

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

CERTIFICATE OF JUDGEMENT

In re

TERRY GENE COUNTS
DEBTOR

Case No. 94-11604
Adv. No. 94-1237

TRANSWORLD SYSTEMS, INC.
PLAINTIFF

VS.
TERRY GENE COUNTS,

DEFENDANT

I, Geraldine S. Lester, Clerk of the United States Bankruptcy Court for the Southern District of Alabama do hereby certify that Judgment was entered in favor of Plaintiff(s) Transworld Systems, Inc., % Lionel C. Williams, 118 North Royal St., Suite 604, Mobile, AL 36602-3600 and against Defendant(s) Terry Gene Counts AKA Terry G. Counts, P O Box 157, Calera, AL 35040 in the amount of four thousand three hundred ninty-nine dollars and no cents (\$ 4,399.00) by the United States Bankruptcy Court for the Southern District of Alabama on August 8, 1995. The Plaintiff's attorney was Lionel C. Williams. I further certify that no notice of appeal from said judgment was filed in my office and that the time for appeal has expired.

Geraldine S. Lester
Clerk, U.S. Bankruptcy Court

Date of issuance: August 23, 1995



Kay Seale
Kay Seale,
Deputy Clerk

08/28/1995-23682
12:05 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 13.50

Inst # 1995-23682

IN THE UNITED STATES BANKRUPTCY COURT U.S. BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA SOU. DIST. ALA.
DIVISION

FILED AND ENTERED THIS THE
8th DAY OF August
1995 JUDGEMENT ENTRY
NO. 8507
GERALDINE S. LESTER
BY [Signature]
DEPUTY CLERK

In re

TERRY GENE COUNTS, AKA
TERRY G. COUNTS,

Debtor

CASE NO. 94-11604-MAM

TRANSWORLD SYSTEMS, INC.,

Plaintiff

v.

ADV. NO. 94-1237

TERRY GENE COUNTS, AKA
TERRY G. COUNTS,

Defendant

ORDER

This case came on for telephonic hearing on Transworld Systems, Inc.'s ("TSI") Motion For Determination of Attorney's Fees. Due notice was given and appearances were noted in the record. The Court has reviewed the Motion and its attachments, and has considered the presentations of counsel. The Court's findings of fact and conclusions of law were entered orally on the record, and they are incorporated herein by reference.

This Court entered an Order And Judgment Sustaining Complaint to Determine Dischargeability in this adversary proceeding on April 6, 1995, wherein a non-dischargeable judgment was entered in favor of TSI and against the debtor and defendant, Terry G. Counts in the amount of \$28,834.55 plus interest and attorneys fees. This order sets those attorneys fees and associated costs.

Attorney Lionel Williams expended a total of 35.30 hours in the prosecution of this adversary proceeding and claims an hourly rate of \$100.00 per hour. Attorney Wendy W. Whitson of Santa Rosa, California, claims 7.8 hours at an hourly rate of \$175.00 per hour. Claim is also made for \$205.95 in costs.

The hourly rate and time expended by Attorney Lionel Williams are both reasonable. His claimed fee of \$3,530.00 and costs of \$205.95 are approved. The Court finds that the nature of Attorney Wendy Whitson's services was essentially supervisory. The Court further finds that Whitson's claimed hourly rate of \$175.00 is excessive in light of the type of legal services performed and customary hourly rates in this jurisdiction for similar services. Attorney Whitson's representation is approved at the hourly rate of \$75.00 per hour for 7.8 hours, or a total of \$585.00.

Therefore, it is ORDERED that a non-dischargeable judgement for attorneys fees and costs, as described herein, in the amount of \$4,399.00 is ENTERED in favor of TSI and against the debtor and defendant herein; Terry G. Counts.

DATED: 8/7/95


MARGARET A. MAHONEY
United States Bankruptcy Judge

Inst # 1995-23682

08/28/1995-23682
12:05 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 13.50