

WESTINGHOUSE ELECTRIC SUPPLY)
COMPANY, INC., a corporation,)
)
PLAINTIFF)
)
VS.)
)
MAINTENANCE CONTRACTORS, INC.,)
et al,)
)
DEFENDANTS)

IN THE CIRCUIT COURT FOR THE
TENTH JUDICIAL CIRCUIT OF ALABAMA
IN EQUITY

CIVIL ACTION NO: CV 82-505-140 JDC

FINAL DECREE

This matter coming on to be heard on the plaintiff's Creditors Bill for Relief and the General Denial of the defendants, and the Court having considered the oral testimony and briefs of the parties, the Court is of the opinion that relief is due to be granted to the plaintiff.

In examination of the briefs of the parties, the Court finds that the legal theories of ALTER-EGO as set out in C.E. Development Co. v. Kitchens, 288 Ala. 660, 264 So.2d 510 (1972) and INSTRUMENTALITY, as set out in Krivo vs. National Distillers, 483 F.2d 1098 (5th Cir. 1973), are applicable in this case. The Court finds from the evidence:

1. That the plaintiff was a lawful and just creditor of the defendant, Maintenance Contractors, Inc., and did reduce the debt to a judgment. That execution was duly issued and returned by the Sheriff "no property found".
2. That R. E. Pilkerton, with knowledge of the debt of the plaintiff, did allow Maintenance Contractors, Inc. by and through his dominion and control, to cease to operate. Further, said R. E. Pilkerton, by his direction and control did establish a new corporation twelve days later. That the purpose, intent and/or direction of R. E. Pilkerton was to use his control of both corporations to hinder, delay, defraud and avoid the lawful claim of the plaintiff.
3. The Court finds that the above defendant corporations were the mere instrumentality of R. E. Pilkerton and/or became the alter-ego of said defendant.

WHEELER, CHRISTIAN & ROBERTS

2230 THIRD AVENUE NORTH
BIRMINGHAM, ALABAMA 35203

It is, therefore, ORDERED, ADJUDGED AND DECREED as follows:

A. That the plaintiff have and recover of the defendants, R. E. Pilkerton, individually and R. E. Pilkerton, Inc., the sum of \$13,690.48, plus interest of \$1369.00, for a total judgment of \$15,059.48.

B. Costs are taxed to the defendants, for which let execution issue.

DONE AND ORDERED THIS 25th DAY OF April, 1983.



CIRCUIT JUDGE, CIRCUIT COURT
JEFFERSON COUNTY, ALABAMA

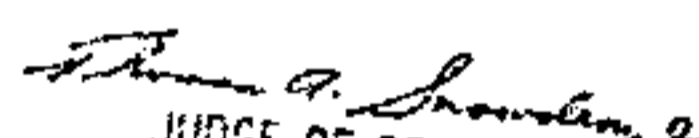
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BOOK

CC: M. Wayne Wheeler, Esq.
Attorney for Plaintiff

Harry Asman, Esq.
Attorney for Defendants

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

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JUDGE OF PROBATE

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