


B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		Northern District of Alabama	PROOF OF CLAIM
Name of Debtor: Jim Walter Resources, Inc.		Case Number: BK-15-02743	COURT USE ONLY
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Abrams, James			
Name and address where notices should be sent: c/o Whitehurst & Whitehurst 1955 22nd St. Northport, AL 35476		Telephone number: (205) 339-5151 email:	<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above):		Telephone number: _____ email: _____	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ <u>350,000.00</u>			
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: <u>Estimated future workers compensation benefits</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: <u>Cl. ID 22949739</u> (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____% <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____	
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.			
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	Amount entitled to priority: \$ _____
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).	
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this 1		 1502743150924000000000003	

7. **Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. **Signature:** (See instruction #8)

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.
- I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.)
- I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: J. Paul Whitehurst

Title: Attorney

Company: Whitehurst & Whitehurst

Address and telephone number (if different from notice address above):

1955 22nd St.

Northport, AL 35476

Telephone number: (205) 339-5151 email: _____

/s/ J. Paul Whitehurst

(Signature)

09/24/2015

(Date)

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

AVS0351

STEVERSON

JUDGE: DENNIS STEVERSON

ALABAMA JUDICIAL DATA CENTER CASE ACTION SUMMARY CIRCUIT CIVIL

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY

JAMES ABRAMS VS WALTER INDUSTRIES ET AL
FILED: 05/23/2000 TYPE: WORKMANS COMP

TYPE TRIAL: NON-JURY TRACK:

 DATE1: CA: CA DATE:
 DATE2: AMT: \$.00 PAYMENT:
 DATE3: *****

PLAINTIFF 001: ABRAMS JAMES

ATTORNEY: WHITEHURST J PAUL
WH1018 1955 22ND. STREET

NORTHPORT, AL 35476
(205)339-5151

AL 00000-0000
 PHONE: (205)000-0000
 ENTERED: 05/23/2000 ISSUED:
 SERVED: ANSWERED:

TYPE: JUDGEMENT:

DEFENDANT 001: WALTER INDUSTRIES
P O BOX 133

004 *Wayne Randall*
 ATTORNEY: *Harold Delos Rice Jr.*
P.O. Box C-79
B'HAM 35283

BROOKWOOD, AL 35444-0000
 PHONE: (205)000-0000
 ENTERED: 05/23/2000 ISSUED:
 SERVED: *6-7-00 By atty* ANSWERED:

TYPE: JUDGEMENT:

DEFENDANT 002: JIM WALTER RESOURCES
P O BOX 133

Wayne Randall
 ATTORNEY: *Harold Delos Rice Jr.*
P.O. Box C-79
B'HAM 35283

BROOKWOOD, AL 35444-0000
 PHONE: (205)000-0000
 ENTERED: 05/23/2000 ISSUED:
 SERVED: *6-7-00 By atty* ANSWERED:

TYPE: JUDGEMENT:

FEB 07 2001 SET ON JUDGE *England* MAR 07 2001 NON JURY DOCKET.

MAR - 9 2001 SET ON JUDGE APR 25 2001 NON JURY DOCKET.

APR 30 2001 SET ON JUDGE MAY 30 2001 NON JURY DOCKET.

5/30/01 *Announced Settled*

6/18/01 Worker's compensation settlement order placed in the file.
[Signature]

ANA 05/24/2000

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
CIVIL ACTION NO. CV 2000-661

JAMES ABRAMS,
PLAINTIFF,

V.

WALTER INDUSTRIES, d/b/a JIM WALTER RESOURCES, et al.
DEFENDANTS.

FILED IN OFFICE OF
CLERK OF CIRCUIT COURT
TUSCALOOSA COUNTY, ALABAMA
MAY 23 AM 7:55
DOUGLAS TURNER, JR.

SUMMONS - CIVIL

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by either rule 4.4(b)(2) or 4.4(b)(2) of the Alabama Rules of Civil Procedure: You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

This service is by certified mail of this summons is initiated upon the written request of the Plaintiff pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

NOTICE TO: WALTER INDUSTRIES
P.O. BOX 133
BROOKWOOD, AL 35444

The Complaint, Interrogatories, Requests for Admissions and Request for Production of Documents which are attached to this Summons are important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written answer, either admitting or denying each allegation in the Complaint to the Plaintiff's attorney: **J. Paul Whitehurst, whose address is: 1955 22nd Street, Northport, AL 35476 (205) 339-5151.** This answer must be mailed or hand delivered within **30** days after this Summons and Complaint were delivered to you or a judgment by default may be entered against you for the money or other things demanded in the Complaint. You must also file the original of your answer with the Clerk of this Court.

5/23/00
Date

Jois Turner
Circuit Clerk

By:

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
CIVIL ACTION NO. CV 2000-661

JAMES ABRAMS,
PLAINTIFF,

V.

WALTER INDUSTRIES, d/b/a JIM WALTER RESOURCES, et al.
DEFENDANTS.

SUMMONS - CIVIL

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FILED IN DEPT. 100
MAY 23 PM 5:55
DARRIS T. JENSEN, CLERK
TUSCALOOSA COUNTY, ALABAMA

This service is by certified mail of this summons is initiated upon the written request of the Plaintiff pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

NOTICE TO: JIM WALTER RESOURCES
P.O. BOX 133
BROOKWOOD, AL 35444

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5/23/00
Date

Jois Turner
Circuit Clerk

By:

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
 CIVIL ACTION NO. CV 2000-661

JAMES ABRAMS,
 PLAINTIFF,

V.

WALTER INDUSTRIES, d/b/a JIM WALTER RESOURCES, and JIM WALTER RESOURCES, INC., and the following unknown defendants:

Unknown Defendants A(1-100), whether singular or plural, that entity for whom the plaintiff was an employee as that term is defined under the Workmans Compensation laws of the State of Alabama on or about June 23, 1999, in Tuscaloosa County, Alabama; and

Unknown defendants B(1-100), whether singular or plural, that entity for which any other corporate defendant, whether known or unknown, was its alter ego; and

Unknown defendants C(1-100), whether singular or plural, that entity which so dominated or controlled any other corporate defendant, whether known or unknown, such that the other corporate defendant became a mere instrumentality.

The true identity of these defendants is otherwise unknown at this time, but the correct parties will be substituted by amendment when ascertained.

DEFENDANTS.

COMPLAINT

1. On or about June 23, 2000, the plaintiff, James Abram, was a workman or employee employed by WALTER INDUSTRIES, d/b/a JIM WALTER RESOURCES, and JIM WALTER RESOURCES, INC. and the unknown defendants. On or about that said date the plaintiff received a serious and permanent injury to his back and legs as a result of bending at work. The injury also caused a severe psychiatric impairment. The plaintiff's injuries arose out of and in the course of his employment with these defendants.

2. The defendants are subject to the Workmans Compensation Laws of the State of Alabama in effect at the time the plaintiff received the injuries.

3. At the time of his injury the plaintiff's weekly gross wage in excess of \$670.00.

4. The defendants have knowledge of the injury or notice of the kind provided in the Alabama Workmans Compensation Statute and have in fact paid him an amount of money as temporary total and permanent partial disability payments.

5. The plaintiff suffered a disability as a result of the injury and is entitled to recover for past and future medical expenses.

00 MAY 28 PM 2:55
 FILED IN OFFICE
 CLERK OF COURT
 TUSCALOOSA COUNTY, ALA.

6. The plaintiff has been required to retain the law firm of Whitehurst & Whitehurst to protect his interests in prosecuting this claim and prays this Court will authorize such employment and approve any attorney's fee which the plaintiff's attorney may be entitled to and which may require approval by this Honorable Court.

WHEREFORE, THE PREMISES CONSIDERED, the plaintiff prays that he will be awarded all benefits and damages allowed under the Workmans Compensation Laws of the State of Alabama and in addition, costs of this action.

Done this 24th day of April, 2000.

WHITEHURST & WHITEHURST



J. Paul Whitehurst
1955 2nd St
Northport, AL 35476
339-5151
File No. 79-87



James Abrams

STATE OF ALABAMA
TUSCALOOSA COUNTY

Sworn to and Subscribed before me this 24th day of April, 2000.



Notary Public

ORDER

The plaintiff, James Abrams, is hereby authorized to employ the law firm of Whitehurst & Whitehurst as counsel to represent him in this cause.



Circuit Judge

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA
CIVIL ACTION NO.: CV-2000-661

JAMES ABRAMS,
PLAINTIFF,

vs.

WALTER INDUSTRIES, d/b/a JIM WALTER RESOURCES, et al.,
DEFENDANTS.

00 JUN 13 PM 3:34
FILED IN OFFICE
EDDIE S. TURNER, CLERK
TUSCALOOSA COUNTY, AL.

ACCEPTANCE OF SERVICE

Comes now Honorable Harold Delos Rice, Jr., Counsel for Defendants in the above styled case and accepts service of the Summons and Complaint, Interrogatories, Requests for Admissions and Requests for Production of Documents filed in this case on 5/23/2000. Honorable Harold Delos Rice, Jr. waives any objections to this process or service of process in this case. Harold Delos Rice, Jr. acknowledges that he has received a copy of the summons advising him of the deadline for filing an answer in this case and understands that the deadline begins to run on this date.

Done this 7 day of June, 2000.

[Signature]
Harold Delos Rice, Jr.

STATE OF ALABAMA
TUSCALOOSA COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Harold Delos Rice, Jr., whose name is known to me, acknowledged before me on this day, being informed of the contents of the foregoing, he executed the same voluntarily on the day the same bears date.

Sworn to and subscribed before me this 7 day of June, 2000.

[Signature]
NOTARY PUBLIC
STATE OF ALABAMA AT LARGE

My Commission Expires:

11-7-2001



JAMES ABRAMS,

PLAINTIFF,

V.

JIM WALTER RESOURCES, INC.,

DEFENDANT.

IN THE CIRCUIT COURT OF
TUSCALOOSA COUNTY, ALABAMA
FILED IN OFFICE
TUSCALOOSA COUNTY, ALA.

CIVIL ACTION NO. CV-2000-661

ANSWER OF DEFENDANT, JIM WALTER RESOURCES, INC.

COMES NOW the defendant, Jim Walter Resources, Inc., incorrectly referred to in the plaintiff's complaint as "Walter Industries, d/b/a Jim Walter Resources", and in response to the plaintiff's complaint says as follows:

FIRST DEFENSE

The complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The defendant pleads the general issue and not guilty.

THIRD DEFENSE

The defendant admits that an employment relationship existed between the plaintiff and defendant on June 23, 1999 and that such employment relationship was subject to the terms and conditions of the Worker's Compensation Act of Alabama; otherwise, the defendant denies each and every material allegation of the plaintiff's complaint and demands strict proof thereof.

FOURTH DEFENSE


The defendant denies that the plaintiff is entitled to the relief requested in the complaint, and each count thereof.

FIFTH DEFENSE

In the event that the plaintiff is awarded permanent partial disability compensation benefits, the defendant is entitled to an offset or credit to the extent of any and all permanent

partial disability compensation payments heretofore made to the plaintiff (or made to the plaintiff prior to the date of trial of this case).

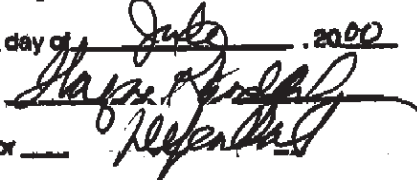
DONALD, RANDALL & DONALD
Post Office Box 2155
Tuscaloosa, AL 35403

By 
Wayne Randall (RAN-008)
Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that I have this day served counsel for the opposing party (ies) in the foregoing matter with a copy of this document by ✓ depositing in the United States Mail a copy of same in an envelope with adequate postage prepaid thereon and properly addressed to him (them) or hand delivering a copy of same to him (them).

This 6 day of July, 2000


Attorneys for

JAMES ABRAMS,)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF,)	TUSCALOOSA COUNTY, ALABAMA
)	
V.)	
)	
JIM WALTER RESOURCES, INC.,)	CIVIL ACTION NO. CV-2000-661
)	
DEFENDANT.)	

WORKER'S COMPENSATION SETTLEMENT ORDER

This cause came before the Court set for trial and/or other disposition on May 30, 2001. At that time, the parties appeared, together with their counsel of record, and advised the Court that they had reached a compromise settlement of this disputed and contested claim. The parties then came again before the Court on June 18, 2001, at its regularly scheduled settlement docket, and jointly submitted the terms of the proposed settlement and sworn testimony was taken. The Court is of the opinion that the settlement of the parties is due to be adopted and ratified by the Court.

The parties have consented to the jurisdiction of this Court and have stipulated that the sole issue in dispute in this action is the extent of loss of earning capacity, or permanent disability, under the Worker's Compensation Act, which the plaintiff has suffered as the result of the accident and injury referred to in the complaint and, therefore, the amount of worker's compensation to which the plaintiff is entitled. The plaintiff claims that he is totally disabled as a result of the said injury. The defendant vigorously disputes this and claims that the plaintiff is only partially disabled. In order to resolve this dispute the parties have agreed to an amount to be paid to the plaintiff weekly for compensation which is less than the amount that the plaintiff would receive in total disability benefits and have also agreed that the benefits would not be limited to the number of weeks as set out in Ala. Code (1975) §25-5-57(a)(3)g. and may continue beyond the Plaintiff's death under the circumstances set forth below. As an additional compromise the defendant will also pay the plaintiff's attorney fee.

The Court has considered the stipulation and agreement of the parties, has personally observed the plaintiff and has made inquiry concerning the proposed settlement. The plaintiff has testified in Open Court regarding his understanding regarding the proposed settlement, his request that it be approved and his testimony that he believes it is in his best interest that the settlement be approved. The Court finds and concludes that the proposed settlement is in substantial compliance with the Alabama Worker's Compensation Act, is in the best interest of the plaintiff. Accordingly, the Court hereby ratifies and approves the proposed settlement.

Therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The defendant shall pay directly to the plaintiff the lump sum of Fourteen Thousand One Hundred and no/100 (\$14,100.00) Dollars. The amounts paid under this paragraph 1. represent an amount which, when combined with the sums previously paid to the plaintiff as temporary total disability, would pay the plaintiff \$1,364.00 per month from March 1, 2000 through June 30, 2001.

2. Beginning on July 2, 2001, the defendant shall pay the plaintiff, at such address as plaintiff shall provide the defendant, the sum of Three Hundred Fourteen and 77/100 (\$314.77) Dollars per week in worker's compensation benefits and said payments shall continue from week to week thereafter for the remainder of the plaintiff's lifetime, but upon his death said payments shall cease and terminate and the defendant shall be discharged from any further or additional obligations whatever under this order **PROVIDED, HOWEVER**, if the plaintiff dies before July 2, 2011 and, further, if the plaintiff's wife, Winnie Abrams, survives him, then the defendant shall continue making the weekly payments herein ordered directly to the said Winnie Abrams, the plaintiff's widow, at such address as she shall provide the defendant, for the remainder of her life or until July 2, 2011, whichever event occurs first, and at which time the defendant shall be discharged from any further or additional obligations under this order whatever. The weekly payments may be converted to monthly payments at the option of the defendant at any time during the applicable time period.

3. The defendant shall be responsible for all future medical expenses arising from the plaintiff's on the job back injury pursuant to the terms and provisions of the Alabama Worker's Compensation Act.

4. Dr. Moses Jones shall continue to be the plaintiff's authorized treating physician, although the plaintiff reserves the right to request a panel in the manner and under those circumstances as set forth in the Alabama Worker's Compensation Act.

5. The plaintiff's attorney, Whitehurst & Whitehurst, is hereby awarded a lump sum attorney's fee of \$3,270.00 to be paid by the defendant, and not deducted from any amount ordered paid to the plaintiff, upon entry of this order, which represents not more than 15% of the accrued worker's compensation (before application of credits for payments previously made by the defendant) awarded to the plaintiff under this order ($\$21,800.00 \times .15 = \$3,270.00$).

Further, the Whitehurst & Whitehurst law firm is awarded attorney's fees in the sum of \$55.55 per week to be paid by the defendant beginning on July 2, 2001 which shall not be deducted from any amount ordered paid to the plaintiff. This represents attorney fees of 15% of the combined plaintiff's future weekly compensation payments and the attorney fees ($\$370.32 \times .15 = \55.55). Such attorney fee payments shall continue on a weekly basis during the period of time that the defendant is obligated to pay to the plaintiff, or his wife, Winnie Abrams, under the provisions of this order. The defendant's obligation to pay weekly attorneys fees shall

terminate at the same time that the defendant's obligation to pay the plaintiff or his wife shall terminate. The weekly payments may be converted to monthly payments at the option of the defendant at any time during the applicable time period.

6. The sums paid hereunder, both upon entry of this order and in the future, shall release the defendant from any and all further obligations to the plaintiff for worker's compensation benefits for the accident, injuries and/or physical conditions which are the subject to this action, including but not limited to, claims from vocational rehabilitation, temporary total, temporary partial, permanent partial, or permanent total disability except that medicals shall remain open as set forth above. The payments made under this order shall not be modified pursuant to Ala. Code (1976) §25-5-57(a)(4)b., c., h., or i. Neither shall he be required to file an affidavit as provided for in Ala. Code (1976) §25-5-57(a)(4)i.

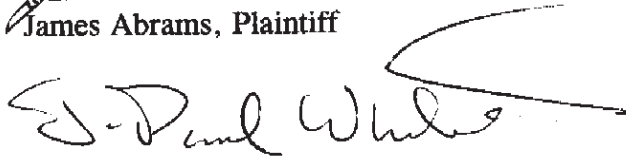
7. Court costs are taxed to the defendant, for which let execution issue.


SO ORDERED on this the 17th day of June, 2001.


John H. England, Circuit Judge

APPROVED AS TO FORM AND CONTENT:


James Abrams, Plaintiff


Whitehurst & Whitehurst
Attorneys for Plaintiff


Donald, Randall & Donald
Attorneys for Defendant

The undersigned hereby acknowledges receipt of payment in full of the lump sum amounts awarded under paragraph one of the order.

Whitehurst & Whitehurst
Plaintiff's Attorney

NOTE: FOR PURPOSES OF REPORTING TO THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS, THE PLAINTIFF'S SOCIAL SECURITY NUMBER IS 423-56-0107.