

J. C. NICHOLS

Complainant

Vs

A. L. STIERS

Respondent

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your Orator, J. C. Nichols, and presents this Bill of Complaint  
against A. L. Stiers, and thereupon your Orator complains and shows unto the  
Court and your Honor as follows:

1.

Your Orator is a resident of Baldwin County, Alabama and is over  
the age of twenty-one years; and the Respondent is over the age of twenty-one  
years and is a resident of Baldwin County, Alabama.

2.

That on to-wit March 27th, 1950, your Orator leased by verbal agreement  
from A. L. Stiers the commercial building and adjacent area thereto from A. L.  
Stiers said premises located within police jurisdiction of the Town of Bay Minette  
on US Highway No. 31 South of said town, for the purpose of operating a filling  
station and lunchroom. Said lease was an oral agreement for the period of  
twelve months and your Orator paid the sum \$25.00 to the said A. L. Stiers in  
advance and was placed in possession of said premises and agreed to pay the sum  
of \$25.00 per month, as rental on said property. That your Orator was to pay for  
the electricity and gas used in the operation of his business aforesaid by a  
comparison of the Respondent's electric and gas bills previous to the lease with  
those during the life of said lease and your Orator was to pay the overage. The  
Respondent agreed to furnish water to your Orator on the Respondent's premises.  
Said leased building being already connected thereto; the costs of the water fur-  
nished was included in the rental price agreed upon.

3.

That subsequent to taking possession of said premises your Orator was  
called upon by the Respondent to install a separate electric meter which he did  
at the costs of to-wit, \$16.00 which sum has not been reimbursed to your Orator

and also your Orator was called upon by the Respondent to install a separate gas meter which he did.

4.

There is available to the premises only the water supply provided under the terms of the oral agreement which was entered into in the presence of witnesses.

5.

That the Respondent has on several and frequent occasions cut off the water from the premises rented as stated aforesaid and deliberately denied to your Orator the restoration of water necessary to the operation of your Orator's business on leased premises to the detriment and damage of your Orator, denying him the convenience necessary for the operation of the restrooms maintained as a necessary service in his business; denying him water for use in servicing cars and trucks in the operation of his business and denying water necessary in providing for personal and family needs; denying him the use of water for other requirements that may arise including fire protection on the leased premises all of which is to the detriment and damage of your Orator in the operation of your Orator's business which is his livelihood.

#### PRAYER FOR PROCESS

Your Orator prays that the usual process of this Honorable Court issue to the Respondent, requiring him to appear and answer, plead to or demur to the Bill of Complaint filed against him in this cause within the time and under the penalties prescribed by law and the rules of this Honorable Court.

#### PRAYER FOR RELIEF

Your Orators pray for the following separate and several relief:

1.

That a temporary injunction or restraining order be issued enjoining and restraining the Respondent from cutting off the water or interfering with your Orator in the peaceful operation of his business aforesaid on the leased premises as described above.

2.

That after proper hearing before your Honorable Court, that said injunction shall be made permanent.

3.

Your Crators further pray for such other, further and general relief as it may be equitably entitled to the premises considered.

STATE OF ALABAMA  
BALDWIN COUNTY

C. LeNoir Thompson  
Solicitor for Complainant

Before me, C. LeNoir Thompson, a Notary Public in and for said County in said State, personally appeared J. C. Nichols, who being duly sworn deposes and says that the allegations contained in the foregoing bill of complaint are true and correct.

J. C. Nichols  
Complainant

Sworn to and subscribed before me this  
the 19 day of August, 1950.

C. LeNoir Thompson  
Notary Public, Baldwin County, Alabama.

On Complainant entering into bond in the sum of \$100.00  
with sufficient surety to be approved by the Register, payable as conditioned by law, let temporary injunction issue as prayed for in the foregoing bill of complaint.

J. Fair J. Maddalena Jr.  
Judge

Received in Sheriff's Office  
this 24 day of Aug 1950  
TAYLOR WILKINS, Sheriff

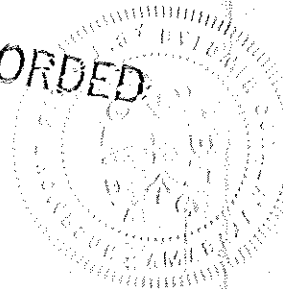
2530

J. C. NICHOLS

VS

A. L. STIERS

RECORDED



PETITION FOR TEMPORARY  
INJUNCTION

FILED

AUG 19 1950

ALICE J. DUCK, Register

From the Law Offices  
of

C. LENOIR THOMPSON

Executed 8-21-50

By serving copy of the  
Within on A. L. Stiers

Taylor Wilkins Sheriff  
147 Hall D.S.

J. C. NICHOLS

Complainant

Vs

A. L. STIERS

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

To A. L. Stiers:

WHEREAS, one J. C. Nichols has exhibited his bill of complaint in equity, in the Circuit Court of Baldwin County, and has obtained from the Honorable Telfair J. Mashburn, Jr., an order for the issuance of an injunction to enjoin you as hereinafter mentioned; and whereas, the said J. C. Nichols has, in accordance with said order, entered into bond, with security, in the sum of One Hundred (\$100.00) Dollars, payable to the Register of this Court and approved by the Register of said Court, and conditioned according to law.

NOW, THEREFORE, you, the said A. L. Stiers are hereby enjoined from refusing to supply water or interfering with the supply of water to the said J. C. Nichols and this Injunction you are required to obey under the penalties of law, until the further order of this Court.

WITNESS my hand, this 19<sup>th</sup> day of August, 1950.

Reid J. Mashburn  
Register.

TO THE SHERIFF OF BALDWIN COUNTY:

You are hereby commanded to execute this writ, and return the same with your endorsement thereon, to this Court, with all convenient speed.

WITNESS my hand, this 19<sup>th</sup> day of August, 1950.

Reid J. Mashburn  
Register

Received in Sheriff's Office  
this 21 day of Aug 1950  
TAYLOR WILKINS, Sheriff

RECORDED  
M 2530

Executed 8-21-50  
By serving copy of the  
within writ  
a J. Stiers  
Taylor Wilkins Sheriff

Filed 8-19-50  
Alec French  
Register

STATE OF ALABAMA )

BALDWIN COUNTY )

KNOW ALL MEN BY THESE PRESENTS, That we, J. C. Nichols, as principal, and the undersigned as surety, are held and firmly bound unto the Register of the Circuit Court of Baldwin County in Equity in the sum of \$  
for the payment of which to the said Register or her successors, we bind ourselves, our executors, and administrators, jointly and severally.

Sealed with our seals and dated this \_\_\_\_ day of August, 1950.

WHEREAS the said J. C. Nichols has filed his Bill of Complaint in the said Circuit Court in Equity, and has obtained thereon an order for the issuance of an injunction from the Honorable Telfair J. Mashburn, Jr., Judge, to restrain and enjoin A. L. Stiers from directly or indirectly interfering with or opposing the right of the said J. C. Nichols to obtain water for the premises leased from said A. L. Stiers, said premises located within police jurisdiction of the Town of Bay Minette on US Highway No. 31 South of said Town.

NOW THEREFORE, The condition of the above obligation is such that if the said J. C. Nichols, his heirs, executors, administrators or any of them shall pay or cause to be paid all damages which any person may sustain by the suing out of said injunction, if the same is dissolved by the Circuit Court in Equity, on the bill filed by the said J. C. Nichols, as aforesaid then this obligation to be void, otherwise to remain in full force and effect.

WITNESS our hands and seals this, the day and year first above written.

J. C. Nichols (SEAL)

B. H. Darrin (SEAL)

Taken and approved this the 19<sup>th</sup> day of August, 1950.

Wm. J. Wicks  
Register

2530 RECORDED

J. C. Nichols

VS

A. L. Starn

Injunction

FILED

AUG 19 1950

ALICE J. DUCK, Register



J. C. NICHOLS

Complainant

Vs

A. L. STIERS

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

The foregoing bill of complaint being presented to the undersigned for fiat and it appearing that no substantial injury will result to the Complainant from delay, it is accordingly ordered that the cause be set down for hearing in the Equity Division of this Court upon the application for the writ of injunction prayed for in the bill at 2:00 o'clock P.M., on the 5<sup>th</sup> day of September, 1950.

It is further ordered pursuant to the provision of Code 1940, Title 7, Section 1054, that the Complainant give notice to the Respondent, A. L. Stiers, of such hearing by serving him a copy of the foregoing bill of complaint, together with a copy of this order.

Ordered, this the 19<sup>th</sup> day of August, 1950.

J. J. A. Madhury  
Circuit Judge, in Equity Sitting.

J. C. NICHOLS,  
Complainant,  
VS.  
A. L. STIERS,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY.

This cause having been presented to this Court for a temporary injunction on the 19th day of August, 1950, and the same having been granted and said cause having been set down for hearing on the 5th day of September, 1950, upon the merits, and the parties being present, the cause was submitted for final decree on an ore tenus hearing on behalf of the Complainant upon the bill of complaint and the testimony of said Complainant and on the part of the Respondent by oral admission in open Court, all of which being considered and understood, the Court is of the opinion that the Complainant is entitled to the relief prayed for in his bill of complaint. It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. That the temporary injunction heretofore issued in this cause be, and the same is hereby, made permanent, and the Respondent, A. L. Stiers is restrained from maliciously interfering with or cutting off the water required for the leased premises during the term of said lease.

2. That the Complainant, J. C. Nichols, is restrained and enjoined from committing waste with the water furnished to the leased premises by the Respondent, but is ordered to utilize and conserve said water supply in a suitable and proper manner in accordance with the business conducted thereon.

3. That the costs of this proceeding be, and the same are, hereby, taxed equally against the parties to this cause, for which let execution issue.

4. That jurisdiction of this cause is retained for such other or further or different orders or decrees as may be meet and proper in the premises.

Done and Ordered this 8th day of September, 1950.

Jeffrey J. MacLachlan, Jr.  
Judge