

State of Alabama Unified Judicial System Form C-25 Rev. 6/07	APPLICATION AND AFFIDAVIT FOR ENTRY OF DEFAULT	Case Number CV-2010-001345
IN THE <u>CIRCUIT</u> COURT OF <u>JEFFERSON COUNTY</u> , ALABAMA (Circuit or District) (Name of County) <u>REVA PEELER HESTER</u> v. <u>JOHN CLINTON LANDMAN, JR.</u> Plaintiff Defendant		
<input type="checkbox"/> I, affiant, request that the clerk of court, pursuant to Rule 55(a), Alabama Rules of Civil Procedure (ARCP), enter a default against the above - named defendant,* In the above case for the defendant's failing to plead, answer, or otherwise defend.		
The affiant, <u>REVA PEELER HESTER</u> , being duly sworn, states as follows: 1. That the affiant has personal knowledge of the facts set forth in the affidavit. 2. That the defendant was served with a summons and a copy of the Statement of Claim/Complaint on (date) <u>MAY 5, 2010</u> 3. That more than <u>30</u> days have elapsed since the defendant was served with a summons and a copy of the Statement of Claim/Complaint. 4. That the defendant has failed to answer or otherwise defend against the plaintiff's Statement of Claim/Complaint. 5. That this affidavit is executed by the affiant in accordance with Rule 55(a), ARCP, for the purpose of enabling the plaintiff to obtain an entry of default against the defendant, for the defendant's failing to answer or otherwise defend against the plaintiff's Statement of Claim/Complaint. 6. That the defendant is not an infant or an incompetent person, and there has been no violation of the provisions of Ala. Code 1975, Chapter 19, Title 5. 7. That the defendant <input type="checkbox"/> is <input checked="" type="checkbox"/> is not in the military service. 8. Pursuant to Rule 55(a), ARCP, the affiant requests entry of default.		
Sworn To and Subscribed Before Me This Date: <u>6/17/10</u> Clerk's Signature: <u>[Signature]</u> 2/16/11	Name of Affiant: <u>REVA PEELER HESTER</u> Signature of Affiant: <u>[Signature]</u> Affiant's Home or Business Address (if not represented by an attorney): <u>1873 Redwood Drive</u> <u>Birmingham AL</u> <u>35215</u> City State Zip Code Name of Attorney: <u>GUY C. McCOMBS III</u> Signature of Attorney: <u>[Signature]</u> Business Address of Attorney: <u>2301 MOODY PKY 4</u> <u>MOODY, AL 35004</u> City State Zip Code	
Entry of default is hereby entered against the defendant, _____ Date _____ Clerk _____		
CERTIFICATE OF SERVICE ON OTHER PARTIES I hereby certify that a copy of this Application, Affidavit, and Entry of Default has been sent, by first class mail, postage prepaid, to all parties who are not in default in this case. Signed _____ Rule 55(a), ARCP *Separate form shall be completed for each defendant in cases involving multiple defendants. Pursuant to Ala.Code 1975, §12-19-71(a) (10), a filing fee is not required when seeking an entry of default pursuant to Rule 55(a), ARCP.		
Original - Court File	Copy - Plaintiff	Copy - Defendant

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

REVA PEELER HESTER,

PLAINTIFF,

V

JOHN CLINTON LANDMAN, JR.

DEFENDANT.

CASE NUMBER- 2010-001345

AFFIDAVIT OF REVA PEELER HESTER

Before me the undersigned, a Notary Public in and for said County and State, personally appeared Reva Peeler Hester in this cause who is known to me and who by me first being duly sworn deposes and says as follows:

My name is Reva Peeler Hester and I am the Plaintiff in the above referenced case. On September 22, 2003, I executed a Power of Attorney to John Clinton Landman, Jr., my grandson. He accessed funds from my home equity line of credit over the next six years amounting to over forty five thousand dollars. Some of the checks were without my knowledge. From the time he got the Power of Attorney, he or his mother made the payments on the equity line. Around December of 2009, he stopped paying anything on the equity line and as a result the account has gone into default and the account is in pre-foreclosure status with Regions Bank. The current balance on the equity line is \$46,413.51. I am asking this Court for damages in that amount, plus three thousand five hundred dollars (\$3,500) in attorney fees, and three hundred dollars (\$300.00) for Court costs.

The statements made in my Affidavit are true and correct.

Reva Peeler Hester
REVA PEELER HESTER

Sworn to and subscribed before me this the 12th day of June 2010.

Barbara C. Finley
NOTARY PUBLIC
My Commission Expires: 2/16/11



20101029000361990 3/5 \$24.00
Shelby Cnty Judge of Probate, AL
10/29/2010 08:21:16 AM FILED/CERT

STATE OF ALABAMA

Unified Judicial System

Revised 3/5/08

Case No.

☐ District Court ☒ Circuit Court

CV2010-001345

Style of case:

REVA Peeler Hester

CIVIL MOTION COVER SHEET

Name of Filing Party:

REVA Peeler Hester

Name, Address, and Telephone No. of Attorney or Party (If Not Represented).

Guy McCombs III
PO Box 276
MOODY, AL 35004
Attorney Bar No.: MCC156

☐ Oral Arguments Requested

TYPE OF MOTION

☒ Motions Requiring Fee

- ☒ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion (i.e.
☐ Summary Judgment, Judgment on the Pleadings, or
other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
☐ Judgment on the Pleadings (\$50.00)
☐ Motion to Dismiss, or in the Alternative Summary
Judgment (\$50.00)
Renewed Dispositive Motion (Summary Judgment,
☐ Judgment on the Pleadings, or other Dispositive
Motion not pursuant to Rule 12(b)) (\$50.00)
☐ Summary Judgment pursuant to Rule 56 (\$50.00)
☐ Motion to Intervene (\$297.00)
☐ Other _____
pursuant to Rule _____ (\$50.00)
*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.
☐ Local Court Costs \$ _____

Hearing Date:

☐ Motions Not Requiring Fee

- ☐ Add Party
☐ Amend
☐ Change of Venue/Transfer
☐ Compel
☐ Consolidation
☐ Continue
☐ Deposition
☐ Designate a Mediator
☐ Judgment as a Matter of Law (during Trial)
☐ Disburse Funds
☐ Extension of Time
☐ In Limine
☐ Joinder
☐ More Definite Statement
☐ Motion to Dismiss pursuant to Rule 12(b)
☐ New Trial
☐ Objection of Exemptions Claimed
☐ Pendente Lite
☐ Plaintiff's Motion to Dismiss
☐ Preliminary Injunction
☐ Protective Order
☐ Quash
☐ Release from Stay of Execution
☐ Sanctions
☐ Sever
☐ Special Practice in Alabama
☐ Stay
☐ Strike
☐ Supplement to Pending Motion
☐ Vacate or Modify
☐ Withdraw
☐ Other _____
pursuant to Rule _____ (Subject to Filing Fee)

FILED IN OFFICE

JUN 15 2010

ANNE-MARIE ADAMS
Clerk

Check here if you have filed or are filing
contemporaneously with this motion an Affidavit of
Substantial Hardship or if you are filing on behalf of an
agency or department of the State, county, or municipal
government. (Pursuant to §6-5-1 Code of Alabama
(1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:

6-15-10

Signature of Attorney or Party:

[Signature]

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



20101029000361990 4/5 \$24.00
Shelby Cnty Judge of Probate, AL
10/29/2010 08:21:16 AM FILED/CERT

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

REVA PEELER HESTER,

PLAINTIFF,

V

JOHN CLINTON LANDMAN, JR.

DEFENDANT.

civil action number- CV-10-001345

ORDER

This cause came before the Court on a Complaint for Fraud, Breach of Fiduciary Duty and Negligence. The Defendant John Clinton Landman, Jr. was served on May 5, 2010 and failed to answer or defend himself against the Complaint within thirty days. The Plaintiff made an entry of Default and upon the Damage Affidavit of the Plaintiff the Court finds as follows;

Judgment shall be entered against Defendant John Clinton Landman, Jr. and in favor of the Plaintiff Reva Peeler Hester, in the amount of forty-six thousand four hundred thirteen dollars and fifty-one cents (\$46,413.51) for compensatory damages, and against Defendant John Clinton Landman, Jr. and in favor of the Plaintiff Reva Peeler Hester in the amount of three-thousand five-hundred dollars (\$3,500.00) for attorney fees, and against the Defendant John Clinton Landman, Jr. and in favor of Plaintiff Reva Peeler Hester the amount of three hundred dollars (\$300.00) in costs, for a total judgment of fifty-thousand two hundred thirteen dollars and fifty-one cents (\$50,213.51).

Costs are taxed as paid.

Done and Ordered this the 17 day of June 2010


HONORABLE CARYL PRIVETT
CIRCUIT COURT JUDGE



20101029000361990 5/5 \$24.00
Shelby Cnty Judge of Probate, AL
10/29/2010 08:21:16 AM FILED/CERT



I, Anne-Marie Adams, Clerk of the Circuit Court, of Jefferson County, do hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears of record in said Court.

WITNESS my hand and the seal of said Court,

this OCT 27 2010 4 pages

me, day of 20

Anne-Marie Adams

CLERK