

August 3, 1961

ALICE T. TUBERVILLE, Plaintiff
VS
MICHAEL NICHOLAS BARBOUR, Defendant

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, Alabama AT LAW

CASE NO. 4779

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

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

July 21, 1961

"Michael Nicholas Barbour
4326 Yorkshire
Detroit, Michigan"

"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:

"Michael Nicholas Barbour
4326 Yorkshire
Detroit, Michigan"

You will take notice that on July 21, 1961 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: ALICE T. TUBERVILLE, Plaintiff VS MICHAEL NICHOLAS BARBOUR, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 4779 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 21 day of July 1961

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 Jul 31 1961
receipt by the designated addressee of the aforementioned matter at
on 7/29/61

I received the return card, showing
Miami, Fla.
Shenandoah Sta.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 3 day
of August 1961

Bettye Frink
Bettye Frink
Secretary of State

Enclosures: Return Receipt Card and copy
of Summons and Complaint.
cc: Honorable Kenneth Cooper
Attorney at Law
109 E. First St.
Bay Minette, Alabama

SUMMONS AND COMPLAINT

CIRCUIT COURT, BALDWIN COUNTY

THE STATE OF ALABAMA,
BALDWIN COUNTY

No. 4779

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Michael Nicholas Barbour

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

Michael Nicholas Barbour, Defendant

by Alice T. Tubberville

Plaintiff

Witness my hand this 20th day of July 1961

Alice T. Tubberville, Clerk

ALICE T. TUBERVILLE,

Plaintiff,

Vs

MICHAEL NICHOLAS BARBOUR,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 4779

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Twenty-Five Thousand Dollars (\$25,000.00) as damages for that, on, to-wit, August 24th, 1960, on United States Highway No. 90, at a point about three miles south of Loxley, in Baldwin County, State of Alabama, the Defendant, Michael Nicholas Barbour, negligently ran his automobile into, upon or against the school bus which the Plaintiff was operating, and as a proximate result of the said negligence on the part of the said Defendant, the Plaintiff was injured in this: she suffered possible concussion, lumbosacral strain and cervical sprain, and she was caused to suffer much extreme pain and mental anguish, and Plaintiff was caused to incur large hospital and medical bills, all to the damage of the Plaintiff in the sum aforesaid, hence this suit.

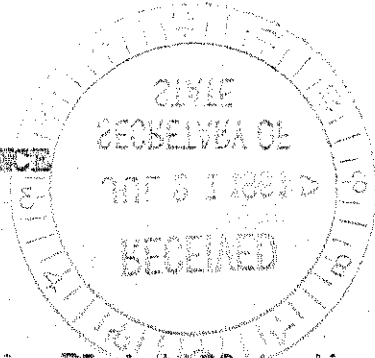
Kenneth Cooper
Attorney for Plaintiff

Plaintiff demands a trial by jury of this cause.

Kenneth Cooper
Attorney For Plaintiff.

AFFIDAVIT OF NON-RESIDENCE

STATE OF ALABAMA }
BALDWIN COUNTY }



I, Kenneth Cooper, Attorney for the Plaintiff in the case of Alice T. Tuberville, Plaintiff, vs. Michael Nicholas Barbour, Defendant, in the Circuit Court of Baldwin County, Alabama, swear that to the best of my knowledge, information and belief the said Defendant, Michael Nicholas Barbour, is over the age of twenty-one years, and is a non-resident of the State of Alabama; that the said Michael Nicholas Barbour now resides at 4326 Yorkshire, Detroit, Michigan.

Kenneth Cooper

Sworn to and subscribed before me this 20th day of July, 1961.

W. J. Luck
Clerk, Circuit Court, Baldwin
County, Alabama.

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:

ALICE T. TUBERVILLE,

Plaintiff

Vs.

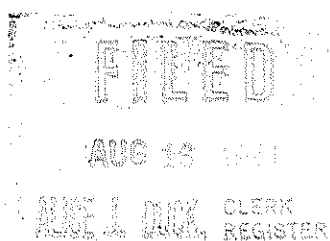
MICHAEL NICHOLAS BARBOUR,

Defendant

TO: Kenneth Cooper, Esq.
Attorney at Law
109 E. First Street
Bay Minette, Alabama

Please take notice that Michael Nicholas Barbour, defendant
in the above styled cause, has on this 15th day of August, 1961,
filed his petition to remove the above entitled action to the
United States District Court for the Southern Division of the
Southern District of Alabama; a copy of the said petition being
attached to this said notice, and that said defendant has on
this said date filed in the United States District Court a bond
with good and sufficient surety condition as is provided by law
with respect to said proceedings. You are hereby further notified
that a copy of the said petition was deposited in the United
States Post Office at Mobile, Alabama, in an envelope securely
sealed, sufficiently stamped and properly addressed to the
Honorable Alice J. Duck, Clerk, Circuit Court of Baldwin County,
Bay Minette, Alabama, wherein said cause is now pending, which
shall effect the removal of said cause from said Court.

This notice is given to you as attorney for the plaintiff
in compliance with the provisions of Title 28 U.S.C.A., Sec. 1446.



DATED this 15th day of August, 1961.

Paul W. Goetz

Donald F. Heine
Attorneys for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

ALICE T. TUBERVILLE,

Plaintiff

Vs.

MICHAEL NICHOLAS BARBOUR,

Defendant

CIVIL ACTION NO. _____

PETITION OF DEFENDANT FOR REMOVAL TO UNITED STATES DISTRICT COURT

TO THE HONORABLE JUDGE OF SAID COURT:

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

1. That the defendant, Michael Nicholas Barbour, is now and was at the time of the commencement of this suit a resident citizen of the State of Michigan, having his domicile in said state, and that the plaintiff, Alice T. Tuberville, is now and was at the time of the commencement of this 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 Michigan, and is wholly between citizens of different states, and one which can be fully determined between them.

2. That this is a suit to recover damages for personal injuries allegedly received by the plaintiff as a direct and proximate result of the negligence of the defendant.

3. That the amount sued for and involved in this action exceeds the sum of Ten Thousand Dollars (\$10,000.00), exclusive of interests and costs; that the 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 his said petition for removal has not expired; and that the 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, in pursuance 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, 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 an order for the removal of this action to this said Court.

DATED this 15th day of August, 1961.

Paul M. Brock
Donald F. Pierce
Attorneys for Defendant

Of Counsel:

HAND, ARENDALL, REDSOLE, GREAVES & JOHNSTON

STATE OF ALABAMA)

COUNTY OF MOBILE)

Personally appeared before me, the undersigned authority in and for said County in said State, Donald F. Pierce, whose name is signed above, and who is known to me, and who, being by me first duly sworn on oath, deposes and says that he is one of the attorneys in the above entitled cause for the defendant therein; that he is familiar with the allegations of the foregoing Petition; that he is informed and believes that the allegations of said Petition are true and correct; and that upon such information and belief he states the allegations of said Petition are true and correct.

Donald F. Pierce
DONALD F. PIERCE

Subscribed and sworn to before me
on this 15th day of August, 1961.

Patricia C. Barber
Notary Public

State of Alabama at Large

C E R T I F I C A T E

DONALD F. PIERCE, one of the attorneys of record for the defendant herein, being duly sworn on oath, says that heretofore upon the filing herewith of the petition for removal and requisite bond, he forthwith, on the 15th day of August, 1961, gave written notice thereof to the adverse party herein by depositing in the United States Post Office at Mobile, Alabama, this 15th day of August, 1961, a true and correct copy of the above and foregoing notice and of the petition for removal and of the removal bond, in an envelope securely sealed, and sufficiently stamped, and properly addressed to Kenneth Cooper, Esq., Attorney at Law, 109 E. First Street, Bay Minette, Alabama, the true and correct address of the attorney for the plaintiff; and that on the said 15th day of August, 1961, a copy of said petition, together with notice thereof, copy of which is attached hereto, was deposited in the United States Post Office at Mobile, Alabama, in an envelope securely sealed, sufficiently stamped and properly addressed to the Honorable Alice J. Duck, Clerk, Circuit Court of Baldwin County, Bay Minette, Alabama, wherein said action was originally pending.

DATED this 15th day of August, 1961.


DONALD F. PIERCE

Subscribed and sworn to before me
this 15th day of August, 1961.



Notary Public

State of Alabama
at Large

"Exhibit A"

(192)



STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

July 21, 1961

8-3-61
8:45

BETTYE FRANK
SECRETARY OF STATE

Michael Nicholas Barbour
1326 Yorkshire
Detroit, Michigan

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

You will take notice that on July 21, 1961 the Sheriff of
Montgomery County, Alabama, served upon me, in my official capacity, Summons and Com-
plaint in a case entitled: ALICE T. THRENTILLE,

Plaintiff VS MICHAEL NICHOLAS BARBOUR,
Defendant in the CIRCUIT COURT OF MONTGOMERY
COUNTY, ALABAMA AT LAW

Case No. 1779 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 21
day of July 1961

Bettye Frank
Secretary of State

Enclosure : Copy of Summons and Complaint
cc: Honorable Kenneth Cooper
Attorney at Law
100 N. First St.
Birmingham, Alabama

SUMMONS AND COMPLAINT

Baldwin, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 172

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Michael Nicholas Harrison

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

Michael Nicholas Harrison

Defendant

by

Miss T. T. Taborville

Plaintiff

Witness my hand this

23rd

day of

July

1966

Clerk

STATE OF ALABAMA,

Plaintiff,

vs.

MICHAEL NICHOLAS BARKER,

Defendant.

IN THE CIRCUIT COURT OF

DADE COUNTY, FLORIDA

AT LAW

Case No. _____

COMES NOW

The Plaintiff claims of the Defendant the sum of Twenty-Five Thousand Dollars (\$25,000.00) as damages for that on or about August 24th, 1960, on United States Highway No. 90, at a point about three miles south of Loxley, in Baldwin County, State of Alabama, the Defendant, Michael Nicholas Barker, negligently ran his automobile into, over or against the school bus which the Plaintiff was operating, and as a proximate result of the said negligence on the part of the said Defendant, the Plaintiff was injured in that she suffered possible concussion, lacerations, strain and cervical sprain, and she was caused to suffer extreme pain and mental anguish, all of which have resulted in large hospital and medical bills, all to the damage of the Plaintiff in the now abovesaid, hence this suit.

Subscribed and sworn to before me this _____ day of _____, 196__.

Plaintiff demands a trial by jury of this cause.

[Handwritten signature]
Attorney for Plaintiff

AFFIDAVIT OF NON-RESIDENCE

STATE OF ALABAMA
SALMON COUNTY

I, Kenneth Cooper, Attorney for the Plaintiff in the case of
Alice S. Scarborough, Plaintiff, vs. Michael Nicholas Barlow,
Defendant, in the Circuit Court of Salmon County, Alabama, swear
that to the best of my knowledge, information and belief the said
Defendant, Michael Nicholas Barlow, is over the age of twenty-one
years, and is a resident of the State of Alabama; that the
said Michael Nicholas Barlow now resides at 4320 Lakeside,
Detroit, Michigan.

Given to and subscribed before me this 20th day of July,
1961.

Clifford, Circuit Court, Salmon
County, Alabama.

STATE OF ALABAMA :

COUNTY OF MOBILE :

KNOW ALL MEN BY THESE PRESENTS, that MICHAEL NICHOLAS BARBOUR, as principal, and NATIONAL SURETY CORPORATION, as surety, are held and firmly bound unto ALICE T. TUBERVILLE, in the penal sum of Five Hundred Dollars (\$500.00), for the payment thereof well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, by these presents.

The condition of this bond is such that:

WHEREAS, the said Michael Nicholas Barbour has filed his petition in the United States District Court for the Southern Division of the Southern District of Alabama for the removal to said Court of a certain cause of action pending in the Circuit Court of Baldwin County, Alabama, wherein the said Alice T. Tuberville is plaintiff and the said Michael Nicholas Barbour is the defendant;

NOW, THEREFORE, if said petitioner shall pay or cause to be paid 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, then this obligation shall be void; otherwise it shall remain in full force and effect.

IN WITNESS WHEREOF, we, the above and undersigned named principal and surety, have hereunto set our hands and seals on this the 14th day of August, 1961.

MICHAEL NICHOLAS BARBOUR

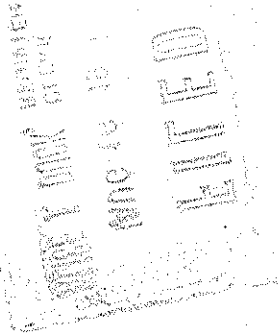
By: Donald F. Pierce
Donald F. Pierce

His: Attorney in Fact

NATIONAL SURETY CORPORATION

By: L. S. Jenkins

Its: attorney in fact



HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON
LAWYERS

SIXTH FLOOR 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

August 15, 1961

MAILING ADDRESS:
P. O. BOX 123

CABLE ADDRESS:
HAB

TELEPHONE:
HEMLOCK 2-5514

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

Re: Alice T. Tuberville vs. Michael Nicholas
Barbour, Case No. 4779

Dear Mrs. Duck:

Enclosed you will find a petition for removal to the Federal Court, a copy of the bond, copy of the complaint and related papers, notice to Kenneth Cooper, Esq., attorney for the plaintiff, and notice to the Clerk of the Circuit Court of Baldwin County. It would be appreciated if you would file these papers of record in the above referenced case.

With best regards,

Yours very truly,



For the Firm

DFP.pcb
Encls.

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:

ALICE T. TUBERVILLE,

Plaintiff

Vs.

MICHAEL NICHOLAS BARBOUR,

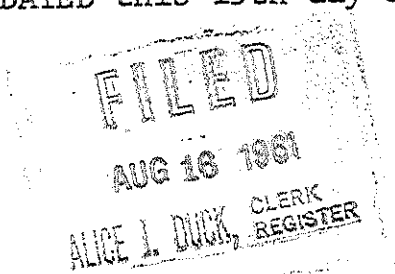
Defendant

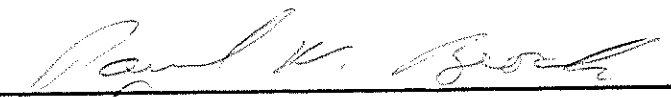
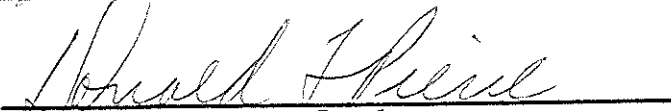
TO: Hon. Alice J. Duck
Clerk, Circuit Court of
Baldwin County, Alabama

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 given 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 United States District Court.

DATED this 15th day of August, 1961.





Attorneys for Defendant

Of Counsel:

HAND, ARENDALL, BEDSOLE, GREAVES & JOHNSTON

ALICE T. TUBERVILLE,

Plaintiff,

Vs

MICHAEL NICHOLAS BARBOUR,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 4779

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Twenty-Five Thousand Dollars (\$25,000.00) as damages for that, on, to-wit, August 24th, 1960, on United States Highway No. 90, at a point about three miles south of Loxley, in Baldwin County, State of Alabama, the Defendant, Michael Nicholas Barbour, negligently ran his automobile into, upon or against the school bus which the Plaintiff was operating, and as a proximate result of the said negligence on the part of the said Defendant, the Plaintiff was injured in this: she suffered possible concussion, lumbosacral strain and cervical sprain, and she was caused to suffer much extreme pain and mental anguish, and Plaintiff was caused to incur large hospital and medical bills, all to the damage of the Plaintiff in the sum aforesaid, hence this suit.

Kenneth Cooper
Attorney for Plaintiff

Plaintiff demands a trial by jury of this cause.

Kenneth Cooper
Attorney For Plaintiff

AFFIDAVIT OF NON-RESIDENCE

STATE OF ALABAMA)
BALDWIN COUNTY)

I, Kenneth Cooper, Attorney for the Plaintiff in the case of Alice T. Tuberville, Plaintiff, vs. Michael Nicholas Barbour, Defendant, in the Circuit Court of Baldwin County, Alabama, swear that to the best of my knowledge, information and belief the said Defendant, Michael Nicholas Barbour, is over the age of twenty-one years, and is a non-resident of the State of Alabama; that the said Michael Nicholas Barbour now resides at 4326 Yorkshire, Detroit, Michigan.

Kenneth Cooper

Sworn to and subscribed before me this 20th day of July, 1961.

Alice T. Tuberville
Clerk, Circuit Court, Baldwin
County, Alabama.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 4779

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Michael Nicholas Barbour

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

Michael Nicholas Barbour, Defendant

by Alice T. Tubberville

Plaintiff

Witness my hand this 20th day of July 19 61

Clerk

EX 7-21-61 on

Sec of State

No. 4779

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

ALICE T. TUBBERVILLE

Plaintiffs

vs.

MICHAEL NICHOLAS BARBOUR

Defendants

SUMMONS and COMPLAINT

Filed 7-20, 19 61

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
JUL 21 1961

M. S. BUTLER, Sheriff
RECEIVED IN OFFICE

July 20, 1961
Sheriff

I have executed this summons

this, 19

by leaving a copy with

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

This the 21 day of July 1961

Sheriff of Montgomery County,

M. S. Butler,

By D. S.

The Sheriff claims 2

files at 100 per month for a total

of \$ 20

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

Sheriff

Deputy Sheriff

POST OFFICE DEPARTMENT, U.S.A.

FINAL FOR PRIVATE DELIVERY AND RETURN TO OFFICE OF POSTAL SERVICE

RECEIVED

JUL 3 1901

NEW YORK

REGISTERED NO. 1000000

CERTIFIED NO. 1000000

INSURED NO. 1000000

NAME OF RECIPIENT

STREET, CITY, NO. OR P.O. BOX

STATE

MONTICOMERY, ALABAMA

CITY, ZONE AND STATE

U.S. MAIL

