

MCKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. F. E. WINBERG and WINBERG  
ORCHARDS & NURSERIES COMPANY,  
a Corporation,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

STIPULATION

It is hereby stipulated and agreed between the parties hereto  
by and between their respective Solicitors of Record, that upon the  
payment of the costs of court by the respondents, this action be  
dismissed.

Dated this 20 day of December, 1939.

*David Tomagney*

Solicitor for Complainant.

*Bebe ...*  
*By W. C. ...*

Solicitor for Respondents.

RECORDED  
INDEXED

FILED  
CLERK OF COURT  
BALDWIN COUNTY, ALABAMA  
DEC 21 1939

McKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. F. E. WINBERG and WINBERG  
ORCHARDS & NURSERIES COMPANY,  
a Corporation,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

BILL OF COMPLAINT

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN CHANCERY SITTING:

PART ONE

Your Complainant, McKesson-Bedsole-Colvin, Inc., respectfully shows unto your Honor that it is a corporation organized and existing under the laws of the State of Alabama with its principal place of business in Mobile, Alabama; that the Respondent, O. F. E. Winberg is over the age of twenty-one years and a resident of Baldwin County, Alabama, residing near Silverhill and that Respondent, Winberg Orchards & Nurseries Company, is a Corporation organized and existing under the laws of the State of Alabama with its principal place of business in Baldwin County, Alabama, at Loxley, therein.

PART TWO

1. That prior to the 30th day of June, 1932, the Respondent, O. F. E. Winberg, became indebted to Complainant for goods, wares and merchandise sold and delivered to him by the Complainant and on said 30th day of June, 1932, said Respondent made, executed and delivered to Complainant his negotiable promissory note in the face amount of SIXTEEN HUNDRED SEVENTY FOUR & 70/100 (\$1,674.70) DOLLARS, payable ninety (90) days after date with interest at the rate of six per cent (6%) per annum from date until paid.

2. That default being made in the payment of said note, Complainant filed a suit upon the same against said Respondent in the Circuit Court of Baldwin County, Alabama, on the 31st day of May, 1935.

3. That thereafter and on the 15th day of April, 1936, a judgment was entered by said Circuit Court of Baldwin County, Alabama, in favor of Complainant and against said Respondent for the sum of TWENTY THREE HUNDRED FORTY FIVE & 66/100 (\$2345.66) DOLLARS and TWELVE DOLLARS & 95/100 (\$12.95) costs of Court which said judgment is wholly unpaid.

4. That said judgment was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on the 20th day of April, 1936, in Judgment Book 2, page 352 thereof.

5. Complainant further avers that on January 25th, 1928, the said Respondent, O. F. E. Winberg became the owner of the following described land in Baldwin County, Alabama, to-wit:-

The North-half ( $N\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Eleven (11), Township Six (6) South of Range Three (3) East, except a strip 510 feet wide off of and across the West end of said tract, reserving a strip of land 40 feet wide on the North side; a strip of land 15 feet wide on the East side and a strip of land 20 feet wide on the South thereof for road purposes.....

That said Respondent owned the same at the time credit was extended to him and when suit was filed against him and said land was subject to levy and sale for Complainant's debt and judgment and liable to be taken therefor.

6. That said land was all of the property owned by the said Respondent which could be subjected to Plaintiff's debt and judgment as all of the other property owned by said Respondent was heavily encumbered and since has been lost to him by foreclosure of the mortgages against it.

7. Complainant avers that just a short time before judgment was entered against him as aforesaid, and at a time when he knew that the said case of the Complainant against him would be pressed to judgment at the next session of said Court, the said Respondent, O. F. E. Winberg joined by his wife, Martha V. Winberg, made, executed and delivered a deed to said land to the Respondent, Winberg Orchards & Nurseries Company, said deed being dated November 16th, 1935, and recorded in the office of the

Judge of Probate of Baldwin County, Alabama, on December 20th, 1935, and Complainant avers that such deed was gratuitous voluntary and without consideration.

8. In the alternative, Complainant avers that if there was any consideration for such deed, it was greatly less than the value of said land and was inadequate, or, in the alternative, Complainant avers that if there was an adequate consideration from the Respondent, Winberg Orchards & Nurseries Company to the Respondent, O. F. E. Winberg, yet the transaction between the Respondents was entered into for the express, fraudulent purpose of hindering, delaying and defrauding the Complainant in the collection of its debt and judgment; that the Respondent, Winberg Orchards & Nurseries Company, well knew the purpose of such deed and by accepting and recording same entered into and participated in said scheme and transaction to hinder, delay and defraud the Complainant in the collection of its judgment, actively and with full knowledge of the fraudulent intent and purpose and in this connection, Complainant avers:

That the Respondent, Winberg Orchards & Nurseries Company, is a corporation, organized by the Respondent, Winberg, with a capital stock of fifty shares, of which the said Respondent, O.F.E. Winberg owns twenty shares, his wife, Martha V. Winberg, owns ten shares and two of the employees of the Respondent, Winberg, to-wit: C. A. Gearhart and L. G. Payne each hold ten shares, payment for which, by the said C. A. Gearhart and L. G. Payne, was "Secured by labor contract." That the Respondent, O. F. E. Winberg is now and always has been President of said Corporation and the active manager thereof and is now and always has been the alter ego of said corporation which has no other business except the private business of the said Respondent, Winberg, which is transacted in the name of the corporation as a shield to said Respondent. That the wife of said Respondent, Martha V. Winberg, is the vice-president of said Corporation and the said L. G. Payne is Secretary and Treasurer thereof and Complainant avers that each and all of the four stock

PAGE THREE

on December 20th, 1935, which said deed conveyed the land described in paragraph five (5) hereof, be cancelled and held void and of no force and effect and that the said lands be decreed to be the land of the Respondent, O. F. E. Winberg and subject to the lien

PAGE FOUR

The State of Alabama, }  
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon O. F. E. WINBERG and WINBERG ORCHARDS  
& NURSERIES COMPANY, a Corporation

~~#####~~

of Baldwin County, to be and appear before the Judge of the Circuit Court  
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-  
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

McKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

against said O. F. E. WINBERG and WINBERG ORCHARDS  
& NURSERIES COMPANY, a Corporation

and further to do and perform what said Judge shall order and direct in that behalf. And this the said  
Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with  
your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 5th day  
of May 1938

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

McKESSON-BEDSOLE-COLVIN,  
INC., a Corporation,  
Complainants,

vs.

O. F. E. WINBERG and WIN-  
BERG ORCHARDS & NURSERIES  
COMPANY, a Corporation,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Come the respondents in the above styled cause, and  
demurring to complainant's bill of complaint, say:

1st. There is no equity in the bill.

*Beebe, Hall & Beebe*  
Solicitors for Respondents.

McKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. F. E. WINBERG and WINBERG  
ORCHARDS & NURSERY COMPANY,  
a Corporation,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

BILL OF COMPLAINT

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN CHANCERY SITTING:

PART ONE

Your Complainant, McKesson-Bedsole-Colvin, Inc., respectfully shows unto your Honor that it is a corporation organized and existing under the laws of the State of Alabama with its principal place of business in Mobile, Alabama; that the Respondent, O. F. E. Winberg is over the age of twenty-one years and a resident of Baldwin County, Alabama, residing near Silverhill and that Respondent, Winberg Orchards & Nurseries Company, is a Corporation organized and existing under the laws of the State of Alabama with its principal place of business in Baldwin County, Alabama, at Loxley, therein.

PART TWO

1. That prior to the 30th day of June, 1932, the Respondent, O. F. E. Winberg, became indebted to Complainant for goods, wares and merchandise sold and delivered to him by the Complainant and on said 30th day of June, 1932, said Respondent made, executed and delivered to Complainant his negotiable promissory note in the face amount of SIXTEEN HUNDRED SEVENTY FOUR & 70/100 (\$1,674.70) DOLLARS, payable ninety (90) days after date with interest at the rate of six per cent (6%) per annum from date until paid.

2. That default being made in the payment of said note, Complainant filed a suit upon the same against said Respondent in the Circuit Court of Baldwin County, Alabama, on the 31st day of May, 1935.

3. That thereafter and on the 15th day of April, 1936, a judgment was entered by said Circuit Court of Baldwin County, Alabama, in favor of Complainant and against said Respondent for the sum of TWENTY THREE HUNDRED FORTY FIVE & 66/100 (\$2345.66) DOLLARS and TWELVE DOLLARS & 95/100 (\$12.95) costs of Court which said judgment is wholly unpaid.

4. That said judgment was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on the 20th day of April, 1936, in Judgment Book 2, page 352 thereof.

5. Complainant further avers that on January 25th, 1935, the said Respondent, O. F. E. Winberg became the owner of the following described land in Baldwin County, Alabama, to-wit:-

The North-half (N $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Eleven (11), Township Six (6) South of Range Three (3) East, except a strip 510 feet wide off of and across the West end of said tract, reserving a strip of land 40 feet wide on the North side; a strip of land 15 feet wide on the East side and a strip of land 20 feet wide on the South thereof for road purposes.....

That said Respondent owned the same at the time credit was extended to him and when suit was filed against him and said land was subject to levy and sale for Complainant's debt and judgment and liable to be taken therefor.

6. That said land was all of the property owned by the said Respondent which could be subjected to Plaintiff's debt and judgment as all of the other property owned by said Respondent was heavily encumbered and since has been lost to him by foreclosure of the mortgages against it.

7. Complainant avers that just a short time before judgment was entered against him as aforesaid, and at a time when he knew that the said case of the Complainant against him would be pressed to judgment at the next session of said Court, the said Respondent, O. F. E. Winberg joined by his wife, Martha V. Winberg, made, executed and delivered a deed to said land to the Respondent, Winberg Orchards & Nurseries Company, said deed being dated November 18th, 1935, and recorded in the office of the



Judge of Probate of Baldwin County, Alabama, on December 20th, 1935, and Complainant avers that such deed was gratuitous voluntary and without consideration.

8. In the alternative, Complainant avers that if there was any consideration for such deed, it was greatly less than the value of said land and was inadequate, or, in the alternative, Complainant avers that if there was an adequate consideration from the Respondent, Winberg Orchards & Nurseries Company to the Respondent, O. F. E. Winberg, yet the transaction between the Respondents was entered into for the express, fraudulent purpose of hindering, delaying and defrauding the Complainant in the collection of its debt and judgment; that the Respondent, Winberg Orchards & Nurseries Company, well knew the purpose of such deed and by accepting and recording same entered into and participated in said scheme and transaction to hinder, delay and defraud the Complainant in the collection of its judgment, actively and with full knowledge of the fraudulent intent and purpose and in this connection, Complainant avers:

That the Respondent, Winberg Orchards & Nurseries Company, is a corporation, organized by the Respondent, Winberg, with a capital stock of fifty shares, of which the said Respondent, O.F.E. Winberg owns twenty shares, his wife, Martha V. Winberg, owns ten shares and two of the employees of the Respondent, Winberg, to-wit: C. A. Gearhart and L. G. Payne each hold ten shares, payment for which, by the said C. A. Gearhart and L. G. Payne, was "Secured by labor contract." That the Respondent, O. F. E. Winberg is now and always has been President of said Corporation and the active manager thereof and is now and always has been the alter ego of said corporation which has no other business except the private business of the said Respondent, Winberg, which is transacted in the name of the corporation as a shield to said Respondent. That the wife of said Respondent, Martha V. Winberg, is the vice-president of said Corporation and the said L. G. Payne is Secretary and Treasurer thereof and Complainant avers that each and all of the four stock

holders of said corporation knew all about the Respondent, Winberg's, financial difficulties, and the suit of your Complainant against him and that by reason thereof, the said Corporation, Respondent, Winberg Orchards & Nurseries Company, had full knowledge of all of said facts and the said Corporation took said deed from the Respondent, Winberg, with full knowledge of all the facts and as an active participant in the scheme to hinder, delay and defraud Complainant in the collection of its judgment.

9. Complainant avers that the aforesaid deed to the Respondent Winberg Orchards & Nurseries Company is fraudulent and void as to this Complainant and that the same ought to be set aside and cancelled and the lands hereinbefore described subjected to the lien of Complainant's judgment and said lands sold for the satisfaction thereof.

PRAYER FOR PROCESS

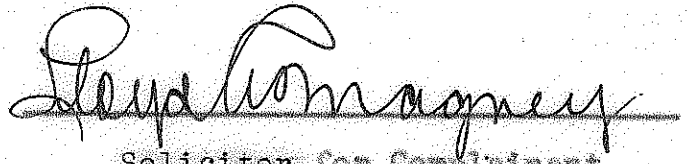
Wherefore, your Complainant prays that your Honor will grant to it the writ of summons of the State of Alabama, commanding the Respondents, O. F. E. Winberg and Winberg Orchards & Nurseries Company to appear in this Honorable Court within Thirty (30) days from the service of such writ, to demur, plead to or answer this Bill of Complaint and to stand to and abide such order and decree as may be entered herein; and your Complainant will ever pray, & c.

PRAYER FOR RELIEF

Your Complainant further prays that upon a final hearing of this cause, your Honor will make and enter a decree that the deed from Respondent, O. F. E. Winberg to Respondent Winberg Orchards & Nurseries Company, dated November 16th, 1935, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, on December 20th, 1935, which said deed conveyed the land described in paragraph five (5) hereof, be cancelled and held void and of no force and effect and that the said lands be decreed to be the land of the Respondent, O. F. E. Winberg and subject to the lien

of the judgment of your Complainant and that said lands be ordered sold and the proceeds of such sale applied to the payment of your Complainant's said judgment and that your Complainant may have such other, further and different relief in the premises as may be just and equitable.

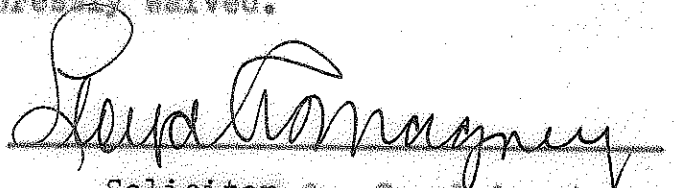
And the Plaintiff submits itself to the jurisdiction of the Court, and offers to do whatever the Court may consider necessary to be done on its part towards making the decree which it seeks just and equitable with regard to the Respondents.



Solicitor for Complainant

FOOTNOTE

The Respondents, G. F. E. Winberg and Winberg Orchards & Nurseries Company, are hereby required to answer the allegations of Part Two (2) of the above Bill from paragraph numbered One (1) to paragraph numbered Nine (9), both inclusive, but not under oath, oath to answer being hereby expressly waived.



Solicitor for Complainant

БОЈБА, УТРАСНА,  
УПОЛНА  
ПРОД В. АУГМЕНА

*[Handwritten signature]*

БИГ ОЕ КОМПАНИ  
C O O A

Небоуоде

с колоретон,  
ОУОНУДС & ИОНЕВИТС КОМПАНИ,  
О. Е. Е. АИВЕРС СУС АИВЕРС

AG.

КОМПАНИ

с колоретон,  
ИОНЕВИТС-КОРАИ, ИАС,

ВУДМИ КОМПАНИ, АИВЕРС  
ИМ СИВНИ КОМПАНИ ОЕ

McKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. F. E. WINBERG and WINBERG  
ORCHARDS & NURSERIES COMPANY,  
a Corporation,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

BILL OF COMPLAINT

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PART TWO

1. That prior to the 30th day of June, 1932, the Respondent, O. F. E. Winberg, became indebted to Complainant for goods, wares and merchandise sold and delivered to him by the Complainant and on said 30th day of June, 1932, said Respondent made, executed and delivered to Complainant his negotiable promissory note in the face amount of SIXTEEN HUNDRED SEVENTY FOUR & 70/100 (\$1,674.70) DOLLARS, payable ninety (90) days after date with interest at the rate of six per cent (6%) per annum from date until paid.

2. That default being made in the payment of said note, Complainant filed a suit upon the same against said Respondent in the Circuit Court of Baldwin County, Alabama, on the 31st day of May, 1935.

3. That thereafter and on the 15th day of April, 1936, a judgment was entered by said Circuit Court of Baldwin County, Alabama, in favor of Complainant and against said Respondent for the sum of TWENTY THREE HUNDRED FORTY FIVE & 66/100 (\$2345.66) DOLLARS and TWELVE DOLLARS & 95/100 (\$12.95) costs of Court which said judgment is wholly unpaid.

4. That said judgment was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on the 20th day of April, 1936, in Judgment Book 8, page 352 thereof.

5. Complainant further avers that on January 25th, 1928, the said Respondent, O. F. E. Winberg became the owner of the following described land in Baldwin County, Alabama, to-wit:

The North-half (N $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) by section of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Eleven (11), Township Six (6) South of Range Three (3) in said East, except a strip 510 feet wide off of and across the West end of said tract, reserving a strip of land 40 feet wide on the North side; and a strip of land 15 feet wide on the East side and a strip of land 20 feet wide on the South thereof for road purposes.

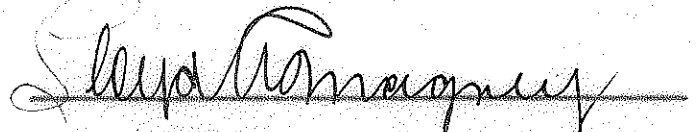
That said Respondent owned the same at the time credit was extended to him and when suit was filed against him and said land was subject to levy and sale for Complainant's debt and judgment and liable to be taken therefor.

6. That said land was all of the property owned by the said Respondent which could be subjected to Plaintiff's debt and judgment as all of the other property owned by said Respondent was heavily encumbered and since has been lost to him by foreclosure of the mortgages against it.

7. Complainant avers that just a short time before judgment was entered against him as aforesaid, and at a time when he knew that the said case of the Complainant against him would be pressed to judgment at the next session of said Court, the said Respondent, O. F. E. Winberg joined by his wife, Martha V. Winberg, made, executed and delivered a deed to said land to the Respondent, Winberg Orchards & Nurseries Company, said deed being dated November 16th, 1935, and recorded in the office of the

of the judgment of your Complainant and that said lands be ordered sold and the proceeds of such sale applied to the payment of your Complainant's said judgment and that your Complainant may have such other, further and different relief in the premises as may be just and equitable.

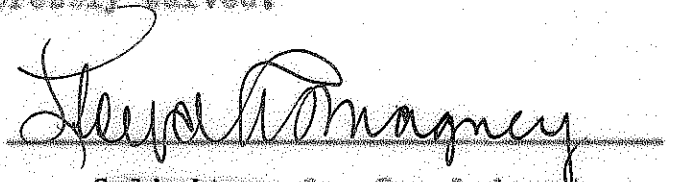
And the Plaintiff submits itself to the jurisdiction of the Court, and offers to do whatever the Court may consider necessary to be done on its part towards making the decree which it seeks just and equitable with regard to the Respondents.



Solicitor for Complainant

FOOTNOTE

The Respondents, C. F. E. Winberg and Winberg Orchards & Nurseries Company, are hereby required to answer the allegations of Part Two (2) of the above Bill from paragraph numbered One (1) to paragraph numbered Nine (9), both inclusive, but not under oath, oath to answer being hereby expressly waived.



Solicitor for Complainant

ЛОТІА, УТІРІКА  
У ПІСЬМІ  
ПРОДІА. АУОМІА

ВІСІТІА  
ВІСІТІА  
ВІСІТІА

ВІСІТІА  
C O B A

ВІСІТІА

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ВІСІТІА

АВ

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ВІСІТІА

ВІСІТІА  
ВІСІТІА



RECORDED

412

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

MEKESON-BEDSOLE-COLVIN, INC.,  
a Corporation  
Complainant,

vs.

O. F. E. WINBERG and WINBERG OR-  
CHARDS & NURSERIES COMPANY, a  
Corporation,  
Respondents,

STIPULATION

*Filed Jan 11 - 1940*  
*RS Wmch Rogers*  
*By Ws forward*  
*Dr Part*

LLOYD A. MAGNEY, Att'y.  
Foley, Alabama.

RECORDED

*Shurt*  
7-459

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

McKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. F. E. WINBERG and WINBERG  
ORCHARDS & NURSERIES COMPANY,  
a Corporation,

Respondents.

BILL OF COMPLAINT

Filed this 5<sup>th</sup> day of May 1958

*Shurt*  
Clerk-Register

LLOYD A. WAGNER  
Attorney  
Foley, Alabama.

RECORDED *Quail*  
9-460.

WIKISSION-BEDSOLE-COLIVEN,  
INC., a Corporation,  
Complainants,

vs.

O. F. E. WINBERG and WIN-  
BERG ORCHARDS & NURSERIES  
COMPANY, a Corporation,  
Respondents.

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

DECIJNER.

Filed June 15-1935  
*DeWard*  
Register.

original

18v-

RECORDED *Book*  
7-4058

Serve on \_\_\_\_\_

**Circuit Court of Baldwin County  
IN EQUITY**

No. 412

**S U M M O N S**

**McKESSON-BEDSOLE-COIVIN,  
INC., a Corp.**

**Complainant,**

vs.

**O.F.E. WINBERG and WINBERG  
ORCHARDS & NURSERIES CO.,  
a Corp.,**

**Respondents**

**LLOYD A. MAGENY,**  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

Received in office this \_\_\_\_\_

day of \_\_\_\_\_, 193\_\_

SHERIFF

Executed this 27th day of

May 1938

by leaving a copy of the within Summons with

*the within named*

*personal service*

Defendant

*Mr. G. G. Phillips*

Sheriff

By *B. H. Shivers*

Deputy Sheriff

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

McKESSON-BEDSOLE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. F. E. WINBERG and WINBERG  
ORCHARDS & NURSERIES COMPANY,  
a Corporation,

Respondents.

o o p y  
BILL OF COMPLAINT

FILED this

5

day of May 1938

*[Signature]*  
Clerk-Register

LLOYD A. MAGNEY  
Attorney  
Foley, Alabama.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

MEKESON-BIRDSONE-COLVIN, INC.,  
a Corporation,

Complainant,

vs.

O. J. E. WINBERG and WINBERG  
ORCHARDS & NURSERY COMPANY,  
a Corporation,

Respondents.

C O P Y  
BILL OF COMPLAINT

Filed this 5<sup>th</sup> day of May 1936  
*Orndorff*  
Clerk-Recorder

LLOYD A. HAGNEY  
Attorney  
Foley, Alabama.