Plaintiff alleges that all of his said injuries and damages were the proximate consequence and result of the negligence of the Defendant, aforesaid, wherefore he bring this suit and asks judgment in the above amount.

COUNT FOUR

The Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) for that on, heretofore, to-wit: the 12th day of May, 1959, the Defendant wantonly injured the Plaintiff in this: the Defendant owned and maintained on said date the telephone line or cable along the North edge of U. S. Highway #90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet East of the intersection of said highway with the Old Loxley Road, and permitted or allowed one of the poles to become rotten and decomposed to such an extent that said pole and the wires and cables attached thereto fell and thereby caused a wire messenger and the cable attached thereto to fall across said highway in front of and to come in contact with the front end of a motor vehicle being then and there operated by the Plaintiff in an Easterly direction along said U. S. Highway #90 in such a manner as to throw or divert the said automobile into a ditch or embankment along the North edge of said highway; and the Plaintiff further alleges that the Defendant had knowledge of the defective and dangerous condition of said pole and knew that the failure to correct said defect would be likely to and probably would result in injury to persons using said highway but the Defendant, through reckless indifference to the consequences and after notice and knowledge of such condition consciously and intentionally failed to correct said defect; and as a proximate consequence and result of said wanton misconduct of the Defendant aforesaid, the Plaintiff suffered the following injuries and damages: a fracture of the right scapula; fractures of the second, third, fourth and fifth right ribs; his left thumb was injured; his right shoulder was injured; he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries and he was caused to lose time from his work; wherefore he brings this suit and asks judgment in the above amount.

LYONS, PIPES & COOK

and

CHASON & STONE

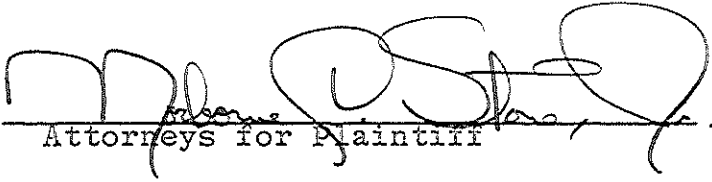
By:


Attorneys for Plaintiff,

Plaintiff demands a trial of this cause
by a jury.

CHASON & STONE

By:


Attorneys for Plaintiff

FILED

AUG 8 1960

ALICE J. BUCK, Clerk

EDWIN N. OLSON,

Plaintiff,

vs.

GULF TELEPHONE COMPANY, A
Corporation,

Defendant

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

AMENDED COMPLAINT

* * * * *

FILED

AUG 8 1960

PAUCE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
W. C. BOONE, JR.
DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

April 15, 1960

Miss Alice Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: Edwin N. Olson v. Gulf Telephone Company
Case No. 4218 - At Law

Dear Miss Duck:

Enclosed are the original and one copy of my
demurrer to the complaint which I would appreciate
your filing on behalf of the defendant.

Many thanks for your help.

Yours very truly,



For the Firm

PB/js

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEX F. LANKFORD, III
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.
J. THOMAS HINES, JR.
W. C. BOONE, JR.
DONALD F. PIERCE

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

August 24, 1960

Miss Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

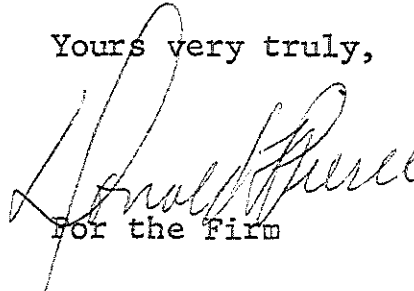
Re: Olson v. Gulf Telephone Company
Case No. 4218 - At Law

Dear Miss Duck:

Enclosed is the answer in the above case, which I would appreciate your filing.

Many thanks.

Yours very truly,


For the Firm

DFP/js

P. S. Please notice that service has been accepted
by Mr. Cook, plaintiff's attorney.

EDWIN N. OLSON,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA.
)	
vs.)	
	)	AT LAW
GULF TELEPHONE COMPANY,)	
a corporation,)	
)	
Defendant.	)	CASE NO. 4218

D E M U R R E R

Comes now each of the following defendants, separately and severally, Gulf Telephone Company, a corporation, and demurs to the complaint as a whole and to each count of the complaint filed therein, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

- 1) That it does not state facts sufficient to constitute a cause of action against this defendant.
- 2) For that negligence is therein alleged merely as a conclusion of the pleader.
- 3) For that it is vague, indefinite and uncertain, in that it does not apprise this defendant with sufficient certainty against what act or acts of negligence defendant is called on to defend.
- 4) For that it does not appear with sufficient certainty what duty, if any, this defendant may have owed to the plaintiff.
- 5) For that it does not appear with sufficient certainty wherein this defendant violated any duty owed by defendant to the plaintiff.

6) For that it does not sufficiently appear that this defendant owed any duty to the plaintiff which defendant negligently failed to perform.

7) For that the averments set up, if true, do not show any liability on the part of this defendant.

8) No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of this defendant.

9) For that no facts are alleged showing that the defendant was under any duty to maintain said pole.

10) For that each alternative allegation does not state a cause of action against this defendant.

11) For that each alternative averment does not show that this defendant owed any duty to plaintiff which defendant negligently failed to perform.

12) For that no facts are alleged to show that defendant had any duty to maintain said telephone or power line.

13) For that it is not alleged that the defendant owned the pole or poles which alleged fell.

14) For that no facts are alleged showing that this defendant was under any duty to maintain or care for the pole or poles supporting said telephone or power line or lines.

15) For aught appearing this defendant did not own the pole or poles supporting said line or lines.

16) For aught appearing, this defendant had no right to maintain said pole or poles supporting said telephone or power line or lines.

Paul W. Brook

Attorney for Defendant

FILED

APR 18 1960

ALICE L. DUCK, CLERK
REGISTER

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Gulf Telephone Company, a corporation, 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 same, then and there to answer the complaint of Edwin N. Olson.

Witness my hand this 24 day of March, 1960.


Clerk

EDWIN N. OLSON,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
	I	AT LAW
GULF TELEPHONE COMPANY,	I	
A Corporation,	I	
Defendant.	I	

COUNT ONE:

The Plaintiff claims of the Defendant Twenty-five Thousand and Dollars (\$25,000.00) as damages for that on, heretofore, to-wit: the 12th day of May, 1959, at or about 5:00 A. M. the Plaintiff was operating a motor vehicle in an Easterly direction on U. S. Highway #90 in Baldwin County, Alabama, at a point approximately 300 feet East of the intersection of said U. S. Highway #90 with the old Loxley Road, at which time and place a telephone or power pole owned or maintained by the Defendant and situated on the North edge of said Highway to which there was attached a wire cable which crossed said highway in a Southwesterly-Northeasterly direction at said point fell and caused said wire cable to fall across said Highway in front of and in the path of the motor vehicle being operated by the Plaintiff and to come in contact with said motor vehicle causing it to be diverted from its path of travel in a Northeasterly direction into a

ditch or embankment located along the North edge of said Highway. And the Plaintiff alleges that said telephone or power pole fell or was caused to fall by the negligence of the Defendant in failing to maintain said power pole in a safe condition. And the Plaintiff alleges that as a proximate consequence and result of the negligence of the Defendant, aforesaid, he suffered serious personal injuries in this: a fracture of the right scapula; fractures of the second, third, fourth and fifth right ribs; his left thumb was injured; his right shoulder was injured; he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries; and he was caused to lose time from his work; all to the damage of the Plaintiff as aforesaid, wherefore he brings this suit and asks judgment in the above amount.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) for that on, heretofore, to-wit: the 12th day of May, 1959, the Defendant so negligently maintained a telephone or power line along the North edge of U. S. Highway #90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet East of the intersection of said Highway with the old Loxley Road, as to cause or allow said telephone or power pole to fall and thereby cause a wire cable to fall across said Highway in front of and to come in contact with the front end of a motor vehicle then and there being operated by the Plaintiff in an Easterly direction along said U. S. Highway #90; and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the Plaintiff's automobile was forced into a ditch or embankment along the North edge of said Highway and the Plaintiff was caused to suffer serious personal injuries in this: a fracture of the right scapula; fractures of the second, third, fourth and fifth right ribs; his left thumb was injured; his right shoulder was injured; he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries; and he was caused to lose time from his work. And the Plaintiff alleges that

all of his said injuries and damages were the proximate consequence and result of the negligence of the Defendant, aforesaid, wherefore he brings this suit and asks judgment in the above amount.

COUNT THREE:


The Plaintiff claims of the Defendant Twenty-five Thousand Dollars (\$25,000.00) as damages for that on, heretofore, to-wit: the 12th day of May, 1959, the Defendant owned and operated a telephone line or lines in Baldwin County, Alabama, which were strung upon poles running along the side of and adjacent to U. S. Highway #90 at a point approximately 300 feet East of the intersection of said U. S. Highway #90 with the Old Loxley Road and at said time and place the wires of the Defendant company were strung and erected diagonally across said public highway between poles on the opposite sides of the travel portion of said Highway. That the defendant had so negligently and carelessly maintained its telephone lines and wires at this point as to cause or allow the same poles upon which said lines and wires were strung to become unfit, rotten and decayed and thereby rendered insufficient and inadequate to hold the wires and lines strung thereon. That on said date the Plaintiff, not knowing of the existence of said wires or of the dangerous condition of the poles upon which the same were strung was traveling in an Easterly direction along said Highway and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the wires or lines of the Defendant fell across said Highway immediately in front of the motor vehicle being operated by the Plaintiff causing said motor vehicle to come in contact with said wires or lines and forcing it into a ditch or embankment along the North edge of the traveled portion of said Highway. And as a proximate consequence and result of the negligence of the Defendant, aforesaid, the Plaintiff sustained serious personal injuries in this: a fracture of the right scapula; fractures of the second, third, fourth and fifth right ribs; his left thumb was injured; his right shoulder was injured, he was caused to suffer and still suffers great mental pain and anguish on account of his said injuries; he was caused to incur medical, hospital and drug bills in and about the care and treatment of his said injuries; and he was caused to lose time from his work. And the Plaintiff alleges that all of his said injuries and damages were the

proximate consequence and result of the negligence of the Defendant, aforesaid, wherefore he brings this suit and asks judgment in the above amount.

LYONS, PIPES & COOK


and

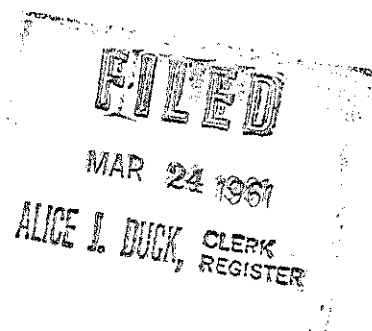
CHASON & STONE

By: 
Attorneys for Plaintiff

Plaintiff demands a trial of this cause by a jury.

CHASON & STONE

By: 
Attorneys for Plaintiff



EDWIN N. OLSON,
Plaintiff,

VS.

GULF TELEPHONE COMPANY, A Cor-
poration,
Defendant.

IN THE CIRCUIT COURT OF
BALDWINCOUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

Executed March 25 1961
a serving copy of within Summons and
Complaint on

Gulf Tele. Co.
John Brooks V.P.

Reggie Wilkins Sheriff
By Charles Wilkins Deputy Sheriff

Arday

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Taylor Wilkins
DEPUTY SHERIFF

FILED
MAR 24 1961
ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

EDWIN N. OLSON,	)	IN THE CIRCUIT COURT OF
)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
)	
vs.	)	AT LAW
)	
GULF TELEPHONE COMPANY,	)	CASE NO. 4218
a corporation,)	
)	
Defendant.)	

AMENDED DEMURRER

Comes now the defendant and demurs to the amended complaint as a whole and to each count thereof, separately and severally, and, for separate and several grounds of demurrer, does separately and severally assign each ground of demurrer heretofore filed and, for further additional separate and several grounds of demurrer does separately and severally assign the following:

17. For that said count is ambiguous.

18. For that the alleged failure of the defendant to maintain its telephone lines and wires could not cause the poles upon which they were strung to become rotten and decayed.

19. For that the allegation that said poles became rotten and decayed because of the failure of the defendant to maintain its telephone lines and wires constitute merely the conclusion of the pleader, with insufficient facts being alleged in support thereof.

20. For that the allegations of said count constitute merely the conclusions of the pleader, with insufficient facts being alleged in support thereof.

21. For that the allegation "that it was the duty of the defendant to keep and maintain said poles" constitutes merely the conclusion of the pleader, with insufficient facts being alleged in support thereof.

22. For that the allegation that "it was the duty of the defendant to keep and maintain said poles and the lines and wires attached thereto or suspended therefrom in a safe condition" constitutes merely the conclusion of the pleader, with insufficient facts being alleged in support thereof.

23. There is no allegation of a wanton act committed by this defendant.

24. There is no allegation of a wanton injury committed by this defendant.

25. It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.

26. No facts are alleged to show that the defendant owed any duty not to permit or allow one of said poles to become rotten and decomposed.

27. There is no allegation that the defendant had knowledge of the alleged defective and dangerous condition in time to remedy the same in the exercise of due care prior to the occurrence of said accident.

28. For that said count attempts to set forth the quo modo of said wantonness and the facts alleged do not constitute wanton misconduct.

W. C. Boone, Jr.
Attorney for Defendant

of Counsel:
Hard, Rendall, Bedale, Meade &
Johnston

FILED

AUG 12 1910

ALICE J. DUCK, CLERK
REGISTER

EDWIN N. OLSON,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	BALDWIN COUNTY, ALABAMA.
VS.)	
	)	AT LAW
GULF TELEPHONE COMPANY,)	
a corporation,)	
Defendant.	)	CASE NO. 4218

A N S W E R

Comes now the defendant in the above cause and, for answer to the complaint filed herein and to each count thereof, separately and severally, does file the following separate and several pleas:

1. Not guilty.

2. At the time and place complained of, to-wit, May 12, 1959, on U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet east of the intersection of said U. S. Highway 90 with the Old Loxley Road, the plaintiff so negligently operated the motor vehicle described in said count that it collided with the line, wire, cable or pole referred to in said count, and plaintiff proximately contributed to the injuries and damages complained of by him and hence, he ought not recover.

3. Defendant avers that the injuries and damages complained of by the plaintiff resulted from a collision involving the motor vehicle driven by the plaintiff and one or more lines, wires, cables or poles. Said pole was, at the time and place complained of, owned by the Town of Robertsdale, Alabama. The plaintiff did, on or about, to-wit, the 2nd day of May,

1960, for the consideration of, to-wit, Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) paid to him by the Town of Robertsedale, duly execute a written instrument, a copy of which is attached hereto as Exhibit A, which instrument is a technical release or covenant not to sue under seal, and hence, the plaintiff ought not recover.

4. In mitigation, defendant avers that the injuries and damages complained of by the plaintiff resulted from a collision involving the motor vehicle driven by the plaintiff and one or more lines, wires, cables or poles. Said pole was, at the time and place complained of, owned by the Town of Robertsedale, Alabama. The plaintiff did, on or about, to-wit, the 2nd day of May, 1960, for the consideration of, to-wit, Two Thousand Five Hundred and No/100 Dollars (\$2,500.00), paid to him by the Town of Robertsedale, duly execute a written instrument, a copy of which is attached hereto as Exhibit A, and which was given under seal, and hence, the plaintiff's action against the defendant is barred pro tanto.

5. Defendant, pleading specially by way of recoupment, sues to recover from the plaintiff the sum of One Thousand Two Hundred Fifty and No/100 Dollars (\$1,250.00) as damages for that, at the time and place complained of in said count, the plaintiff so negligently operated his automobile upon said U. S. Highway 90, a public highway in Baldwin County, Alabama, at a point approximately 300 feet east of the intersection of said U. S. Highway 90 with the Old Loxley Road,

that it came into contact with, or otherwise caused damage to, one or more wires, lines or cables of the defendant, and as a proximate result and consequence of said negligence of the plaintiff, the defendant was damaged by having one or more of its said wires, lines or cables and other personal property used in connection with its system of telephone lines, including, but not being limited to, anchors, bolts, washers, clamps, insulators, sleeves, spacers and supports, destroyed or damaged.

Paul W. Brock
Paul W. Brock

Donald F. Pierce
Donald F. Pierce

OF COUNSEL

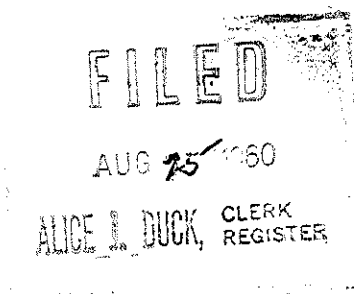
HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

Defendant respectfully demands that this cause be tried by jury.

Paul W. Brock
Paul W. Brock

Donald F. Pierce
Donald F. Pierce

Service Accepted
[Signature]
8-24-60



COVENANT NOT TO SUE

I, Edwin N. Olson of 1151 Belle Court Drive, Mobile, Alabama in the County of Mobile and State of Alabama, individually and for my heirs, executors and administrators, in consideration of Twenty Five Hundred and No/100 (\$2500.00) Dollars to me paid by the Town of Robertsdale, Alabama, a municipal corporation, the receipt of which is hereby acknowledged, do by this instrument covenant with the said Town of Robertsdale forever to refrain from instituting, pressing or in any way aiding any claim, demand, action or cause of action against it, for damages, cost, loss of service, expenses or compensation for, on account of, or in any way growing out of, or hereafter to grow out of an accident which happened to Edwin N. Olson on or about the 12th day of May, 1959 on U. S. Highway 90 at a point approximately 300 feet east of the intersection of the said U. S. Highway 90 with the old Loxley Road, in the County of Baldwin, State of Alabama.

It is expressly understood and agreed that the operation of this instrument is limited solely to the Town of Robertsdale, a municipal corporation; and this instrument shall in no event be construed as a release of any person, firm or corporation who is or might be liable to Edwin N. Olson for his injuries and damages arising out of the aforesaid accident.

WITNESS my hand and Seal this 9th day of May 1960.

/s/ Edwin N. Olson (L.S.)

IN PRESENCE OF:

Mary Armstrong
Walter M. Cook