

Southern Lime Corporation,
a Corporation,

Complainant

-vs-

Pearl Wood Jarrett Ivey,

Respondent

IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA,

IN EQUITY

No. 2826

This cause coming on to be heard, is submitted for final decree on pleadings and proof as noted by the Register. The testimony was taken orally before the Court. Upon consideration, the Court is of the opinion that Complainant is not entitled to relief prayed for, but that the Respondent is entitled to relief as prayed for in her answer and Cross-Bill.

The Court finds from the testimony that the mortgage of the Respondent in this case executed by the Respondent to the Complainant and copy of which is marked exhibit "C" to the Bill of Complaint and executed on the 28th day of March, 1936 and recorded in Mortgage Book 172 at page 511 in the Probate Court of Shelby County, Alabama, was paid in full on or before April 10, 1939.

The Court further finds that the attempted foreclosure of the mortgage by the Complainant and any foreclosure deed executed in furtherance thereof are void for the reason that the debt was paid before the attempted foreclosure.

It is thereupon ordered, adjudged and decreed by the Court that the Complainant is not entitled to the relief prayed for in the Bill of Complaint.

It is further ordered, adjudged and decreed by the Court that the mortgage indebtedness asserted in the Answer and Cross Bill of the Respondent was fully paid before April 10, 1939 and that the attempted foreclosure of said mortgage and all proceedings pertaining thereto are void and of none effect.

It is further ordered, adjudged and decreed by the Court that title to the property in question and involved in this litigation be and the same is quieted in Respondent, Pearl Wood Jarrett Ivey and that all title claimed by the Complainant is divested out of Complainant and invested in said Respondent, and that the Complainant is taxed with the cost of this proceeding.

It is further ordered, adjudged and decreed by the Court that the Register file a copy of this decree in the Probate Court of Shelby County, Alabama for record.

Done in Term Time this 20th day of May, 1955.

A. L. Henderson
Judge

REGISTER'S CERTIFICATE

STATE OF ALABAMA

SHELBY COUNTY

I, L. G. Fulton, Register in Chancery of the Circuit Court of Shelby County, Alabama, in Equity, hereby certify that the above and foregoing is a full, true and complete copy of the Final Decree in the matter of SOUTHERN LIME CORPORATION, a corporation, vs. PEARL WOOD JARRETT IVEY, Docket No. 2826 as the same appears of record in the Minute Book of said Court.

In witness whereof I have hereunto set my hand and seal this the 21st day of May, 1955.

L. G. Fulton
Register

STATE OF ALABAMA, SHELBY COUNTY
I, L. C. Walker, Judge of Probate, hereby certify that the within Decree was filed for record the 21 day of May 1955 at 12 o'clock and recorded in Book 123 Page 145, and the Mortgage Tax of _____ Deed Tax of _____ has been paid.
L. C. Walker Judge of Probate