

NORMAN McMILLAN,

PLAINTIFF

VS

WILLIS ANDERSON AND MARY LOU
ANDERSON, Jointly and Individ-
ually,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

4788

COUNT ONE

Plaintiff claims of the Defendants the sum of Four Hundred and NO/100 (\$400.00) Dollars for that heretofore and on, to-wit: the 7th day of September, 1960, the Defendant, Mary Lou Anderson, while acting within the line and scope of her employment as agent, servant, or employee of the Defendant, Willis Anderson, so negligently operated a motor vehicle on Cannan Road near Stockton, said road being a public road at said place in Baldwin County, Alabama, so as to cause or allow said vehicle to collide with a vehicle belonging to the Plaintiff, and, as a direct and proximate result of the negligence of the Defendant, Mary Lou Anderson, while acting within the line and scope of her employment as agent, servant, or employee of the Defendant, Willis Anderson, as aforesaid, the Plaintiff's automobile was badly broken, bent, and damaged, and Plaintiff was caused to lose the use of his automobile, which was used in his business, for a long period of time, all to the Plaintiff's injuries, hence this suit.


Attorney for Plaintiff

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 Willis Anderson and Mary Lou Anderson

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 _____

Willis Anderson and Mary Lou Anderson _____, Defendant.

by Norman McMillan _____

_____, Plaintiff.

Witness my hand this 27 day of July 1961

Ed. 7-29-61 Alice J. Smith, Clerk

No. 4786

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Norman McMillan

Plaintiffs

vs.

Willis Anderson and

Mary Lou Anderson

Defendants

Summons and Complaint

Filed

FILED

19

JUL 27 1961

ALICE J. BUCK

CLERK
REGISTER

Clerk

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Stockton, Alabama

Received In Office

7/27, 1961

Sheriff.

I have executed this summons

this July 29 1961
by leaving a copy with

Willis Anderson
Mary Lou Anderson

Taylor Watkins
W. A. Gilbert
Cannon

Sheriff.

Deputy Sheriff.

NORMAN McMILLAN,

Plaintiff,

Vs

WILLIS ANDERSON AND MARY
LOU ANDERSON, Jointly and
Individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 4788

DEMURRERS

Comes now the Defendants in the above-styled cause, and for answer to Plaintiff's Complaint and to the Count One thereof, separately and severally, shows unto this Honorable Court as follows:

-1-

The Complaint does not state a cause of action.

-2-

The Count thereof does not state a cause of action.

-3-

The allegations of the Complaint are the conclusions of the pleader.

-4-

The Complaint does not alleged wherether the collision occurred in the daytime or the nighttime.

-4

The Complaint nor the Count does not allege how the Defendant's Willis Anderson's automobile collided with the automobile belonging to the Plaintiff.

-5-

The Complaint fails to allege what type of vehicle the Plaintiff owned.

-6-

The Complaint does not allege who was operating the Plaintiff's automobile at the time of the collision.

-7-

The Complaint fails to allege how Plaintiff's automobile was broken, bend or damaged.

-8-

The Complaint fails to allege the exact period of time the

Plaintiff's use of his automobile was caused to be lost.

-9-

The allegations of the Complaint are vague, uncertain and indefinite.

-10-

And comes now the Defendant Willis Anderson, and without waiving the demurrers heretofore filed to the Plaintiff's Bill of Complaint, and separately and severally to the Complaint and to each Count thereof, by insisting upon such demurrers as a defense to the action commenced by the Plaintiff, and says that at the time this action was commenced by the Plaintiff, Norman McMillan, the said Plaintiff was indebted to the Defendant Willis Anderson in the sum of Three Hundred (\$300.00) ~~Dollars~~ Dollars, for that, on, to-wit, the 7th day of September, 1960, about the hour of 4:35 AM, the Plaintiff, Norman McMillan, negligently operated his motor vehicle, to-wit, his Ford automobile

, on Cannan Road, near Stockton, in Baldwin County, Alabama, which said road was a public road, so as to cause said vehicle to run into, upon or against the vehicle owned by the Defendant, and as a proximate result of the said negligence of the said Plaintiff the Defendant's automobile was broken, bent and damaged, and rendered less valuable to the Defendant's damage as assessed, which the Defendant Willis Anderson hereby offers to set off against the demand of the Plaintiff.

-11-

Comes the Defendant Willis Anderson, and claims of the Plaintiff, Norman McMillan, by way of recoupment the sum of Three Hundred (\$300.00) Dollars damages for that on, to-wit, September 7th, 1960, at about the hour of 4:35 AM, at a point on Cannan Road near Stockton, in Baldwin County, Alabama, a public road, the said Plaintiff negligently drove his automobile, to-wit, a Ford automobile, into, upon or against the Defendant's Willis Anderson's 1957 Plymouth automobile, the said Plaintiff driving at said time without the lights being turned on, and as a proximate result of said

negligence of said Plaintiff the Defendant's Willis Anderson's automobile was badly broke, bend and damaged, all to the damage of the Defendant Willis Anderson in the sum aforesaid, hence this suit.

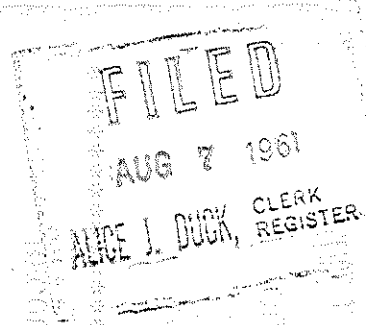
Defendant's demand a trial by Jury.

Kenneth Cooper
Attorney for Defendants

Attorney of Record for Plaintiff is:

Kenneth Cooper
Attorney for Defendants

Hon James A. Brice
Attorney at Law
Foley, Alabama



Case No. 4788

NORMAN McMILLAN,

Plaintiff,

vs

WILLIS ANDERSON and

MARY LOU ANDERSON,

Jointly and Individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

DEMURRERS AND PLEA OF

RECOUPMENT

FILED
AUG 7 1961
ALICE J. DUCK, CLERK
REGISTER

NORMAN McMILLAN,

Plaintiff,

Vs

WILLIS ANDERSON and
MARY ANDERSON, Jointly
and Individually,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 4788

PLEAS

Come now the Defendants in the above styled cause, and for answer to the Plaintiff's Complaint and to County One thereof, says:

ONE:

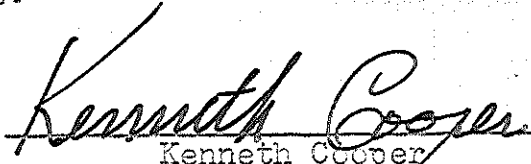
The Defendants for answer to the said Complaint say that they are not guilty of the matters therein alleged.

TWO:

The Defendants aver that the allegations of the Complaint are untrue.

THREE:

THE General issue.


Kenneth Cooper
Attorney for Defendants

Attorney of Record for Plaintiff:
Hon James A. Brice
Attorney at Law
Foley, Alabama

FILED

FEB 27 1962

ALICE I. DUCK, CLERK
REGISTER

NORMAN McMILLAN,
PLAINTIFF,

VS

WILLIS ANDERSON and MARY ANDERSON,
Jointly and Individually,
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CASE NO. 4788

PLEAS

Come now the Plaintiff in the above styled cause, and for
answer to the Defendant's Pleas in Recoupment, pleas:

One

The general issue.


Attorney for Plaintiff

Filed
3-13-62

W. J. Black
Clerk

4785 TWA 7/12/62 vs. Anderson
JURY LIST - SPRING SESSION - MARCH 12, 1962

- ~~1. Christnacht, Leroy, Civil Service, Lillian~~
- ~~2. Cabaniss, 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, Harace, 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, Ovdrecks, 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~~

48
12
36
12
24

P XXXXX XXXXX XX

D XXXXX XXXXX XX

JAMES A. BRICE

ATTORNEY AT LAW

FOLEY, ALABAMA

Post Office Box 298

WHITEHALL 3-3601

July 26, 1961

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Re: Norman McMillan
Vs: Willis Anderson and Mary Lou
Anderson

Dear Mrs. Duck:

I enclose Summons and Complaint in the above cause. The defendant, Willis Anderson, resides in Stockton, Alabama, and may be served c/o Bacon-McMillan Veneer Mill, Stockton, and the defendant, Mary Lou Anderson, resides in Stockton, Alabama, and may be served in Stockton.

Thank you for your usual prompt attention to this matter.

Sincerely,


James A. Brice

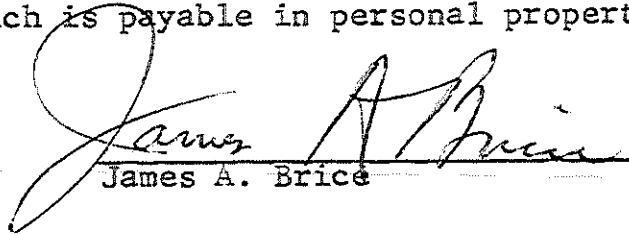
JAB:j

cc: Howell, Johnston & Langford
Post Office Box 1652
Mobile, Alabama

AFFIDAVIT ON JUDGMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally appeared before me, a Notary Public in and for said State and County, James A. Brice, who being by me duly sworn, deposes and says that Norman McMillan, on the 14th day of March 1962, in the Circuit Court of Baldwin County, Alabama, recovered a judgment against Willis Anderson for the sum of One Hundred Eighty-two (\$182.00) Dollars and the further sum of Twenty-three and 75/100 (\$23.75) Dollars cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that Bacon McMillan Veneer Manufacturing Company has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or it is liable on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.


James A. Brice

Sworn to and subscribed before me this 24th day of October 1962.


Notary Public
Baldwin County, Alabama



GARNISHMENT ON JUDGMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 4788 1/2

TO ANY LAWFUL OFFICER OF SAID COUNTY--GREETING:

WHEREAS, on the 14th day of March 1962 being a regular day of said court, Norman McMillan recovered judgment against Willis Anderson for the sum of One Hundred Eighty-two (\$182.00) Dollars, and cost of suit, Twenty three and 75/100 (\$23.75) Dollars, and affidavit having been made by James A. Brice, that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named company, viz: Bacon McMillan Veneer Manufacturing Company has or is believed to have in its possession, or under its control money or effects belonging to said defendant, or that it is, or is believed to be indebted to said defendant or to be liable to him, on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

YOU ARE THEREFORE HEREBY COMMANDED TO SUMMON Bacon McMillan Veneer Manufacturing Company to be and appear before the Circuit Court for Baldwin County, Alabama, at the Court House thereof, in the City of Bay Minette, on the _____ day of _____ 1962, then and there to be and answer on oath, whether at the time of the service of the garnishment, or at the time of making its answer, or at any time intervening the time of serving the garnishment and making the answer it was indebted to said defendant and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing is liable to the defendant for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether it has not in its possession or under its control money or effects belonging to the defendant, Willis Anderson.

Herein fail not, and have you then and there this Writ.

WITNESS, Alice J. Duck, Circuit Clerk, this 27 day of

Oct 1962.

ISSUED 27 day of Oct 1962.

[illegible]

TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES
OF THE STATE OF NEW YORK:
IN SENATE,
JANUARY 10, 1907.

THE CODE OF ETHICS OF THE AMERICAN SOCIETY OF PROFESSIONAL ENGINEERS

Bacon, McMillan & Co.
Trfg. Co.
Garnier

Larnier

Stockholm

Ten Cents per mile Total \$ 2.20

TAYLOR WILKINS, Sheriff

BY Robert
DEPUTY SHERIFF

DEPUTY SHERIFF

NORMAN McMILLAN,

PLAINTIFF

VS

WILLIS ANDERSON,

DEFENDANT

BACON McMILLAN VENEER MANUFACTURING
COMPANY,

GARNISHEE

TO ANY LAWFUL OFFICER OF SAID COUNTY:

Your are hereby commanded to notify Willis Anderson that on
the 27 day of Oct 1962, a Writ of Garnish
ment in the above stated case was issued to Bacon McMillan Veneer
Manufacturing Company, as Garnishee

And you will return this Writ according to law.

WITNESS my hand this 27 day of Oct 1962.

Alice J. Duck
Mrs. Alice J. Duck
Circuit Clerk

Received in this office the 29 day of Oct 1962.

[Signature]
Officer

Executed by serving a copy of the within writ on the 5 day
of Nov, 1962.

W. O. Talbot
Officer
Shockley

4788 1/2

Norman McMillan

Willis Anderson

Notice

Received 29 day of Oct 1962
and on 5 day of Nov 1962
served a copy of the within
on Willis Anderson

by service on
TAYLOR WILKINS, Sheriff
By W. A. Gilbert D. S.
Stockton

Sheriff claims 2.2 miles at
Ten Cents per mile Total \$ 2.20
TAYLOR WILKINS, Sheriff
BY Gilbert
DEPUTY SHERIFF

TO THE TOWN OF STOCKTON

YOUR OFFICE IS HEREBY COMMANDED TO NOTIFY WILLIS ANDERSON THAT ON

NOV 5 1962

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NOV 5 1962

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NOV 5 1962

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NOV 5 1962

YOUR OFFICE IS HEREBY COMMANDED TO NOTIFY WILLIS ANDERSON THAT ON

NOV 5 1962

RECEIVED IN THIS OFFICE THE 29 DAY OF OCT 1962

OFFICE

RECEIVED IN THIS OFFICE THE 29 DAY OF OCT 1962

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RECEIVED IN THIS OFFICE THE 29 DAY OF OCT 1962

RECEIVED IN THIS OFFICE THE 29 DAY OF OCT 1962

RECEIVED IN THIS OFFICE THE 29 DAY OF OCT 1962

NORMAN McMILLAN,

PLAINTIFF

VS

WILLIS ANDERSON,

DEFENDANT

BACON McMILLAN VENEER MANUFACTURING
COMPANY,

GARNISHEE

TO ANY LAWFUL OFFICER OF SAID COUNTY:

Your are hereby commanded to notify Willis Anderson that on
the _____ day of _____ 1962, a Writ of Garnish
ment in the above stated case was issued to Bacon McMillian Veneer
Manufacturing Company, as Garnishee

And you will return this Writ according to law.

WITNESS my hand this _____ day of _____ 1962.

Mrs. Alice J. Duck
Circuit Clerk

Received in this office the _____ day of _____ 1962.

Officer

Executed by serving a copy of the within writ on the _____ day
of _____ 1962.

Officer

GARNISHMENT ON JUDGMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, NO. 4788

TO ANY LAWFUL OFFICER OF SAID COUNTY--GREETING:

WHEREAS, on the 14th day of March 1962, being a regular day of said court, Norman McMillan recovered judgment against Willis Anderson for the sum of One Hundred Eighty-two (\$182.00) Dollars, and cost of suit, Twenty three and 75/100 (\$23.75) Dollars, and affidavit having been made by James A. Brice, that process of garnishment is believed to be necessary to obtain satisfaction of such judgment, and that the following named company, viz: Bacon McMillan Veneer Manufacturing Company has or is believed to have in its possession, or under its control money or effects belonging to said defendant, or that it is, or is believed to be indebted to said defendant or to be liable to him, on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property or which is payable in personal property.

YOU ARE THEREFORE HEREBY COMMANDED TO SUMMON Bacon McMillan Veneer Manufacturing Company to be and appear before the Circuit Court for Baldwin County, Alabama, at the Court House thereof, in the City of Bay Minette, on the _____ day of _____ 1962, then and there to be and answer on oath, whether at the time of the service of the garnishment, or at the time of making its answer, or at any time intervening the time of serving the garnishment and making the answer it was indebted to said defendant and whether it will not be indebted in future to said defendant by a contract then existing, and whether by a contract then existing is liable to the defendant for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property, and whether it has not in its possession or under its control money or effects belonging to the defendant, Willis Anderson.

Herein fail not, and have you then and there this Writ.

WITNESS, Alice J. Duck, Circuit Clerk, this _____ day of _____ 1962.

ISSUED _____ day of _____ 1962.

Judge

AFFIDAVIT ON JUDGMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally appeared before me, a Notary Public in and for said State and County, James A. Brice, who being by me duly sworn, deposes and says that Norman McMillan, on the 14th day of March 1962, in the Circuit Court of Baldwin County, Alabama, recovered a judgment against Willis Anderson for the sum of One Hundred Eighty-two (\$182.00) Dollars and the further sum of Twenty-three and 75/100 (\$23.75) Dollars cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that Bacon McMillan Veneer Manufacturing Company has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or it is liable on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.


James A. Brice

Sworn to and subscribed before me this 24th day of October 1962.


Notary Public
Baldwin County, Alabama



AFFIDAVIT ON JUDGMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally appeared before me, a Notary Public in and for said State and County, James A. Brice, who being by me duly sworn, deposes and says that Norman McMillan, on the 14th day of March 1962, in the Circuit Court of Baldwin County, Alabama, recovered a judgment against Willis Anderson for the sum of One Hundred Eighty-two (\$182.00) Dollars and the further sum of Twenty-three and 75/100 (\$23.75) Dollars cost of suit, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that Bacon McMillan Veneer Manufacturing Company has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or it is liable on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.


James A. Brice

Sworn to and subscribed before me this 24th day of October
1962.


Notary Public
Baldwin County, Alabama



478872
RELEASE OF GARNISHMENT

CIRCUIT Court of BALDWIN County, Alabama

RE: NORMAN McMILLAN
vs. Plaintiff.

WILLIS ANDERSON
Defendant.

To: Bacon McMillan Veneer Mfg. Co.,
GARNISHEE

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that in the above styled case, Garnishment has been released and Garnishee has been discharged.

Witness my hand, this the 22 day of August, 1963

Alice J. Duck CLERK.