

1217

State of Alabama
Unified Judicial System

Form C-28 Rev 2/79

CERTIFICATE OF JUDGMENT

Case Number

CV 79 1956-SW
ID YR Number

IN THE CIRCUIT COURT OF ETOWAH COUNTY
APPELLANT APPELLEE
~~Plaintiff~~ SOUTHEASTERN MACHINERY & vs. ~~Defendant~~ ABC PARTS, C.A., A CORP.
EQUIPMENT CO., INC., A Address Caracas, Venezuela
CORP. 3005 Lakewood Lane, Hollywood
Additional Defendant Fla. 33201

1050 Rainbow Dr., Gadsden, Al.

I, Billy Yates, clerk of the above named court hereby
certify that on (date) June 24, 1982 ~~recovered of defendant in said court a judgment~~ Appellee, ABC Parts, C.A., a Corp
recovered of ~~defendant~~ ~~in said court a judgment~~ (with) (without) waiver of exemptions for the sum of
* \$ 30,000.00 (Circuit Ct. Judgment) Dollars plus \$ 35.00 Dollars court costs, and that
William D. Hudson is plaintiff's attorney of record.

Given under my hand this date July 20, 1983

CLERK

Billy Yates

I certify that this instrument was filed for record in my office on (date) JULY 29 at (time) 9:59
and duly recorded in book T page 1234

JUDGE OF PROBATE

Thomas A. Snowden Jr.

*See attached copy of Ruling from Supreme Court of Alabama for further explanation.

Addresses of Sureties:

Lucy Waunita Fountain - Hwy 231 South, Ashville, Al. (St. Clair County)
Lynn Morgan - Rt. 9, Indian Hills, Al. (Shelby County)
Jennie Fountain - Rt. 1, Cleveland, Alabama (Blount County)

Note: Copy of Ruling from Supreme Court of Alabama on
appeal of case, and Copy of Supersedeas Bond
attached.

PRUETT, HUDSON, TURNBACH & WARREN, P.C.
ATTORNEYS AT LAW
228 SOUTH SIXTH STREET • P. O. BOX 29
GADSDEN, ALABAMA 35902

BOOK PAGE 634

APRIL 1, 1983

THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM 1983-83

81-1061

SOUTHEASTERN MACHINERY AND
EQUIPMENT COMPANY, INC.

VS.

ETOWAH CIRCUIT COURT
#CV79-001956-SW

ABC PARTS, C.A.

This cause having been duly submitted on briefs, IT IS CONSIDERED,
ORDERED, AND ADJUDGED that the judgment of the circuit court be
affirmed.

IT IS FURTHER ORDERED AND ADJUDGED that the appellant,
Southeastern Machinery and Equipment Company, Inc., and Lucy Waunita
Fountain, Lynn Morgan, and Jennie Fountain, sureties on the supersedeas
bond, pay the amount of the judgment of the circuit court plus 10 percent
damages and interest and the costs of appeal as provided by the Alabama
Rules of Appellate Procedure, for which costs let execution issue.

OPINION BY JONES, J.

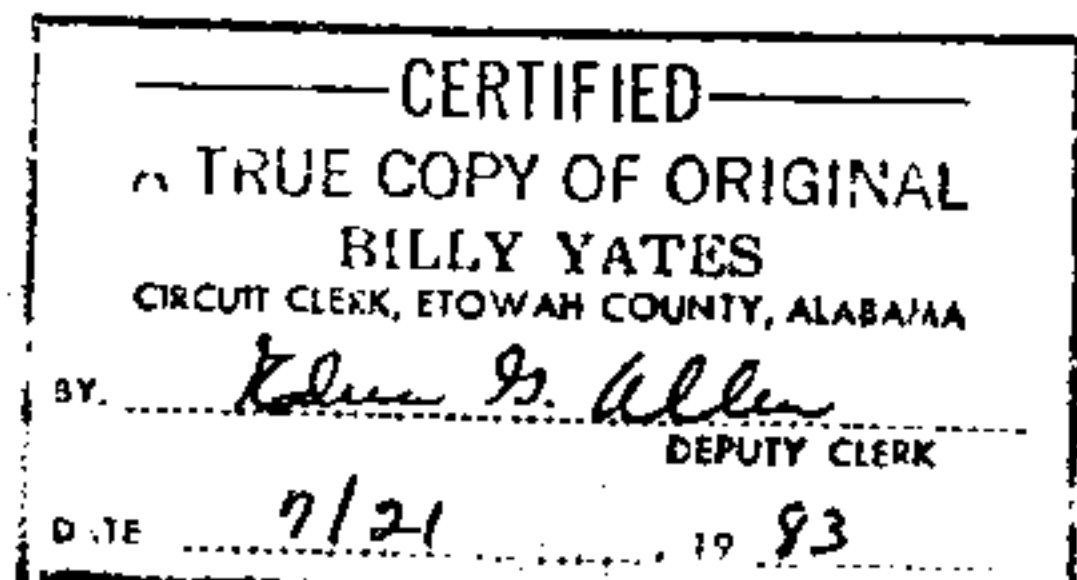
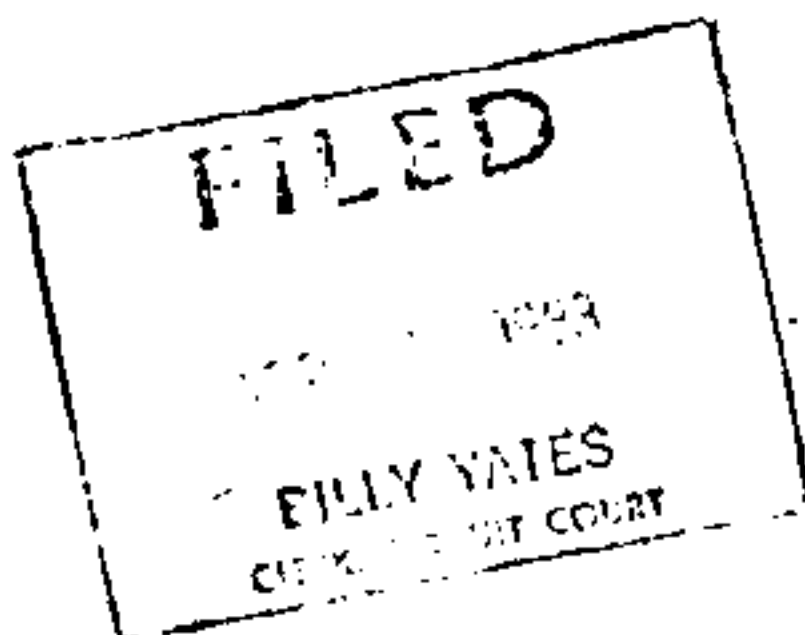
TORBERT, C.J., MADDOX, SHORES AND BEATTY, JJ., CONCUR.

I, Dorothy F. Norwood, as Acting Clerk of the
Supreme Court of Alabama, do hereby certify
that the foregoing is a full, true and correct
copy of the instrument(s) herewith set out as
same appears of record in said Court.

Witness my hand this 19th day of April 1983

Dorothy F. Norwood

Acting Clerk, Supreme Court of Alabama



**NOTICE OF APPEAL TO THE (SUPREME) COURT
(SPECIFIC APPEALS) OF ALABAMA**

SOUTHEASTERN MACHINERY AND
EQUIPMENT COMPANY, INC.,

In the Circuit Court of ETOWAH County

Appellant
v.

Civil Action No. CV-79-001956-SW

ABC PARTS, C. A.,

June 25, 1982 August 24, 1982

Appellee

Date of Judgment & Post Judgment Order

Notice is hereby given that plaintiff appeals (s) to
the above-named court from the (final judgment) entry in the amount of \$30,000.00 and costs
against plaintiff on defendant's counterclaim

[describing it]

entered in this cause. Appellant:

Filed with this notice of appeal:

☒ Security for costs of appeal
☒ A supersedeas bond in the amount of \$37,500.00

☐ Deposited cash security in the amount of _____

☐ Is exempted by law from giving security for costs of appeal by virtue of _____

Filed August 25, 1982

Certified as a true copy:

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

Dolores N. Parsons
Circuit Clerk 1983 JUL 29 AM 9:59

Fee 4.50
Ind 1.00
5.50

BY: Frank Fountain
1050 Rainbow Drive
Gadsden, AL 35901 546-4637

FLOYD, KEENER & CUSIMANO Phone No. _____

BY: Michael J. Rubin
Attorney for Appellant 816 Chestnut Street
Gadsden, AL 35999
Phone No. 547-6328

SECURITY FOR COSTS

We hereby acknowledge ourselves security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and Laws of the State of Alabama. EXECUTED with our seals this the 25th day of August, 1982

EXECUTED WITH OUR SEALS THIS

BY OF

Frank Fountain
SOUTHEASTERN MACHINERY & EQUIPMENT CO., INC. (L.S.)

Filed and approved: Aug. 25, 1982

Date

Dolores N. Parsons
Circuit Clerk

Lynne Wainata Fountain
Appellant-Principal
Surety

Lynn Morgan
Surety (L.S.)

Jennie Fountain
Surety (L.S.)

SUPERSEDEAS BOND

We, the undersigned principal and sureties, hereby acknowledge ourselves bond unto defendant in the sum of
Thirty-seven Thousand Five Hundred (\$37,500.00) Dollars, for the payment of which

[for amount of bond see Rule 8(a)]

we bind ourselves, and each other, our heirs, executors and administrators, jointly and severally, and as part of this undertaking we hereby waive our rights of exemption as to personal property under the Constitution and Laws of the State of Alabama.

WHEREAS, the above-named plaintiff recovered a judgment against appellant for the sum of \$30,000.00

Dollars (and the further acts or duty _____)
[describing judgment in addition to or other than for money only]

NOW, therefore, the condition of the foregoing obligation is such that, if the appellant shall prosecute this appeal to effect, and satisfy such judgment, penalties, costs, including costs of appeal as may be rendered in this case, then the said obligation to be null and void, otherwise to remain in full force and effect.

Executed with our seals this 25th day of August 1982

Filed and Approved: Oct 5 1982

Date

John A. George
Circuit Clerk

BY: Frank Fountain
Appellant-Principal (L.S.)

Lynne Wainata Fountain
Surety

Lynn Morgan
Surety (L.S.)

Jennie Fountain
Surety (L.S.)

Execution of Judgment stayed:

Bond fixed at \$ _____
for money judgment

Circuit Judge
BY: Edna B. Allen
DEPUTY CLERK

DATE 7/21 1983

CERTIFIED (Not required)

TRUE COPY OF ORIGINAL

BILLY YATES

CIRCUIT CLERK, ETOWAH COUNTY, ALABAMA

FILED

AUG 25 1982

DOLORES N. PARSONS