

IN THE CIRCUIT COURT FOR CULLMAN COUNTY, ALABAMA

ECHOTA CHEROKEE TRIBE  
OF ALABAMA, INC.,

Plaintiff,

VS.

BILLY SHAW, an individual; GENE  
HAYES, an individual; SUSAN EASON,  
an individual; NANCY BECKMAN  
EASON, an individual; and TERESA  
CARPENTER, an individual.

Defendants.

CASE NUMBER: CV-2006-0369

**FILED IN OFFICE**

**NOV 28 2006**

ROBERT BATES  
CIRCUIT CLERK  
CULLMAN COUNTY

**ORDER**

**THIS CAUSE** came on to be heard before the undersigned on August 31, 2006 upon the Plaintiff's Verified Complaint for Injunctive Relief. The parties appeared in court with their respective counsel of record. With the consent of the parties given in open court, the Court consolidated the hearing on the Motion for Preliminary Injunction and Temporary Restraining Order with the trial date and proceeded to hear the cases on the merits for trial on all issues.

After an *ore tenus* hearing, the Court is of the opinion that the Plaintiff is entitled to the relief sought. The Court hereby makes the following findings of fact:

1. That the Plaintiff, Echota Cherokee Tribe of Alabama, Inc., is a non-profit corporation which was duly incorporated under the laws of the State of Alabama since 1981.
2. That the Echota Cherokee Tribe of Alabama, Inc. does not maintain a separate existence apart from the corporation. The governing body of the corporation has been the governing body of the tribe since its incorporation in 1981. The Court specifically finds that, for all intents and purposes, the corporation is the tribe.

3. That when the Defendant, **Billy Shaw**, resigned as the Principal Chief, the corporation duly appointed **Charlotte Hallmark** as the Principal Chief in accordance with the By-Laws of the corporation.
4. That the purported election held by the Defendants on July 29, 2006 was contrary to and in violation of the By-Laws of the corporation and, hence, this Court finds that the results of said election are null and void. Accordingly, it is **CONSIDERED, ORDERED, ADJUDGED and DECREED** as follows:
  - a. That **Charlotte Hallmark** is the duly elected Principal Chief of the Echota Cherokee Tribe of Alabama, Inc.
  - b. That the purported election of the Defendants, **Billy Shaw, Gene Hayes, Susan Eason, Nancy Beckman Eason and Teresa Carpenter** of July 29, 2006 is invalid and said parties have no authority to take any action on behalf of the Echota Cherokee Tribe of Alabama, Inc.
  - c. That said Defendants are restrained and permanently enjoined from making any claims that they constitute the duly elected officers of the Echota Cherokee Tribe of Alabama, Inc. and from trespassing upon the Plaintiff's properties throughout the state of Alabama, including its principal office located in Falkville, Alabama.
  - d. The Defendants are hereby permanently restrained and enjoined from making any demands upon the Plaintiff that any of the assets, records or other property of the Plaintiff be handed over to their direction or control.
  - e. That AmSouth Bank is hereby directed to allow the Plaintiff, the Echota Cherokee Tribe of Alabama, Inc., unfettered access to its accounts and hereby **ORDERS and DIRECTS** that said bank not provide access to its said records and accounts to any of the Defendants herein.
  - f. That the Defendants are hereby permanently restrained and enjoined from using the name of Echota Cherokee Tribe of Alabama in any capacity or purporting to act on behalf of said tribe.
  - g. That the costs of this action are hereby taxed against the Defendants.

DONE and ORDERED this the 27 day of Nov, 2006.

FILED IN OFFICE

NOV 28 2006

ROBERT BATES  
CIRCUIT CLERK  
CULLMAN COUNTY

  
Don L. Hardeman, Circuit Judge