

THE STATE OF ALABAMA

BALDWIN
Montgomery County

To any Sheriff of the State of Alabama—GREETING:

You are Hereby Commanded to Summon

JOHN G. PETURIS

BALDWIN

to appear before the Circuit Court of ~~Montgomery~~ County, in and for said County, at the place of holding the same, within thirty days from the service of this summons and complaint, then and there to demur or plead to the complaint of

JEAN H. PARTIN, as Administratrix of the Estate of Joe Frank Partin, Deceased.

And you are hereby commanded to execute this process instanter and make return as required by law.

Witness my hand this 15th day of

May 19 61

Clerk.

COMPLAINT

THE STATE OF ALABAMA
BALDWIN
Montgomery County, Alabama

In the Circuit Court of ~~BALDWIN~~
County

JEAN H. PARTIN, as Administratrix
of the Estate of Joe Frank
Partin, deceased.

VS.

Term, 19

JOHN G. PETURIS

Plaintiff

COUNT I

Defendant

The plaintiff ~~claim of the Defendant~~ who sues as Administratrix of the Estate of Joe Frank Partin, deceased, claims of the Defendant, the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS as damages for that she avers that on, to-wit: July 25, 1960, Plaintiff's intestate, was lawfully operating a motorcycle on U. S. Highway #31, approximately 1.7 miles north of the Malbis Cut-off, a public road, in Baldwin County, Alabama, and at said time and place the Defendant, John G. Peturis, so negligently operated a motor vehicle that it collided with the motorcycle which Plaintiff's intestate was operating, and as a proximate result and consequence of said negligence, Joe Frank Partin, deceased, was caused to be crushed and mangled so that the said Joe Frank Partin, Plaintiff's intestate, died as a proximate result and consequence of said negligence aforesaid of the said John G. Peturis, for all of which she claims damages as aforesaid, hence this suit.

COUNT II

The Plaintiff who sues as Administratrix of the Estate of Joe Frank Partin, deceased, claims of the Defendant, the sum of ONE HUNDRED THOUSAND AND NO/100 (\$100,000.00) DOLLARS as damages for that she avers that on, to-wit: July 25, 1960, Plaintiff's intestate, was lawfully operating a motorcycle on U. S. Highway #31, approximately 1.7 miles north of the Malbis Cut-off, a public road, in Baldwin County, Alabama, and at said time and place the Defendant, John G. Peturis, so wantonly operated a motor vehicle that it collided with the motorcycle which Plaintiff's intestate was operating, and as a proximate result and consequence of said wanton conduct, Joe Frank Partin, deceased, was caused to be wantonly crushed or mangled so that the said Joe Frank Partin,

Plaintiff's intestate, died as a proximate result and consequence of the said wanton conduct aforesaid of the said John G. Peturis, for all of which she claims damages as aforesaid, hence this suit.

HILL, ROBISON AND BELSER

By: *W. H. Robison*
Attorneys for Plaintiff

Plaintiff demands a trial by jury in this cause.

HILL, ROBISON AND BELSER

By: *W. H. Robison*

FILED

MAY 15 1961

ALICE L. DUCK, CLERK
REGISTER

We the jury find for
the defendant
Leroy C. Christnach
foreman
(see given charge)

Received in office 15th day of
May 1961

Taylor Wilkins Sheriff.

Executed by serving copy
of the within Summons and Complaint on
John G. Peturis
Defendant this the 16th day of
May 1961

Taylor Wilkins Sheriff.

By
Edleigh Steadham

Belforest, Ala

Sheriff claims 50 miles at

Ten Cents per mile Total \$5.00.
TAYLOR WILKINS, Sheriff

BY E. S.
DEPUTY SHERIFF

No. 4702

JEAN H. PARTIN, as Administratrix
of the Estate of Joe Frank Partin,
deceased,
Plaintiff,

vs.

JOHN G. PETURIS, Daphne, Alabama,
Defendant.

CIRCUIT COURT
BALDWIN
OF MONTGOMERY COUNTY

Term, 19

SUMMONS AND COMPLAINT

Filed in office this FILED day of

MAY 15 1961 A. D. 19

ALICE J. DUCK, CLERK
REGISTER Clerk.

HILL, ROBISON AND BELSER
P. O. Box 901, Montgomery, Ala.
Plaintiff's Attorney.

MARSHALL-McELVY

We the jury find for the defendant.

Leroy C. Christnach
Foreman.

vs. John C. Peturis

JURY LIST - SPRING SESSION - MARCH 12, 1962

1. Christnacht, Leroy, Civil Service, Lillian
2. Gabaniss, Ray, Newport, Bay Minette
3. Byrd, Carl, Civil Service, Stapleton
4. Bryars, Rudolph M., Brookley Field, Bay Minette
5. Bryhn, Vernon A., Farmer, Elberta
6. Beasley, Wilson C., Merchant, Bay Minette
7. Bishop, Clarence, Farmer, Fairhope
8. Bloxham, Walter, Farmer, Fairhope
9. Brock, L. B., Farmer, Robertsdale
10. Gilbert, B. B., Mechanic, Bay Minette
11. Good, Joe, Farmer, Elberta
12. Crook, Prince, Laborer, Bay Minette
13. Guenther, Paul O., Civil Service, Foley
14. Gullledge, Carl, REA, Robertsdale
15. Akers, Redus M., Insurance, Bay Minette
16. Martin, Albert D., Newspaper, Bay Minette
17. Coleman, John E., Farmer, Bay Minette
18. Corley, Herace, W., Brookley Field, Bay Minette
19. Epperson, Edwin, Civil Service, Foley
20. Erdmann, Rudolph C., Plumber, Mag. Spgs.
21. Fell, Russell, Civil Service, Lillian
22. Hill, Robert, Merchant, Loxley
23. Jaye, James J., Farmer, Rabon
24. Jordan, Green, Merchant, Bay Minette
25. Kane, James, Farmer, Loxley
26. Keenan, Ruben A., Oil Dealer, Robertsdale
27. Keuler, Albert, Salesman, Loxley
28. King, Horace, E., Farmer, Mag. Spgs.
29. King, Vernon, Farmer, Robertsdale
30. Stucki, Alfred, Locker Plant Mgr., Elberta
31. Styron, Irby L., Plant Forman, Robertsdale
32. Moorer, Douglas, Clerk, Bay Minette
33. Moyer, Roy, Druggist, Fairhope
34. Nelson, J. L., Jr., Laborer, Fairhope
35. Nelson, Harry, Post Office, Bay Minette
36. Milton, Ovdrecka, Farmer, Robertsdale
37. Palmer, James J., Farmer, Robertsdale
38. Rhodes, Elbert M., Farmer, Summerdale
39. Roberts, Raymond C., Farmer, Foley
40. Roley, Charlie N., Farmer, Perdido
41. Schrieber, Bill, Carpenter, Foley
42. Stephens, Ray, Banker, Bay Minette
43. Seibert, Fred, Jr., Farmer, Elberta
44. Stewart, Frank, State Emp., Gulf Shores
45. Stuart, Derrill, Contractor, Bay Minette
46. Lamberth, Jack Ogal, Farmer, Bay Minette
47. Strickland, Marvin, Laborer, Bay Minette
48. McDaniel, Schuler, Farmer, Robertsdale
49. Corte, Albert, Farmer, Belforest

T. XXXXX XXXXX X

D. XXXXX XXXXX X

4702

Parkin
vs
Peturis

JEAN H. PARTIN, AS ADMINISTRATRIX
OF THE ESTATE OF JOE FRANK PARTIN,
DECEASED,

Plaintiff

-vs-

JOHN G. PETURIS,

Defendant

IN THE

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4702

Comes now the plaintiff in the above entitled cause and for
reply to pleas 1(a) (b) and to plea 2(a) of defendant's answer, separately
and severally, says:

1. The plaintiff joins issue on said plea.

HILL, ROBISON AND BELSER

By

Joseph W. Phipps
Attorneys for Plaintiff

4105

JEAN H. PARTIN, as Adminis-
tratrix of the Estate of
Joe Frank Partin, Deceased,

Plaintiff,

VS.

JOHN G. PETURIS,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4702

ANSWER

1. Now comes the defendant and for answer to Count I of the complaint, says:

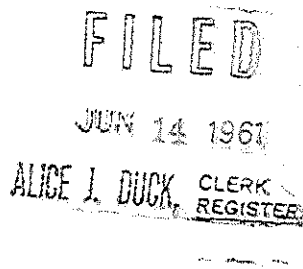
A. The defendant, for answer to the complaint, saith that he is not guilty of the matters alleged therein.

B. At the time and place alleged in the complaint, the plaintiff's intestate was himself guilty of negligence which proximately contributed to his alleged injuries and death in that he then and there so negligently operated the motorcycle which he was then and there driving as to cause it to run into, upon or against the motor vehicle of the defendant.

2. Now comes the defendant and for answer to Count II of the complaint, says:

A. The defendant, for answer to Count II of the complaint saith that he is not guilty of the matters alleged therein.

J. B. Blackburn
Attorney for Defendant



ANSWER

JEAN H. PARTIN, as Administratrix
of the Estate of Joe Frank Partin,
Deceased,

VS.

Plaintiff,

JOHN G. PETURIS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4702

FILED
JUN 14 1961
ALICE J. DUK
CLERK
REGISTERED

JEAN H. PARTIN, AS ADMINISTRATRIX)	
OF THE ESTATE OF JOE FRANK PARTIN,)	IN THE
DECEASED,)	CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
-vs-)	AT LAW
JOHN G. PETURIS,)	NO. 4702
Defendant)	

Comes now the plaintiff in the above entitled cause and for reply to pleas 1(a) (b) and to plea 2(a) of defendant's answer, separately and severally, says:

1. The plaintiff joins issue on said plea.

HILL, ROBISON AND BELSER

FILED

JUL 10 1961

ARICE A. DUCK, Clerk

By *Joseph M. Hill*
Attorneys for Plaintiff