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STATE OF ALABAMA)

PARTIAL SATISFACTION OF JUDGMENT

SHELBY COUNTY)

Comes now the Plaintiff S. M. BIRD, JR. individually and d/b/a BIRD BUILDING MATERIAL COMPANY by and through WADE H. MORTON, JR., Attorney at Law, Attorney of Record for said Plaintiff, and hereby acknowledges receipt of partial payments on March 10, 1982 and April 20, 1982 toward that certain money judgment, including all Court costs and accrued interest as of April 20, 1982, rendered on October 25, 1979 in favor of said Plaintiff and against JOHNNY W. O'GRADY, JR. in the Circuit Court of Shelby County, Alabama, Case No. CV-78-187, under which a Certificate of Judgment was recorded on October 26, 1979 in Judgment Book O, at Page 952, in the Office of the Judge of Probate of Shelby County, Alabama. Said Plaintiff further acknowledges that after such partial payments there is an unpaid balance due on said judgment in the sum of \$14,713.16, plus interest after April 20, 1982, as provided by law, and Plaintiff satisfies said judgment to that extent.

This partial satisfaction in no way and to no extent releases the said JOHNNY W. O'GRADY, JR from personal liability for said balance due on said judgment nor the lien of said recorded Certificate of Judgment against all real and personal property of said JOHNNY W. O'GRADY, JR. situated in Shelby County, Alabama as of October 26, 1979.

Plaintiff contends that all of said money judgment was incurred by and through the fraud of said judgment debtor and is non-dischargeable in this Chapter 7 proceedings in the United States Bankruptcy Court; that this issue of non-dischargeability was reserved for litigation by the Plaintiff under his adversary Complaint by order of the United States Bankruptcy Court dated August 11, 1980, a true and correct copy of which is attached hereto as Exhibit "A"; that as of this date, Plaintiff is pursuing his claim of non-dischargeability in the United States Bankruptcy Court; and, that whatever final order is rendered as a result of Plaintiff's proceeding in the United States Bankruptcy Court will be hereafter recorded in these Probate Records for the purpose of giving notice of the legal effect of this judgment debtor's said Chapter 7 proceeding upon the lien created by the aforesaid recorded Certificate of Judgment and the aforesaid balance now due thereunder.

DONE this 27th day of April, 1982.

WADE H. MORTON, JR.
ATTORNEY AT LAW
P O BOX 1227
COLUMBIANA, ALABAMA 35051-1227
TELEPHONE: 205/669-4147

WADE H. MORTON, JR.

Attorney for Plaintiff

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned Notary Public in and for said County and State, hereby certify that Wade H. Morton, Jr., whose name as Attorney of Record for the Plaintiff is signed to the foregoing instrument, acknowledged before me on this date that, being informed of the contents of this instrument, he, as such attorney, executed the same voluntarily for and as the act of said Plaintiff.

Given under my hand and official seal on this 27th day of April, 1982.

Margaret H. Hester
Notary Public

RETURN TO: Wade H. Morton, Jr.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: JOHNNY WILLIAM O'GRADY, JR.,)

Debtor,)

S. M. BIRD, JR., individually, and)
doing business as BIRD BUILDING)
MATERIAL CO.,)

Plaintiff,)

VS.)

JOHNNY WILLIAM O'GRADY, JR.; LINDA)
L. O'GRADY; GEORGE F. SEIER; PAGE)
SEIER; FIRST FEDERAL SAVINGS AND)
LOAN ASSOCIATION OF BESSEMER, a)
corporation; THE ROOMMAKERS)
CORPORATION, a corporation; C. K.)
COPELAND, as Trustee of the Debtor;)
JACK RIVERS, as United States Trustee;)
and any and all other creditors)
claiming an interest in any part of)
the real estate involved in this)
action, situated in the Camp Branch)
Community of Shelby County, Alabama,)

Defendants.)

BANKRUPTCY NO. 80-01775

ADVERSARY PROCEEDING NO.
80-0524

O R D E R

The adversary Complaint, as amended, of S. M. Bird, Jr., individually, and doing business as Bird Building Material Co., Plaintiff, to modify the stay afforded by 11 U.S.C. Section 362, so as to permit the parties of this adversary proceeding to proceed to final judgment in the State Court action, now pending on appeal to the Supreme Court of Alabama, heretofore commenced by the Plaintiff herein against the Debtor, Johnny William O'Grady, Jr., and the other Defendants herein, which civil action resulting in Judgment in the Circuit Court of Shelby County, Alabama, vesting Johnny William O'Grady, Jr. with title to 26.660 acres of improved real estate in Shelby County, Alabama, and establishing the Plaintiff's materialman's lien against a portion of said real estate and declaring the priority of Plaintiff's lien vis-a-vis the liens of the other Defendants herein, having been heard by this Court on the preliminary legal issues on July 8, 1980, July 23, 1980 and August 5, 1980, after due service having been made upon the Debtor,

Exhibit "A"

the United States Trustee, Jack Rivers, the appointed Trustee for the Debtor, C. K. Copeland, and all other above-named Defendants, and after hearing the presentations of counsel, the Court is of the opinion that the automatic stay afforded by 11 U.S.C. Section 362, is operative on said State Court action and appeal and has been since the filing on April 2, 1980 of the Debtor's petition seeking an Order for Relief, but this Court is further of the opinion that continuation of said State Court action and appeal, in accordance with the conditions of this Order, will not hinder, burden, delay or be inconsistent with this proceeding, on the contrary, stay of said State Court action and appeal prior to final judgment therein would work an injustice because the parties and issues in said State Court action are identical to those involved in this adversary proceeding and such issues have already been tried and determined in a proper forum. It is therefore, ORDERED by this Court as follows:

1. The stay afforded by 11 U.S.C. Section 362, be, and it hereby is, modified to the extent to allow the State Court action and appeal to proceed for the purpose of determining the rights of the parties and to allow the parties involved full relief and the right to proceed to judgment for and the full enforcement of their rights under the State law.

2. That should the final judgment to be rendered in said State Court action and appeal declare the Debtor, Johnny William O'Grady, Jr., to have an ownership interest in the said 26.660 of improved real estate, that property would then become a part of this Estate. It appears, however, that such property has no value to the Estate, or at best, only inconsequential value in that the liens on the property are substantially equal to the value of the said property, and no equity exists therein in favor of unsecured creditors.

3. IT IS THEREFORE ORDERED, that C. K. Copeland, Trustee for the Debtor, and Jack Rivers, United States Trustee, be, and they hereby are, authorized to abandon the said property consisting of 26.660 acres located in Shelby County, and it is further ORDERED that entry of this Order shall be deemed to constitute the abandonment of all right, title and interest to the said 26.660 acres of

improved real estate by the United States Trustee, the Trustee of this estate, and all other creditors and parties in interest in this Chapter 7 proceeding under the Bankruptcy Act not a party to this State Court action.

4. That the Trustee and the United States Trustee hereby abandon the said 26.660 acres of improved real estate, all creditors to this adversary proceeding shall enforce their liens or their mortgages pursuant to the final judgment in said State Court action and appeal under the State Law.

5. That each and every party to the said State Court action is free to pursue his claim to final judgment for the full use and enjoyment of any liens, mortgages or rights that can be enforced against the real estate constituting the subject matter of the suit, or the land that the Court may determine to be involved therein; except and provided that each and every creditor is enjoined from levying or enforcing judgment against any other property of the estate; or after acquired and except by filing proper proof of claim in this proceeding.

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6. That the only remaining issue under the Plaintiff's adversary Complaint in this proceeding is that of dischargeability of the Debtor's debt to the Plaintiff and this issue is continued to be reset on proper motion in the event enforcement of the final judgment in said State Court action and appeal under the State law does not result in full satisfaction of said money judgment in Plaintiff's favor against the Debtor herein in said State Court action.

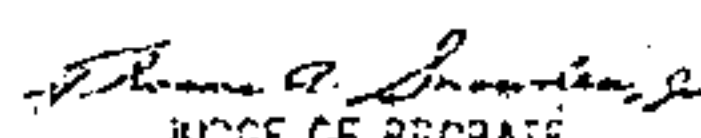
DONE and ORDERED this the 11th day of August, 1980.


Stephen B. Coleman
Bankruptcy Judge

cc: Wade H. Morton, Jr., Atty.
Clifford M. Spencer, Jr., Atty.
Jack Rivers, U. S. Trustee
C. K. Copeland, Trustee
G. W. Nicholson, Atty.
W. H. Collier, Atty.
J. Dan Taylor, Atty.
John F. Whitaker, Atty.
Hon. J. O. Sentell, Clerk of the Supreme
Court of Al., Supreme Court Case No. 79-379, 397,
399, 400 & 401

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
PETITION WAS FILED

1982 APR 27 PM 3:20


JUDGE OF PROBATE

Rec. 6.00
Ind. 1.00
7.00