

ALABAMA JUDICIAL DATA CENTER
JEFFERSON COUNTY
CERTIFICATE OF JUDGEMENT

9402/6098

CV 93 007803.00
KEN O. SIMONIN THE CIRCUIT COURT OF JEFFERSON COUNTY
FIRST COMMERCIAL BANK VS CHARLES G PULLEN AND JACKIE T FAIR

DEFENDANT

FAIR JACKIE T
% METROPOLITAN LIFE
600 VESTAVIA PKWY #160
BHAM , AL 35216-

PARTY'S ATTORNEY:

*** PRO SE ***

I, POLLY CONRADI (CV) , CLERK OF THE ABOVE NAMED COURT HEREBY
CERTIFY THAT ON 01/13/94 PLAINTIFF, FIRST COMMERCIAL BANK RECOVERED
OF DEFENDANT IN SAID COURT A JUDGEMENT FOR THE
SUM OF \$119,579.55 DOLLARS PLUS \$112.00 DOLLARS COURT COSTS, AND
THAT THE PLAINTIFF'S ATTORNEY(S) OF RECORD WAS: SPARKS, DANIEL DAVIDSON

01/13/94 FINAL JUDGMENT RENDERED PER ATTACHED ORDER. COSTS ARE TAXED
TO THE DEFENDANT.

JUDGE SIMON

GIVEN UNDER MY HAND THIS DATE 02/02/94

CLERK: POLLY CONRADI (CV)
ROOM 613 JEFFERSON CO CTH
BIRMINGHAM AL 35263
(205) 325-5355OPERATOR: SIC
PREPARED: 02/02/94

PLAINTIFF'S ATTORNEY:

SPARKS, DANIEL DAVIDSON
925 FINANCIAL CENTER
505 N 20TH ST
BIRMINGHAM AL 35203

Inst # 1994-26877

08/30/1994-26877
02:46 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 SNA 18.00

IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
TENTH JUDICIAL CIRCUIT

Filed In Open Court	
JAN 13 1994	
This	day of 19....
ROBERTA D. NRADI CLERK CIRCUIT COURT	
By	DEPUTY CLERK

FIRST COMMERCIAL BANK,)
)
Plaintiff,)
)
v.)
)
CHARLES G. PULLEN)
and JACKIE T. FAIR,)
)
Defendants.)

CIVIL ACTION NO: CV 93-7803

FINAL JUDGMENT

This cause came to be heard upon the complaint of the plaintiff, First Commercial Bank ("First Commercial") against the defendants, Charles G. Pullen ("Pullen") and Jackie T. Fair ("Fair"). Pullen and Fair were each personally served and neither has filed an Answer, responsive pleading or otherwise defended the action. First Commercial has filed an Application seeking default judgments against both defendants. Testimony of the plaintiff's representative was heard on the 10th day of January, 1994.

First Commercial's Complaint claims compensatory damages, punitive damages, interest, attorney's fees and costs arising out of an incident wherein Pullen made a \$16,000.00 overdraft to his checking account at First Commercial. The check related to a business transaction with Fair. The overdraft was paid by First Commercial by mistake. Mr. Pullen's checking account was also debited for overdraft charges totaling \$200.00 relating to other transactions.

Inst # 1994-26877

Judgment

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SHELBY COUNTY JUDGE OF PROBATE
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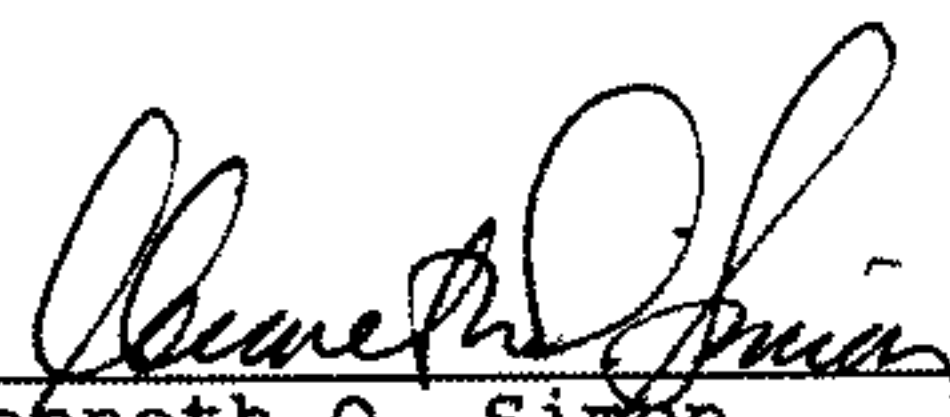
Subsequent to the mistaken payment of the \$16,000.00 check, Pullen and Fair did jointly execute a Note in favor of First Commercial wherein each promised to pay to First Commercial the sum of \$16,200.00 plus interest thereon from July 14, 1993. The terms of the Note provided for full payment on or before August 13, 1993. Said Note provides for reasonable attorney's fees not exceeding 15% and provides for interest at the rate of 10% per annum. Pullen and Fair have wholly failed to pay any sums due under the note.

Furthermore, Pullen and Fair made false misrepresentations to First Commercial Bank which they knew or should have known were false at the time these representations were made. It is clear from the evidence and the testimony of the plaintiff's representative that Pullen and Fair had no intention of repaying the sums in question, and that the sums in question were obtained by false pretenses and false representations wherein Pullen and Fair intended to deceive First Commercial. The conduct of Pullen and Fair constitutes fraud resulting in a willful and malicious injury by Pullen and Fair to First Commercial. As such, punitive damages are appropriate.

In consideration of the foregoing, it is hereby ORDERED, ADJUDGED and DECREED that judgment is rendered in favor of First Commercial Bank and against both Pullen and Fair for \$16,200.00 in principal plus an additional \$765.25 in interest, plus the additional sum of \$2,614.30 as attorney's fees. Total compensatory damages awarded are \$19,579.55. The aforesaid judgment is joint and several against Pullen and Fair. First Commercial is

additionally awarded judgment in its favor and against Pullen in the amount of \$100,000.00 representing punitive damages. First Commercial is further awarded judgment in its favor and against Fair in the amount of \$100,000.00 representing punitive damages; the punitive damage awards set forth above shall be against each separate defendant and shall not be joint and several, and shall be cumulative.

It is hereby DONE and ORDERED this the 13th day of January, 1994.


Kenneth O. Simon
CIRCUIT JUDGE

Copies mailed this day
pursuant to Rule 77(b)
of the Alabama Rules of
Civil Procedure.

Dated _____

STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON

1994 FEB -9 PM 4:16

RECORDED & C. HTG. TAX & S.
DEED TAX HAS BEEN PD. ON THIS INSTRUMENT

JUDGE OF PROBATE

1200

Inst # 1994-26877

Judgment

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