

JAMES F. SMITH,)
COMPLAINANT)
VS.)
WILLIAM C. EVANS, JR. and)
DOROTHY M. EVANS,)
RESPONDENTS)
CASE NO. 4411)
.....)
B. L. OWENS, d/b/a Owen Lumber)
Company,)
COMPLAINANT)
VS.)
WILLIAM C. EVANS, JR. and)
DOROTHY M. EVANS,)
RESPONDENTS)
CASE NO. 4414.)
.....)

IN THE CIRCUIT COURT
OF
SHELBY COUNTY, ALABAMA
EQUITY DIVISION.

The above causes having heretofore been consolidated and the same now coming on to be heard upon the agreement of the parties entered into in open Court and the parties having expressly consented through their attorneys of record to the hereinafter order; it is, therefore,

CONSIDERED, ORDERED, ADJUDGED and DECREED By the Court as follows:

1. That the complainant, James F. Smith shall have and recover of the respondents, the sum of \$6,075.45, for which judgment is hereby decreed against the respondents.
2. That the complainant, B. L. Owen, d/b/a B. L. Owen Lumber Company, shall have and recover of the respondents, the sum of \$418.10 for which amount judgment is hereby decreed against the respondents.
3. That respondents are indebted to complainants as shown in paragraphs 1 and 2 for materials used and labor expended in the construction and improvement of a dwelling upon the real estate described in the bill of complaint, as follows:

A lot or parcel of land situated in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14, Township 21 South, Range 2 West described as follows: Commence at the Southeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section; thence run West along the South line of said Quarter Quarter Section a distance of 342.34 feet; thence turn an angle of 96 deg. 05 min. to the right and run a distance of 403.21 feet to the point of beginning of the lot herein described; thence turn an angle of 0 deg. 30 min. to the left and run along the East margin of a dirt road a distance of 208.0 feet; thence turn an angle of 90 deg. to the right and run a distance of 208.0 feet; thence turn an angle of 90 deg. to the right and run 208 feet; thence turn an angle of 90 deg. and run 208 feet to the point of beginning.

4. That a mechanic's and materialman's lien be and the same is hereby affixed and established against the real estate described above, together with the improvements thereon, in favor of the complainants in the total amount of their judgments as shown above, and shall be effective against all of the right, title and interest in and to the real estate described above and the improvements on said property owned or vested in respondents.

5. That unless the judgments decreed herein in favor of the complainants named in the bill of complaint and these consolidated causes are paid within sixty days from this date, said lien is hereby ordered foreclosed and in such event said judgments have not been paid in such time, the Register of this Court is ordered and directed for the purpose of satisfying these liens, to sell within the legal hours of sale, in front of the Courthouse door in Shelby County, Alabama, the said real estate described in paragraph 3 above, together with all improvements thereon, at public sale, to the highest and best bidder for cash after first giving 30 days notice of the time, place and terms of said sale, by publication once a week for three consecutive weeks in a newspaper of general circulation published in Shelby County, Alabama, and make due report thereof to this Court within ten days from the date of said sale.

6. That the complainants, or any one of them shall have the right to purchase at the sale of said property.

7. That the proceeds of said sale under this decree, after the same shall have been reported by the Register, and confirmed by this Court, shall be applied and distributed as follows:

(a) To the payment in full of the judgment liens in favor of the complainants against the respondents;

(b) Any balance, to be paid to respondents.

8. The respondents are hereby charged with the cost of Court in this proceeding to date, amounting to \$ 45.95, for which amount execution may issue.

9. It is contemplated by the parties to this cause, and it has been agreed and made a part of this order, that in the event the respondents are unable to pay the indebtedness set out in paragraphs One and Two, within sixty days from date and that a sale of said property is effectuated, then and in that event,

the sale of said property shall constitute a final discharge of said indebtedness against respondents and no deficiency judgment may thereafter issue. Should the total amount from said sale of said property amount to less than the combined total of the claims of the complainants in this cause, then and in that event the amount of money from said sale shall be prorated between the complainants in the proportion which their judgment bears to the total amount of said sale.

It is further ordered that during the interim of sixty days set forth above, the respondents are ordered to commit no waste on the property, but to care for the same in a reasonably prudent manner.

Done this 15th day of September, 1960.

A. F. Haslam
Judge

FILED 28 OCTOBER 1960

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within deed filed for record in this office on the 28 day of Oct 1960 at 8 A. M. o'clock and recorded in deed Book 212 at page 154 on the 1 day of Nov 1960. Mortgage Tax Deed Tax has been paid.

Conrad M. Fowler
Judge of Probate

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