

WINDY OAKS PARTNERSHIP,

Plaintiff,

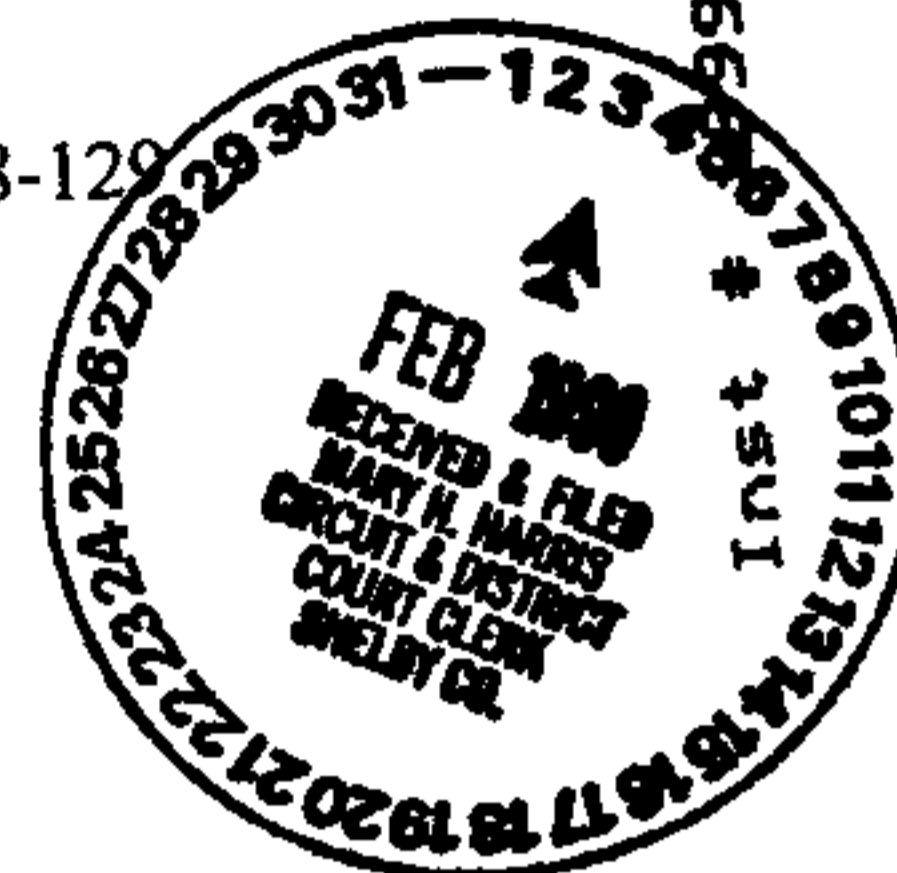
VS

ALGHAMDI KHALIL DBA GULF
AUTO SALES, INC.,

Defendant.

IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA

CASE NO: CV-98-120



ORDER

This matter coming before the Court for trial on January 29, 1999 and the parties being present along with their respective attorneys, the Court finds as follows:


1. That the Defendant owes rent and other charges in the amount of \$7,175.00.
2. The Plaintiff was holding deposits paid by the Defendant to the Plaintiff in the amount of \$1,750.00 which is due the Defendant by way of set-off against the rent and other fees due in the amount of \$7,175.00, leaving a balance owing of \$5,425.00.
3. The Defendant failed to timely pay the amounts due under the agreement entered into in November of 1998, thus incurring attorney fees. The Court finds that a reasonable attorneys fee to be one-third (1/3) of the amount due or one-third (1/3) of \$5,425.00, for a total of \$1,806.00.
4. The Defendant is not entitled to set-off the signs that were attached to the premises. Ample time was allowed the Defendant to remove his signs. He failed to remove those and thus they were abandoned by the Defendant. Even if the Court were to find that the Plaintiff owed some duty care for or maintain or deliver the signs to the Defendant, there was no testimony

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given during the course of the trial as to the value of those signs. In fact, when the Defendant was specifically asked as to the value of the signs that were on the building, he said that he did not know.

THEREFORE, IT IS ORDERED that judgment be entered in favor of the Plaintiff and against the Defendant in the amount of \$7,231.00.

ORDERED this the 2nd day of February, 1999.


DAN REEVES
CIRCUIT CLERK

Certified a true and correct copy

Date: February 19, 1999

Mary Harris
Mary H. Harris, Circuit Clerk
Shelby County, Alabama

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