

3191
JAMES F. SMITH and B. L.
OWEN d/b/a OWEN LUMBER COMPANY,

Complainants,

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

vs

IN EQUITY

WILLIAM C. EVANS, JR. and
DOROTHY M. EVANS, and NATIONWIDE
MUTUAL FIRE INSURANCE COMPANY, a corp.

Respondents.

Whereas, James F. Smith and B. L. Owen, d/b/a Owen Lumber Company, complainants, in the above styled cause have made application to dismiss the injunction heretofore ordered by this Court in connection with the above styled cause and the^{same} being understood by the Court, it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that said injunction be and the same is dismissed and in all respects dissolved and the parties heretofore enjoined under said decree are hereby released from any further injunction under said decree.

Be it further ORDERED, ADJUDGED AND DECREED by the Court that the Bond heretofore filed by the complainants herein in connection with said injunction be and the same is hereby cancelled and the parties signing the same are hereby released from all liability in connection with the same.

WHEREAS, on the 15th day of September, 1960, this Court entered a final decree awarding a judgment in the amount of \$6,075.45 to James F. Smith and awarding a judgment of \$418.10 to B. L. Owen, d/b/a Owen Lumber Company and said decree granted said parties a lien upon the real property described in said decree and ordered the same to be sold for the satisfaction of said judgments in the event said judgments were not paid as provided for in said decree;

Whereas, since the date of said decree, the dwelling house situated on said premises has been destroyed by fire;

Whereas the parties to this cause of action have mutually agreed that the said judgment heretofore rendered in favor of James F. Smith for \$6,075.45 shall be satisfied upon the payment into Court the sum of \$4750.00, and

Whereas, said parties have heretofore mutually agreed that the judgment heretofore awarded to B. L. Owen, d/b/a Owen Lumber Company in the amount of \$418.10 shall be satisfied upon the payment of said sum into Court by the respondents;

And the Court having understood and considered the same, it is, therefore ORDERED, ADJUDGED AND DECREED by the Court that the respondents pay the sum of \$4750.00 into Court in satisfaction of said judgment in favor of James F. Smith and \$418.10 into Court in satisfaction of said judgment in favor of B. L. Owen,

d/b/a Owen Lumber Company;

Be it further ORDERED, ADJUDGED AND DECREED by the Court that the cost in this proceeding be taxed as follows: the complainants shall pay the sum of \$60.59 and the respondents shall pay the sum of \$111.56;

Be it further ORDERED, ADJUDGED AND DECREED by the Court that upon the payment of said sums ordered to be paid by the respondents, said judgments shall be and the same are hereby satisfied in full;

Be it further ORDERED, ADJUDGED AND DECREED by the Court that Case No. 4411, being case of James F. Smith, vs William C. Evans, Jr. and Dorothy M. Evans, and case No. 4414, being case of B. L. Owen, d/b/a Owen Lumber Company vs William C. Evans, Jr. and Dorothy M. Evans have heretofore been consolidated by a decree of this Court. It is further ordered, adjudged and decreed by the Court that said injunction proceeding, being case No. 4414A, be and the same is hereby consolidated with the above two cases and they shall hereafter constitute and be one and the same case.

Be it further ORDERED, ADJUDGED AND DECREED by the Court that the complainants shall have no further right, title or interest in or to the property described in said final decree and shall have no further claim or any judgment against the respondents herein, it being the decree of the Court that the payment into Court of said sums mentioned hereinabove shall constitute full payment of all claims against said respondents.

Done this 14th day of April, 1961.

A. L. Handley
Judge

STATE OF ALABAMA }
SHELBY COUNTY }

I, Conrad M. Fowler, Judge of Probate hereby
certify that the within will was
filed in this office for record the 12 day
of April at 12 o'clock M
and recorded in Book 215 Record 775
page 136 and examined 4-18-61
and the Mortgage Tax of \$
Deed Tax of \$ has been paid.

Fee \$ 2.25

Conrad M. Fowler
Judge of Probate

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within was filed
for record in this office on the day of 196 at M. o'clock, and
recorded in Book at page on the day of 196 .