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58-CV-2018-900246.00
CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY,
CIVIL DIVISION

JERRITT LUKE WALDROP;

Plaintiff,

CHARLES BOGGAN; , an individual
JOYCE BOGGAN, an individual

Intervening Plaintiffs,

v.

HOFFMAN AUTO, LLC an Alabama
Limited Liability Company;
JONATHAN HOFFMAN, an individual

Defendants.

Civil Action No. 58-CV-2018-900246



20210322000143800 1/3 \$28.00
Shelby Cnty Judge of Probate, AL
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ORDER

This matter pending before this court on Intervening Plaintiffs, Joyce and Charles Boggan's Motion for Summary Judgement. Defendants Jonathan Hoffman and Hoffman Auto presented no evidence in defense of Intervening Plaintiff's Motion for Summary Judgment and never answered Intervening Plaintiffs' first amended complaint. After hearing of this matter, oral argument, and review of the documents along with the affidavit and testimony the court makes the following finding of fact:

The court finds that the intervening plaintiffs, Mr. Charles Boggan and Ms. Joyce Boggan, are bona fide purchasers in the ordinary course of business from Hoffman Auto, LLC of the 2017 Toyota Sienna, VIN# 5TDKZ3DCXHS808675 vehicle. The Boggan's purchased the vehicle on January 12, 2020. Mr. and Mrs. Boggan paid Hoffman Auto \$22,750.00 in cash for the vehicle. At the time of sale, Jonathan Hoffman and Hoffman Auto, LLC misrepresented that Mr. and Mrs. Boggan were purchasing the vehicle outright with no liens or encumbrances. However, at the

time of purchase, Hoffman Auto, LLC had not satisfied an outstanding lien on the vehicle with America's First Federal Credit Union in the amount of \$28,389.73. As a result, throughout this prolonged litigation Mr. and Mrs. Boggan were unable to obtain clear title to the automobile and were forced to incur expenses, including the purchase of insurance on the vehicle. Because they could not obtain title to the vehicle, nor operate or sell the vehicle during the pendency of this case, Mr. and Mrs. Boggan have been deprived of the benefit of their bargain. The court finds ample evidence that Jonathan Hoffman and Hoffman Auto defrauded and committed felonious conduct against Mr. and Mrs. Boggan in order to profit from the sale of 2017 Toyota Sienna to the Boggans. Summary Judgment is warranted on all counts.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that Summary Judgment is due to be granted in favor of the Intervening Plaintiffs, Joyce and Charles Boggan against Hoffman Automotive, LLC and Jonathan Hoffman jointly and severally on all counts. The court finds that Joyce and Charles Boggan are bona fide purchasers in the ordinary course of business and are the sole owners of the 2017 Toyota Sienna, VIN# 5TDKZ3DCXH808675 vehicle. The court further finds that any remaining interests of the Jerrett Luke Waldrop or Hoffman Auto, LLC in the vehicle is extinguished and are hereby null and void. In addition, this Court awards the following dollar amounts to the intervening Plaintiffs, Charles and Joyce Boggan:

Actual damages in the amount of

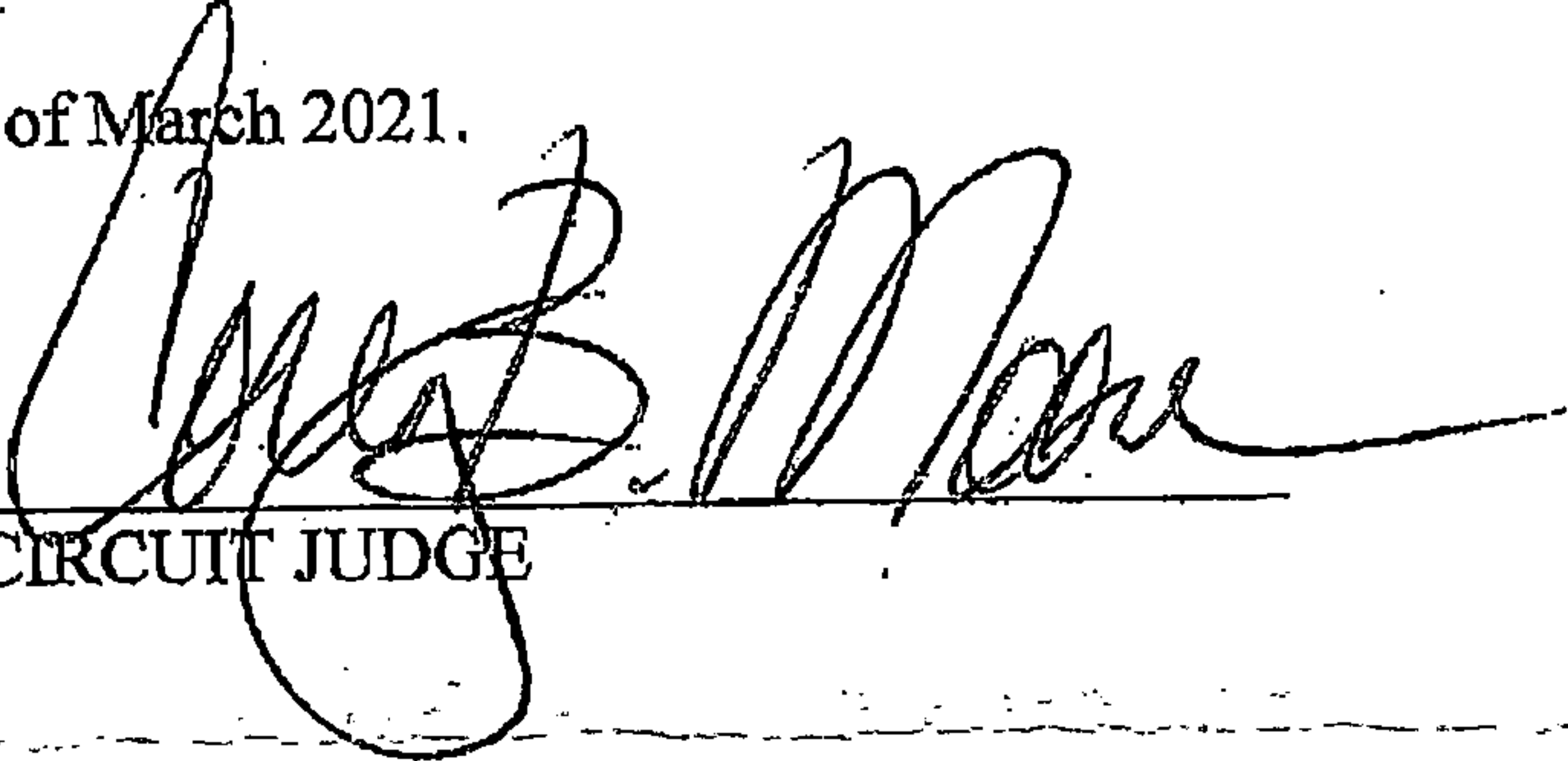
\$28,750.00.



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Punitive damages under count I of
Plaintiff's Amended complaint in the amount of \$30,000.00.

Done this the 2ND day of March 2021.


CIRCUIT JUDGE


20210322000143800 3/3 \$28.00
Shelby Cnty Judge of Probate, AL
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