

[AMENDED]
CERTIFICATE OF JUDGMENT

Case Number
CV 95 5105
Yr Number

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

(Counter-claim defendants)

Plaintiff: CANTERBURY DEVELOPMENT CORPORATION
and BEVERLY BARBER
105 FLORIDA ROAD
PELL CITY, AL 35125

Judgment Date 10/18/96

Judgment \$ 40,000.00
Costs 18.00
Other 920.00 (atty's fees)
TOTAL \$ 40,938.00

(Counter-claimant)
vs
Defendant:

LINDA MAYS WELCH
C/O CHANNEL 6
1720 VALLEY VIEW DRIVE
BIRMINGHAM, AL 35209

Inst # 1997-21059

Inst # 1997-21059

(Counter-claim defendants)

Pro Se

Plaintiff's Atty.

(Counter-claimant)

James S. Ward

Defendant's Atty.

07/07/1997-21059
10:14 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 NCB 23.50

JUDGMENT RENDERED IN FAVOR OF

PLAINTIFF

X

(COUNTER-CLAIMANT)
DEFENDANT

JUDGMENT:

☐ Default

☐ Dismissal

☐ Detinue

☒ Other (See Attached)

☐ Consent

☐ Workman's Comp.

☐ Unlawful Detainer

☐ Non Suit

☐ Pro Ami

JUDGMENT CONDITIONS:

☐ With Exemptions

☐ With Prejudice

☐ Without Exemptions

☐ Without Prejudice

10/18/96 Judgment is rendered in favor of the defendant and against the plaintiff on the defendant's counter-claim, per attached order.

Judge Carl

11/04/96 Order amending final judgment, per attached paper.

Judge Carl

03/03/97 Order per attached paper [specifically referring to paragraph TWO stating the the final judgment entered 10/18/96 is amended to be a judgment against both Canterbury Development Corp. and Beverly Barber].

Judge Carl

Certified as a True Copy

July 1, 1997

CLERK

Gally Connolly
CLERK

CANTERBURY DEVELOPMENT
CORPORATION

PLAINTIFF

VS.

LINDA MAYS WELCH

DEFENDANT

FILED		CIRCUIT COURT	
This 3 rd day of March 1997		CIRCUIT OF ALABAMA	
By <i>[Signature]</i>		E. R.	
E. O. D.		D. R.	

CASE NO. CV. 95-5105 JDC ✓

ORDER

This cause came on to be heard upon the "Objection To The Form Of The Bond" filed February 7, 1997, by the Defendant and the "Motion To Correct Order" filed February 6, 1997. Upon hearing the statements and arguments of counsel, the Court finds that the following order should be entered.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

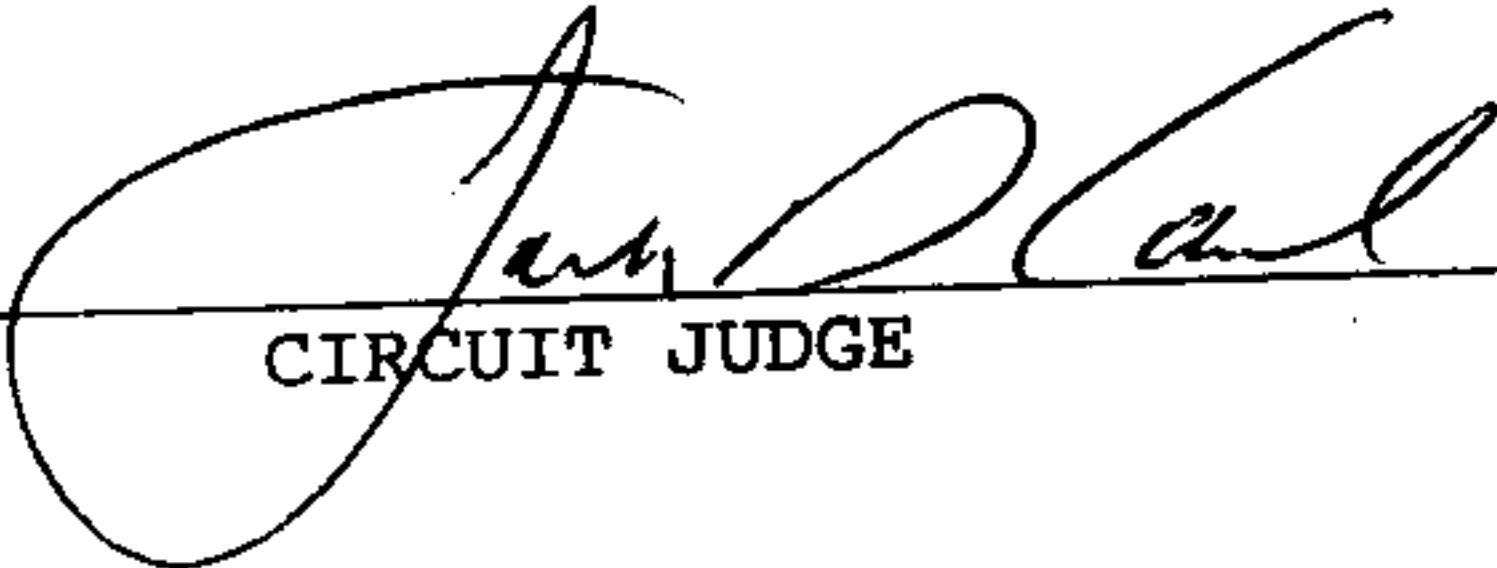
ONE: It is the duty of the Circuit Clerk, not the Court, to approve the form of a supersedeas bond. The Court has contacted the Clerk's office and has been advised, and the record shows, that in the instant case, the Clerk has not approved the bond and, therefore, the collection of the judgment entered by the Court is not stayed pending appeal and the Defendant may proceed to collect the judgment.

TWO: The "Motion To Correct Order" is due to be granted. By its "Order" dated September 25, 1996, the Court granted the Defendant's "Motion For Sanctions" and granted the Defendant leave to prove damages against Canterbury Development Corp. and Beverly Barber. The "Final Judgment" entered by the Court on October 18, 1996, was against both Canterbury

Page Two
Order
Case No. CV 95-5105 JDC

Development Corp. and Beverly Barber, but the Court made an error in writing the judgment so that it only reflected the judgment against Canterbury Development Corp. The "Final Judgment" dated October 18, 1996, is, therefore, amended to be a judgment against both Canterbury Development Corp. and Beverly Barber.

DONE and ORDERED this 3rd day of ^{March}~~February~~, 1997.


CIRCUIT JUDGE

COPIES TO:

James S. Ward, Attorney
Christopher P. Moseley, Attorney
2100 SouthBridge Parkway, Suite 650
Birmingham, AL 35209

Beverly Barber
P. O. Box 130145
Birmingham, AL 35213

Jim Anton, Attorney
P. O. Box 606
Trussville, AL 35173

CANTERBURY DEVELOPMENT CORPORATION

PLAINTIFF

VS.

LINDA MAYS WELCH

DEFENDANT

File date corrected
by Order of 11-4-96

FILED IN OPEN COURT

This 18th day of Nov 1996

By

E. Q. D.

E. R.

CASE NO.

COURT, TENTH JUDICIAL
CIRCUIT OF ALABAMA

CV. 95-5105 JDC

FINAL JUDGMENT

This cause came on to be heard on the issues of damages under the Defendant's counterclaim and attorney's fees for the preparation and argument of a "Motion For Sanctions" pursuant to the "Order" of the Court dated September 25, 1996. Testimony was taken and other evidence received by the Court without a jury. The Defendant, Linda Mays Welch, and Glenn E. Parmley, the contractor who did repair work for her, testified. The Plaintiff was represented by counsel, who cross-examined the Defendant's witnesses, but no representative of the Plaintiff was present and the Plaintiff offered no witnesses or other evidence.

Based upon the evidence presented, the Court finds that the Defendant is entitled to a judgment in the amount of TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00) for finishing and repairing the house and TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00) for mental anguish due to the Plaintiff's breach of the contract to construct a new residence. The compensatory damages for construction are based on the consideration of the estimated costs of repairs as of September 5, 1995, (Defendant's Exhibit 51) plus items paid by Defendant which were not covered in the estimate, plus continuing damages due to faulty or

negligent workmanship, plus the increase of costs due to increased costs of materials since the estimate was made and less the cost of the retaining wall which will not be needed now due to the sodding of the area. The damages for mental anguish are based on the consideration of the normal anguish in the failure to obtain a new home in the condition contemplated by the parties plus the additional fact that the Plaintiff's actions delayed the adoption of the Defendant's twins by four to six months and thus deprived the Defendant of that time with her children. The delay in the adoption due to the construction delay and the failure to complete the construction was known to the Plaintiff's principals for at least part of the construction period.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court as follows:

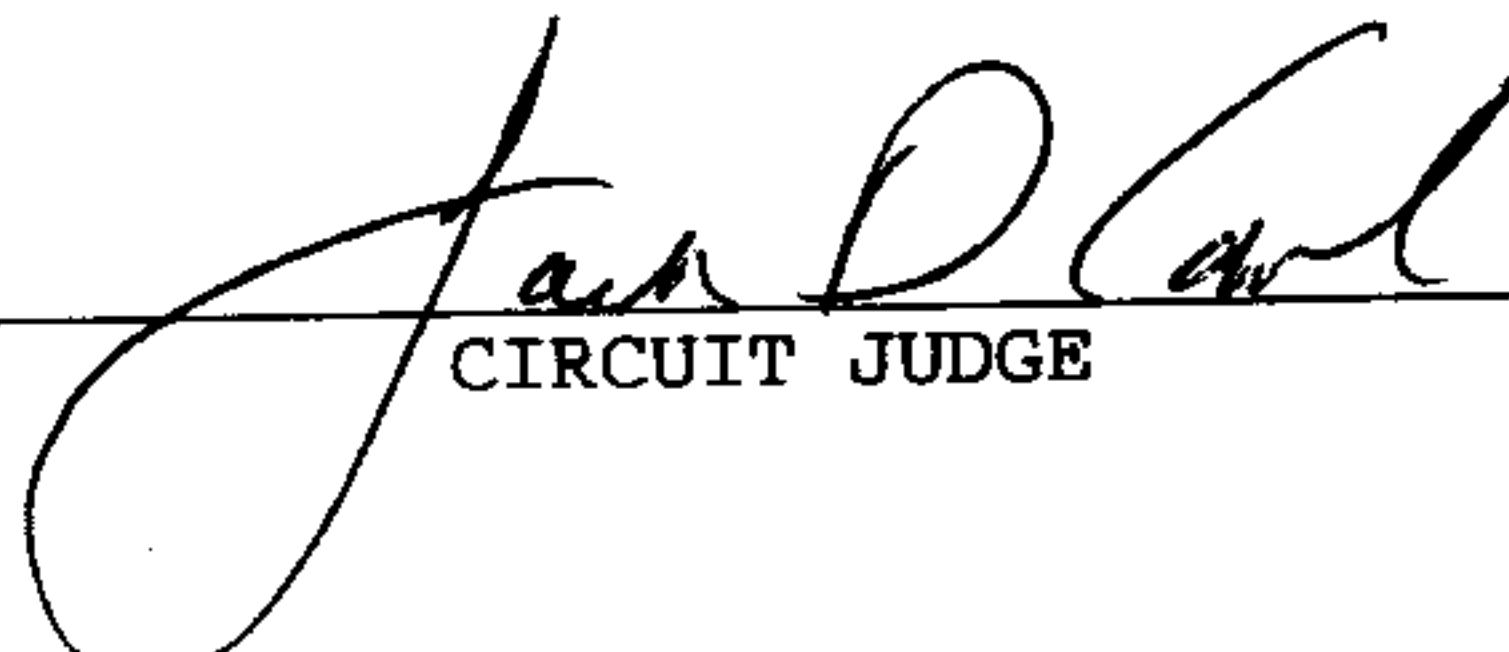
ONE: Judgment in the amount of FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00) is rendered in favor of the Defendant and against the Plaintiff on the Defendant's counterclaim.

TWO: Judgment in the amount of NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$920.00) is rendered in favor of the Defendant and against the Plaintiff as attorney's fees generated by the Defendant's attorney for the preparation and argument of the "Motion For Sanctions" filed by Defendant on August 27, 1996, and granted by the Court in its "Order" dated September 25, 1996.

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Final Judgment
Case No. CV 95-5105 JDC

THREE: Costs of this action are taxed to the
Plaintiff.

DONE and ORDERED this 18th day of October, 1996.


CIRCUIT JUDGE

COPIES TO:

Ralph J. Bolen, Attorney
3928 Montclair Road, Suite 134
Mt. Brook, AL 35213-2415

James S. Ward, Attorney
Christopher P. Moseley, Attorney
2100 SouthBridge Parkway, Suite 650
Birmingham, AL 35209

CANTERBURY DEVELOPMENT
CORPORATION

PLAINTIFF

VS.

LINDA MAYS WELCH

DEFENDANT

FILED IN OPEN COURT	
This <u>4th</u> day of <u>Nov</u> 19 <u>96</u>	
By <u>cel</u>	E. R.
E. O. D.	

CIRCUIT COURT, TENTH JUDICIAL
CIRCUIT OF ALABAMA

CASE NO. CV 95-5105 JDC

ORDER AMENDING FINAL JUDGMENT

It appearing that a clerical error was made when the date was written in the filed in open court stamp, it is ORDERED, ADJUDGED and DECREED by the Court that the words and figures "This 18th day of Nov 1996" where they appear in the FILED IN OPEN COURT stamp are hereby stricken and held for naught and the words and figures "This 18th day of Oct 1996" are hereby entered in there place and stead.

The "Final Judgment" is to remain otherwise unaltered and unamended.

DONE and ORDERED this 4th day of November, 1996.

Jan D. Cal
CIRCUIT JUDGE

COPIES TO:

Ralph J. Bolen, Attorney
3928 Montclair Road, Suite 134
Mt. Brook, AL 35213-2415

James S. Ward, Attorney
Christopher P. Moseley, Attorney
2100 SouthBridge Parkway, Suite 650
Birmingham, AL 35209

Inst # 1997-21059

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