

## Decree

In The Circuit Court of Shelby County, Alabama. Equity Division.

Harris M. Gordon, Mary Ruth  
Luck Gordon, Alabama Cooperage  
Company, a corporation, Henry L. Nichols,  
and John F. Thompson,  
Complainants,

-vs-

Alabama Machinery and Supply  
Company, a corporation, and  
Irene Denson,

Respondents.

This cause coming on to be heard for final decree, the same having been submitted by the complainants upon the original bill of complaint, personal service had upon each of the respondents, decree pro confesso against each of the respondents on personal service, exhibits to the bill of complaint, and the testimony as noted by the Register, and the legal testimony having been considered by the Court, it is the opinion of the Court that the complainants are separately and severally entitled to the relief prayed for in the bill of complaint. The Court ascertains and determines from the testimony in this cause as follows:

That the mortgages executed on the property described in paragraph three of the bill of complaint by Atchison Lumber Company, W. F. Atchison, J. F. Atchison and E. W. Atchison to W. G. Parker, the first of same being dated April 7th, 1927 and recorded in mortgage Record Volume 141 on Page 382 in the Probate Office of Shelby County, Alabama, and that certain mortgage executed by W. F. Atchison, J. F. Atchison and E. W. Atchison and their wives respectively to W. G. Parker, dated April 6th, 1929, and recorded in Mortgage Record Volume 155 on page 98 in the Probate Office of Shelby County, Alabama, and that certain mortgage executed by Atchison Lumber Company, W. F. Atchison, J. F. Atchison and E. W. Atchison to W. G. Parker, dated November 8th, 1930, and recorded in Mortgage Record Volume 155, on page 299, were each given for and to secure the same indebtedness, none of said indebtedness having been paid, and the several mortgages were but a renewal and extension of the original indebtedness evidenced by that certain mortgage dated April 7th, 1927, and the taking of the second and third mortgages did not constitute payment of the mortgage debt or discharge nor release the lien of the first mortgage upon the property described in the bill of complaint.

It is further ascertained and found by the Court from the testimony in this case that said mortgage indebtedness was in reality the indebtedness of Atchison Lumber Company, a corporation, and that the acts of the holders of all the capital stock, namely, W. F. Atchison, J. F. Atchison and E. W. Atchison, was in the execution of each of the mortgages above mentioned the act of and for said Atchison Lumber Company, a corporation.

It is now, therefore, hereby ordered, adjudged and decreed that the complainants each have judgment as prayed for in the bill of complaint herein, against the respondents, separately and severally, and each of them, and all persons claiming, or to claim said premises, or any part thereof, through or under said respondents, or either of them, are hereby adjudged and decreed to be invalid and groundless, that the complainants, separately and severally, be and they are, separately and severally, hereby declared and adjudged to be the true and lawful owner of the several tracts of land described in the complaint, and which are herwafter more particularly described, and every part and parcel thereof; and that their title, separately and severally, thereto is adjudged to be quieted against all claims, demands or pretensions of the respondents, or either of them, who are hereby, separately and severally, perpetually estopped from setting up any claim thereto or any part thereof.

It is further ordered, adjudged and decreed that all adverse claim or claims of the respondents, separately and severally, and all persons claiming or to claim said premises, or any part thereof, through or under said respondents, or either of them, are hereby adjudged and decreed

to be invalid and groundless, and that the complainants, Harris M. Gordon and Mary Ruth Luck

Gordon, be and they are hereby declared and adjudged to be the true and lawful owners of the track of land described in Paragraph 5th of the original bill of complaint, and that the title thereto is adjudged to be quieted against all claims, demands or pretensions of the respondents, or either of them, who are hereby, separately and severally perpetually enjoined from setting up any claim thereto, or any part thereof, of said premises, and described as follows:

Beginning at a point on the west margin of Main Street in the town of Columbiana, 228 feet north of the point of intersection of the north margin of Sterrett Street and the west margin of Main Street at an iron stake marking the northeast corner of the lot formerly known as the J.L. Peters residence lot, and from said last named point run thence north along the west margin of Main Street a distance of 119 feet to a point; run thence west parallel with Sterrett Street a distance of 419 feet to a point; run thence south and parallel with Main Street a distance of 119 feet to a point; run thence east and parallel with Sterrett Street a distance of 419 feet to point of beginning on the west margin of Main Street. Said lot being also known as the Ed Atchison Residence Lot. Said lot being a part of the Southeast Quarter of Section 23, Township 21, Range 1 West and being a part of that tract of land described in that certain conveyance from the Columbiana Savings Bank to the Alabama Cooperage Company, a corporation, dated December 22nd, 1932, and recorded in Deed Book 98 on page 117, in the office of the Judge of Probate of Shelby County, Alabama, and being further known as a part of Lot #104, according to W. J. Horsley's map of the town of Columbiana, Alabama, and which is a part of that tract of land described in Paragraph 3rd of this bill of complaint.

It is further ordered, adjudged and decreed that all adverse claim or claims of the respondents, separately and severally, and all persons claiming or to claim said premises, or any part thereof, through or under said respondents, or either of them, are hereby adjudged and decreed to be invalid and groundless; and that the complainant, Henry L. Nichols, be and he is hereby declared and adjudged to be the true and lawful owner of the tract of land described in Paragraph 6th of the original bill of complaint, and that the title thereof is adjudged to be quieted against all claims, demands or pretensions of the respondents, or either of them, who are hereby, separately and severally perpetually enjoined from setting up any claim thereto, or any part thereof, of said premises, and described as follows:

A part of the southeast quarter of Section 23, Township 21, Range 1 West, described as follows: Commencing at a point on the west side of Main Street 228 feet north of the north line of Sterrett Street at an iron stake marking the corner of the J.L. Peters lot and running north along the west side of Main Street a distance of 229 feet to the point of beginning; thence continue north along the west side of Main Street 380 feet to a wire fence adjoining the Sam Shultz land; thence west, and parallel with Sterrett Street a distance of 550 feet; thence south, and parallel with Main Street a distance of 380 feet; thence east and parallel with Sterrett Street 550 feet to the point of beginning. Being in Columbiana, Shelby County, Alabama, which said tract of land is a part of the tract of land described in Paragraph 3rd of the bill of complaint.

It is further ordered, adjudged and decreed that all adverse claim or claims of the respondents, separately and severally, and all persons claiming or to claim said premises, or any part thereof, through or under said respondents, or either of them, are hereby adjudged and decreed to be invalid and groundless; and that the complainant, John F. Thompson, be and he is hereby declared and adjudged to be the true and lawful owner of the tract of land described in Paragraph 7th of the original bill of complaint, and that the title thereto is adjudged to be quieted against all claims, demands or pretensions of the respondents, or either of them, who are hereby, separately and severally, perpetually enjoined from setting up any claims thereto, or any part thereof, of said premises, and described as follows:

Beginning at a point on the west side of Main Street 228 feet north of the north line of Sterrett Street at an iron stake marking the corner of J.L. Peters lot and running north along the west side of Main Street a distance of 119 feet to the point of beginning of the lot hereby conveyed, thence continue north along the west side of Main Street 110 feet, thence west and parallel with Sterrett Street a distance of 500 feet, thence south and parallel with Main Street 110 feet, thence east and parallel with Sterrett Street a distance of 500 feet to the point of beginning, being a part of the southeast quarter of Section 23, Township 21, Range 1 West, which said tract of land is a part of the tract described in Paragraph 3rd of the bill of complaint,

It is further ordered, adjudged and decreed that all adverse claim or claims of the respondents, separately and severally, and all persons claiming or to claim said premises, or any part thereof, through or under said respondents, or either of them, are hereby adjudged and decreed to be invalid and groundless; and that the complainant Alabama Cooperage Company, a corporation, be and it is hereby declared and adjudged to be the true and lawful owner of the tract of land described in Paragraph 3rd of the original bill of complaint, except the lots described in paragraphs 5, 6 and 7 of the original bill of complaint and also set out and described hereinabove, and that the title thereto is adjudged to be quieted against all claims, demands or pretensions of the respondents, or either of them, who are hereby, separately and severally perpetually enjoined from setting up any claims thereto, or any part thereof, of said premises, and described as follows:

A part of the East Half of the Southeast quarter of Section 23, Township 21, Range 1 West, in the Town of Columbiana and more particularly described as follows: Beginning at the northeast corner of the J.L. Peters residence lot on the west side of Main Street and run north with said street and on the west side of said street to the lands of Sam Shultz, thence in a westerly direction with said Shultz land to the right of way of the Southern Railroad, thence run in a westerly direction with said right of way with said railroad on the east side of said railroad to the land of Bonie Jordan, thence in an easterly direction with said Bonie Jordan lot to the lot of Mary Sterrett and on the east side of Sterrett lot to Sterrett Street leading from Main Street to the Southern Depot, and on the north side of said street to the residence lot of J.L. Peters, and on the north side of said Peters lot to the point of beginning, containing 28 acres, more or less and being the land bought of J.L. Peters.

Again it is hereby further ordered, adjudged and decreed by the Court that the Register shall within thirty days from the rendition of this decree file a certified transcript of said decree for record in the Probate Court of Shelby County, Alabama, and to be recorded by the Probate Judge of Shelby County, Alabama.

And it is hereby further ordered, adjudged and decreed that the complainants are hereby taxed with the cost of this proceedings, the respondents have suffered a decree pro confesso against them.

Done in Term time at Columbiana, Alabama, on this the 7 day of February, 1940.

W. W. Wallace  
Judge.

State of Alabama

Shelby County

I, Frank Head, Register of the Circuit Court of Shelby County, Alabama, hereby certify that the above and foregoing is a true and correct copy of the decree rendered in the cause wherein Harris M. Gordon, et al, are complainants and Alabama Machinery & Supply Company, a corporation, et al, are respondents, rendered in this court on the 7th day of February, 1940, as the same appears on file and of record in the office of the Register of the Circuit Court of Shelby County, Alabama.

Given under my hand this the 7th day of February, 1940.

Frank Head,  
Register of the Circuit Court of  
Shelby County, Alabama.

Filed for record in this office February 8th 1940 at 9 AM and recorded in deed record 107, page 600 and examined L C Walker, Judge of Probate

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