

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

KENNETH H. WALTSGOTT and
MARILYN G. WALTSGOTT,

Plaintiffs,

vs.

CASE NO.: CV97-398

ALVIN GROSS, et al.,

Defendants.

ORDER

This matter came on for hearing on Defendant's Motion to Set Aside Default Judgment. The Court heard arguments and received briefs on this matter. After consideration of the argument and briefs, the Court hereby

ORDERS as follows:

1. Default Judgment is due to be set aside.
2. As a condition of setting aside default judgment, Defendant shall pay all cost incurred by Plaintiff in securing the default judgment, including the cost of the expert witness, attorney's fees associated with the default judgment Motion and hearing and any other incidental expenses relating to the entry of default judgment.
3. In the event the parties are not able to resolve the exact amounts due to Plaintiff from Defendant as a result of this Order, the Court will hold a further hearing with regard to said issues.

WHEREFORE, default judgment previously entered in this matter is hereby set aside. Defendants are hereby ORDERED to file an answer within twenty(20) days of the date of this Order, after which this case will be set for trial.

DONE and ORDERED this 26th day of February, 1998.


J. Michael Joiner
Circuit Judge

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10:04 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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