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IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

FILED THIS DATE AUG 02 1991 BY <i>Connie Gulture</i>	PLAINTIFFS CASE NO. 30-843
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JOHN E. CHESNUT AND
DEBBIE M. CHESNUT
VS.

TIM ESTES, individually and
ASHLEY ESTES, individually and
ASHLEY ESTES d/b/a SUPER STEAM DEFENDANTS

ORDER GRANTING DEFAULT JUDGMENT AND
ENTERING FINAL JUDGMENT AGAINST DEFENDANTS

CAME ON this day for consideration the Motion for Entry of Judgment by Default filed herein by John E. Chesnut and Debbie M. Chesnut, Plaintiffs, seeking entry of a default judgment pursuant to Rule 55(b)(2) of the Mississippi Rules of Civil Procedure against Tim Estates, individually, Ashley Estes, individually and Ashley Estes, d/b/a Super Steam and the Court, having considered said motion, heard argument of Plaintiff's counsel and being further fully advised in the premises does find as follows to-wit:

1. All Defendants were duly served with a copy of the summons together with a copy of the Complaint on May 28, 1991 and that more than thirty (30) days have elapsed since the date on which Defendants were served with the summons and copy of Complaint.
2. The Defendants failed to answer or otherwise defend the Complaint, or serve a copy of any answer or other defense which Defendants might have and on the 8th day of July, 1991 default was entered against Defendants by the Clerk of the Chancery Court of Madison County, Mississippi.
3. The Defendants are not infants or unrepresented incompetent persons and, having failed to plead or otherwise defend, default having been duly entered against Defendants, and Defendants having taken no proceedings since default was entered, Plaintiffs are entitled to the relief requested in their Complaint and a judgment by default should be entered by this Court granting such relief.

Rec'd in Book 134 Page 265
The 2nd day of Aug 1991
Billy V. Cooper C.C.
By *Connie Gulture D.E.*

Attal 1

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion for Entry of Judgment by Default be, and the same is hereby sustained and that Judgment be entered in favor of John E. Chesnut and Debra M. Chesnut against Defendants as follows:

(1) As against Tim Estes, judgment in the sum of \$821.30 for breach of contract; and

(2) As against Ashley Estes, individually and as owner of Super Steam, a mandatory injunction compelling Ashley Estes to cancel the construction lien and a prohibitory injunction prohibiting Ashley Estes from filing on behalf of herself or Super Steam any future liens or actions against the Subject Property, John E. Chesnut and Debbie M. Chesnut arising out of or relating to work performed by Tim Estes on the property which is the subject of this litigation; and

(3) As against Ashley Estes individually and as owner of Super Steam, Judgment in the amount of \$100.00 together with interest on the sum of \$750.00 at the highest rate allowed by law from September 28, 1990 until such time as the Escrow and Indemnity Agreement with Mississippi Valley Title Insurance Company is released and Plaintiff's money is returned and, additionally, interest on said Judgment at the highest rate allowed by law until paid; and

(4) As against Ashley Estes individually and as owner of Super Steam, punitive damages in the amount of \$500.00 for Debbie M. Chesnut and \$500.00 for John E. Chesnut as provided by Section 85-7-201 of the Mississippi Code of 1972, as amended.

(5) As against Tim Estes, Ashley Estes and Ashley Estes d/b/a Super Steam all cost and expenses associated with the bringing of this action including the sum of \$ — 0 — as attorney fees.

(6) The Clerk of the Chancery Court of Madison County, Mississippi is hereby directed to place a copy of this Judgment in the records of Construction Liens in his office and to enter satisfaction and cancel of record that certain Construction Lien filed by Ashley Estes d/b/a Super Steam in Construction Lien Book 7 at page 37.

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SO ORDERED, ADJUDGED AND DECREED this the 2nd day of August, 1991.

Ray H. Montgomery

RAY H. MONTGOMERY, CHANCELLOR
Chancery Court
Madison County, Mississippi



STATE OF MISSISSIPPI, County of Madison:

I certify that the within instrument was filed for record in my office this 2 day of Aug, 1991, at 12:45 o'clock P M., and was duly recorded on the AUG 02 1991, Book No. 7, Page 356.

BILLY V. COOPER, CHANCERY CLERK BY: S Cole D.C.

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