

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**DEBORAH POWERS and
WILLIAM POWERS,**

Plaintiffs,

v.

**JUDY QUEEN, RONDAH GARRETT
and MARY SUE DAVENPORT,**

Defendants.

Civil Action No.: CV 05-590

FINAL JUDGMENT

On June 10, 2005, Plaintiffs filed a complaint against Defendants alleging breach of lease, trespass, breach of contract, nuisance and conversion. Plaintiffs also filed a verified application for temporary restraining order and preliminary injunction. On June 2, 2005, Defendant Rondah Garrett filed a complaint for unlawful detainer against Plaintiff William P. Powers III in the District Court of Shelby County, DV 05-517. Both cases were consolidated in the above-styled case. Plaintiffs' verified application for temporary restraining order and preliminary injunction was heard on October 12, 2005. On October 17, 2005, the Court enter a preliminary injunction order. Notice was given to all parties through their respective counsel of record and a final hearing regarding all pending matters was held in this matter on June 22, 2005. At the hearing, all parties were represented by counsel. After hearing the testimony of the parties and witnesses and considering the evidence, the Court finds as follows:

1. Evidence that Defendant Mary Sue Davenport is deceased was presented to the Court. Plaintiffs moved during the hearing to dismiss their claims against Defendant Mary Sue Davenport without prejudice. That motion was granted by the

Court during the hearing and Mary Sue Davenport is dismissed from this lawsuit, without prejudice.

2. The Court finds in favor of Plaintiffs and against Defendants Judy Queen and Rondah Garrett, on Counts I, II, III and IV of Plaintiffs' complaint and award damages in the amount of \$10,000.

3. With respect to Rondah Garrett's complaint for unlawful detainer against Plaintiff William P. Powers III, the Court finds that Rondah Garrett is entitled to receive from William P. Powers III one-half of the utilities paid by Rondah Garrett. The only evidence of utilities paid by Rondah Garrett was Defendant's Exhibit 2 which showed a total of \$2,355.89 in utility bills. Therefore, the Court orders that William P. Powers III pay \$1,177.94 (one-half of \$2,355.89) to Rondah Garrett.

4. With respect to the remaining claims contained in Rondah Garrett's complaint for unlawful detainer, the Court hereby finds in favor of William P. Powers III and against Rondah Garrett.

5. The preliminary injunction order entered by the Court on October 17, 2005 is adopted by reference and hereby made permanent.

6. Costs taxed as paid.

DONE and ORDERED this the 17th day of July, 2006.

Certified to be a true and correct copy

8/17/06
Mary H. Harris SP

GEORGE C. SIMPSON
Sitting as Circuit Judge

RECEIVED AND FILED
MARY H. HARRIS

JUL 17 2006

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.