

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WILLIAM EUGENE SHORES, Sr.

Plaintiff,

vs.

LINDA SHORES COLLUM, ET. AL.

Defendants.

and

IN THE MATTER OF THE ESTATE OF

WILLIAM EUGENE SHORES,

Deceased.

CASE NO. CV 2007-487

CASE NO. CV 2009-168

ORDER

This cause having come before the Court on Plaintiff's Complaint for compensatory and punitive damages and Defendant's Third Party Complaint against Staci Houtz, on October 7, 2008, wherein the Plaintiff was not present but was represented by the Honorable Dan Head; the Defendant was present and represented by the Honorable John A. McBrayer; and the third party, Staci Houtz was present and represented by the Honorable Vicki N. Smith, and the Will contest that was subsequently moved from Probate Court to Circuit Court and consolidated with CV 2007-487 and heard by this Honorable Court on January 6, 2010, at which time, trial testimony and evidence was presented to the Court. The Will Proponent, Staci Houtz, was present with her attorney of record, the Honorable Vicki N. Smith, and the Will Contestant, Linda Shores Collum, was present with her attorney of record, the Honorable John A. McBrayer. After consideration of the testimony given and evidence presented, the Court is of the opinion that the following Order should be entered. It is therefore



ORDERED, ADJUDGED and DECREED as follows:

1. That a Judgment is hereby awarded in favor of the Plaintiff, William Eugene Shores, Sr. and against the Defendant, Linda Shores Collum in the total amount of \$75,547.20. This amount is comprised of compensatory damages of Sixty-five Thousand One Hundred Fifty-Six and 34/100 dollars (\$65,156.34) plus interest from April 13, 2007 at an annual rate of 2.50% compounding annually, which is Five Thousand Three Hundred Ninety and 86/100 Dollars from April 13, 2007 through June 30, 2010 and continues to accrue at 2.50% annually. Because of Defendant's admission that she withdrew the certificates of deposit belonging to Plaintiff, without his authorization and solely for her benefit, the Court hereby awards punitive damages in the amount of \$ 5,000.00.

2. That a lien in the amount of \$ 75,547.20 is placed upon any and all property of the Defendant, Linda Shores Collum and the lien for this judgment dates from this Court's Order of August 14, 2008 and shall remain in effect until the total judgment is paid.

3. That Regions Bank is hereby ordered to pay to the Shelby County Circuit Clerk the remaining monies in Regions Bank, that have been frozen since May 2007, in the approximate amount of Three Thousand Forty-Eight and 78/100 Dollars (\$3,048.78). The Shelby County Circuit Clerk, upon receipt of these monies, shall remit them to the Estate of William Eugene Shores, Sr., once the estate has been opened. Any and all payments shall be credited to the judgment entered in this matter.

4. That Mark Bingham d/b/a Mark Bingham Logging is hereby ordered to pay to the Shelby County Circuit Clerk the sum of Two Thousand Seven Hundred Seventy and 38/100 Dollars (\$2,770.38) for logging work performed on the real estate owned by Linda Shores Collum, which had a lien placed upon it by this Court on August 14, 2008. The Shelby



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County Circuit Clerk, upon receipt of these monies, shall remit them to the Estate of William Eugene Shores, Sr., once the estate has been opened. Any and all payments shall be credited to the judgment entered in this matter.

5. That all relief requested by Defendant, Linda Shores Collum of Staci Houtz in the Third Party Complaint is hereby denied. This Court did not find evidence of any undue influence exercised by Staci Houtz over William Eugene Shores, Sr.

6. That costs of Court are taxed to the Defendant, Linda Shores Collum.

WILL CONTEST ORDER

The Court finds that Staci Houtz influence over William Eugene Shores, Sr. was not dominating and controlling such that she unduly influenced him in the preparation or execution of his Will. William Shores' own testimony in Case Number CV-2007-487 was very explicit and convincing as to Mr. Shores' mind set. Therefore it is **ORDERED, ADJUDGED and DECREED** as follows:

1. That this Court hereby finds that the Will executed by William Eugene Shores, Sr. on April 18, 2007, is a valid Will and shall be admitted to probate. All relief requested by the Contestant, Linda Shores Collum is hereby denied.


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2. That the probate of this estate is hereby transferred back to Probate Court.

3. That Linda Shores Collum is hereby ordered to pay attorney's fees in the amount of Four Thousand Dollars (\$4,000.00) and expenses of Four Hundred Fifteen and 80/100 Dollars (\$415.80) to Vicki N. Smith, Attorney at Law for her representation of Staci Houtz in this matter.

4. All other relief requested by any party is hereby denied.

5. Costs of Court are taxed to the Contestant, Linda Shores Collum.

DONE and ORDERED this 6th day of August, 2010.



H.L. Conwill
Circuit Judge

