

# CERTIFICATE OF JUDGMENT

Case Number  
CV 95 5105  
Yr Number

IN THE CIRCUIT COURT OF JEFFERSON COUNTY

Plaintiff: CANTERBURY DEVELOPMENT CORPORATION

Judgment Date 10/18/96

Judgment \$ 40,000.00

Costs 18.00

Other 920.00 (atty's fees)

TOTAL \$ 40,938.00

vs

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

Plaintiff's Atty. Jim Anton and Ralph Bolen

Defendant's Atty. James S. Ward

JUDGMENT RENDERED IN FAVOR OF

PLAINTIFF

X 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 counterclaim, per attached order.

Judge Carl

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

Judge Carl

03/14/1997-07925  
09:52 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
DMS SNA 18:50

Inst # 1997-07925

Certified as a True Copy

February 6, 1997

CLERK

*Gally Connolly*  
CLERK

Inst # 1997-07925

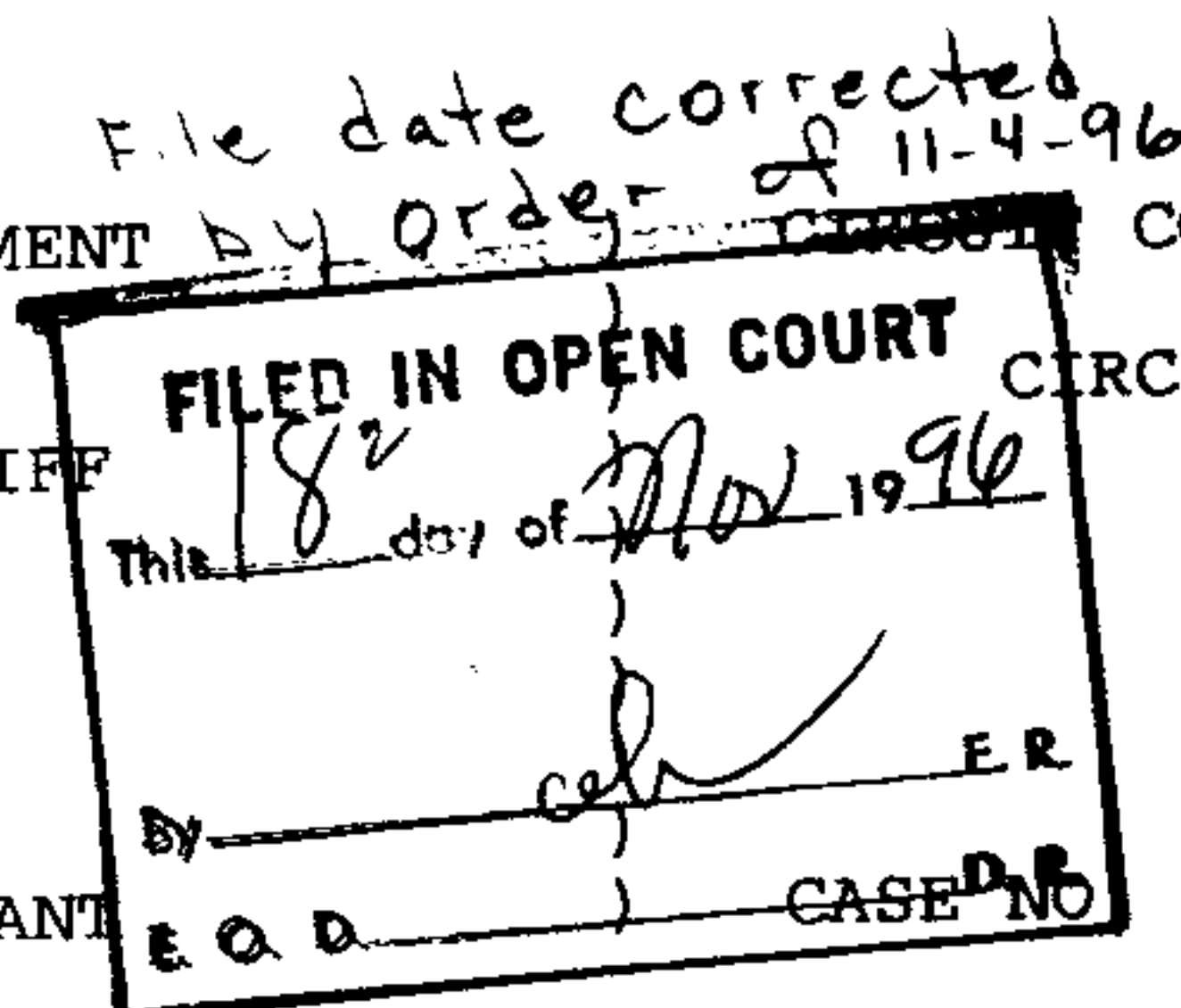
C  
CANTERBURY DEVELOPMENT CORPORATION

PLAINTIFF

VS.

LINDA MAYS WELCH

DEFENDANT



COURT, TENTH JUDICIAL  
CIRCUIT OF ALABAMA

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:

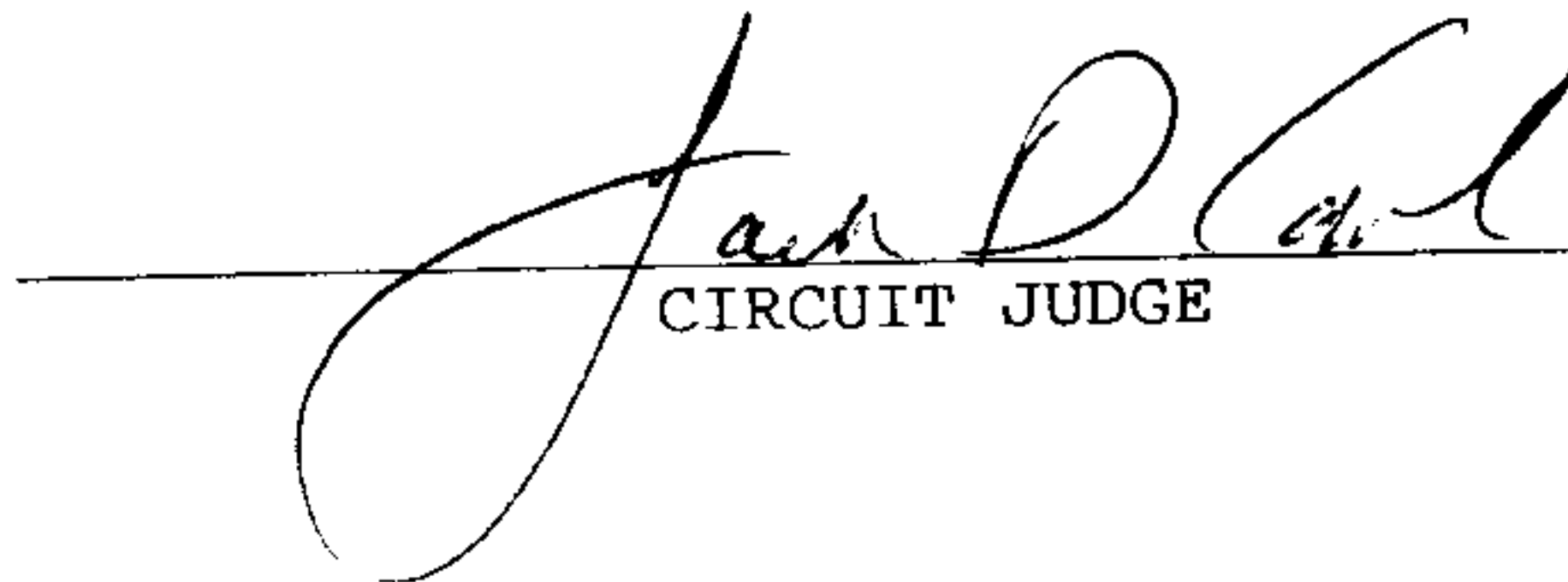
ONE: Judgment in the amount of FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00) is rendered in favor of the Defendant and against the Plaintiff on the Defendant's counterclaim.

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.

Page Three  
Final Judgment  
Case No. CV 95-5105 JDC

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

DONE and ORDERED this 18<sup>th</sup> 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

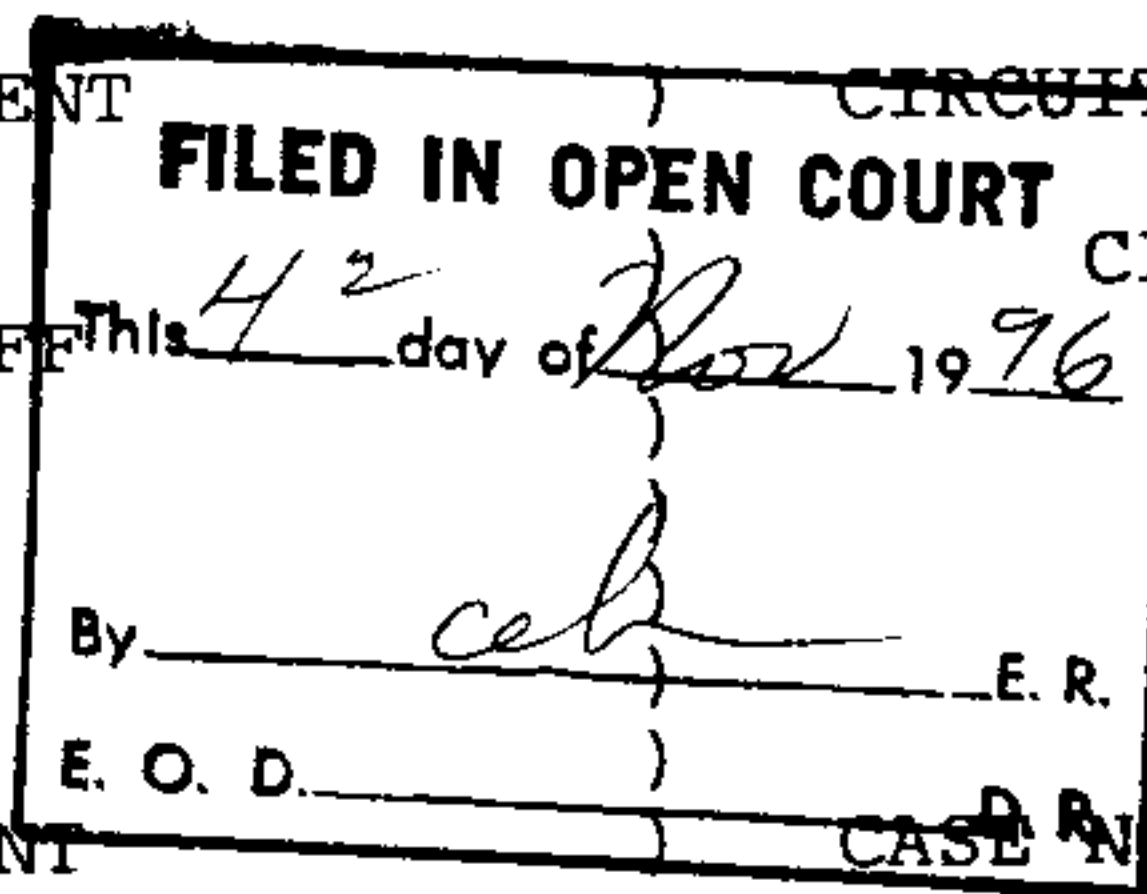
CANTERBURY DEVELOPMENT  
CORPORATION

PLAINTIFF

VS.

LINDA MAYS WELCH

DEFENDANT



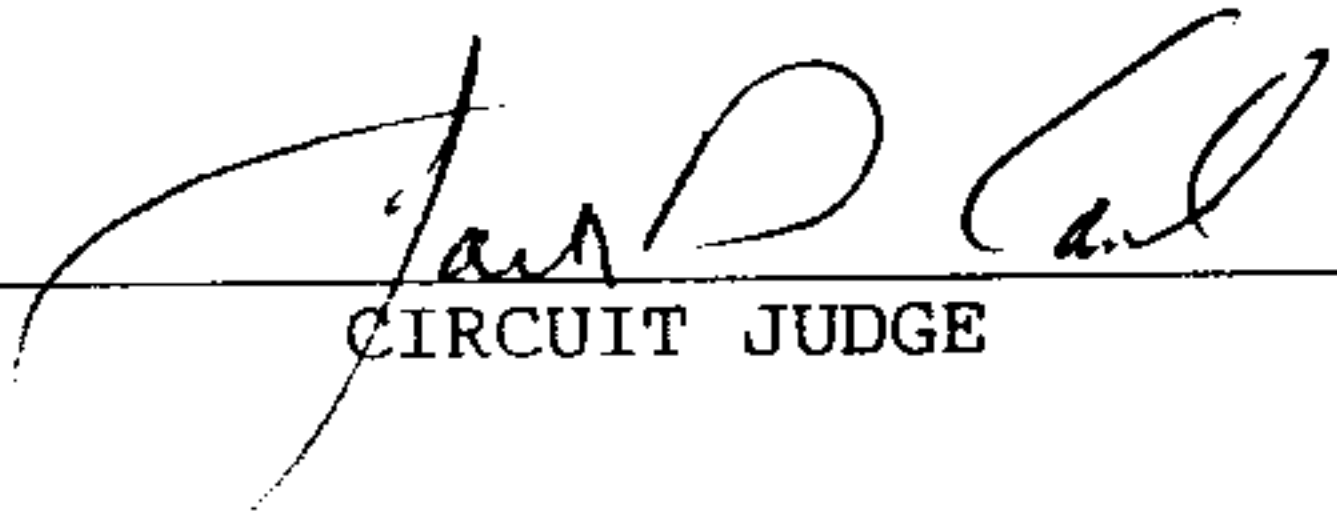
CIRCUIT COURT, TENTH JUDICIAL  
CIRCUIT OF ALABAMA

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 4<sup>th</sup> day of November, 1996.

  
CIRCUIT JUDGE

COPIES TO:

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Mt. Brook, AL 35213-2415

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