

BUFORD WATERS,)	IN THE CIRCUIT COURT OF
)	
Plaintiff)	BALDWIN COUNTY, ALABAMA
)	
VS)	AT LAW CASE # <u>8256</u>
)	
B & B CABINET SHOP,)	WORKMEN'S COMPENSATION
)	
Defendant)	

PETITION FOR LUMP SUM SETTLEMENT

The undersigned being the only parties interested in the above entitled matter hereby petition the court for approval of the following agreement and settlement and agree and represent to the court as follows:

1. That they are subject to the provisions of the Workmen's Compensation Law of Alabama as last amended.

2. That BUFORD WATERS, being over the age of twenty-one years, a former employee of the Defendant, residing at Route 1, Box 215, Robertsdale, Alabama, who can read and understand the english language, did on, to-wit, the 21st day of October, 1968, sustain an injury by accident while employed by the said Defendant, which injury occurred at the plant of the Defendant, located in Montgomery, Alabama, resulting in a proportionate loss of use of the thumb and three fingers of the Plaintiff's left hand.

3. That the said Plaintiff, at the time of this accident, had a dependent wife and was receiving such average weekly earnings that under the Workmen's Compensation Law of Alabama, as last amended, ^{he} is entitled to the maximum weekly compensation allowable of \$44.00 per week, for a designated schedule of compensation as set out in Title 26, Section 279 of the Code of Alabama as last amended.

4. That pursuant to Title 26, Section 293 of the Code of Alabama of 1940, Recompiled 1958, the Defendant has paid all medical, surgical and hospital benefits incurred by the Plaintiff as a result of his injury.

5. That the Plaintiff and Defendant have computed the total amount due the Plaintiff, in accordance with Title 26, Section 279, Code of Alabama as last amended, and find that the Plaintiff is entitled to \$1,810.29.

6. That pursuant to Sections 278 and 299 of Title 26, of the Code of Alabama as last amended, the Plaintiff and Defendant agreed on a lump sum award and agree that it is for the best interest of the Plaintiff, employee, to receive the total compensation due in a lump sum award rather than in periodic payments.

7. That this settlement is in substantial compliance with the Workmen's Compensation Act of Alabama as last amended, and the parties hereto agree that this settlement should be approved by the Circuit Court of Baldwin County, Alabama, and that a judgment in the amount of \$1,810.29 should be entered. This settlement contains the whole agreement between the parties hereto.

IN WITNESS WHEREOF the parties hereto have set their hands and affixed their seals on this the 9th day of June, 1969.

Byford Waters
Byford Waters, Plaintiff

APPROVED

Charles H. Burnett
Attorney for Plaintiff

B & B CABINET SHOP, Defendant

By J. L. Byrd

APPROVED

Nelson Burnett
Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

I Dorothy M. Chason, a Notary Public in and for said County in said State, hereby certify that BUFORD WATERS, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of the said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 14 day of June, 1969.

Dorothy M. Chason
Notary Public, Baldwin County
State of Alabama

(Affix Seal)

My Commission Expires
June 7, 1970

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STATE OF ALABAMA

Montgomery COUNTY

I, Smith S. Hedman, a Notary Public in and for said County in said State, hereby certify that J. L. Beard, whose name as owner of B & B CABINET SHOP, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said instrument, he as such officer and with full authority, executed the same for and as the act of said B & B CABINET SHOP.

Given under my hand and Notarial Seal hereto affixed by me on this the 5th day of May, 1969.

Mrs. Smith S. Hedman
Notary Public, County of Montgomery
State of Alabama

(Affix Seal)

FILED

JUN 16 1969

ALICE J. DUCK CLERK
REGISTER

BUFORD WATERS,

Plaintiff

VS

B & B CABINET SHOP,

Defendant

) IN THE CIRCUIT COURT OF
)
)
) BALDWIN COUNTY, ALABAMA
)
)
) AT LAW CASE # _____
)
)
) WORKMEN'S COMPENSATION
)
)

ORDER AND JUDGMENT

Upon reading and filing the foregoing joint petition, agreement, and settlement of the parties, and being fully advised in the premises, and it appearing that the allegations of said petition are true and that said settlement is substantially in accordance with the provisions of the Workmen's Compensation Laws of Alabama,

IT IS ORDERED, ADJUDGED and DECREED that the said petition, settlement and release, be, and the same hereby are approved, and that the parties in all things conform thereto.

IT IS FURTHER considered by the court and it is the ORDER and JUDGMENT of the court that the Plaintiff have and recover of the Defendant the sum of \$1,810.29 for which let execution issue.

DONE this the 16th day of June, 1969.

J. A. Marshall
Judge of the Circuit Court of
Baldwin County, Alabama.

FILED

JUN 16 1969

ALICE J. DICK CLERK
REGISTER

CECIL G. CHASON

Attorney at Law

CHARLES H. SIMS III
ASSOCIATE

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

June 14, 1969

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck: Re: Buford Waters vs
 B & B Cabinet Shop

*C.B. Duck
mailed
6-16-69*

I am enclosing the original and two copies of an agreement and petition for lump sum settlement under Workman's Compensation law as set out in Sections 278 and 299 of Title 26 of the Code of Alabama as last amended and an Order and Judgment in accordance with the agreement.

Please file and present to Judge Mashburn for his signature and return the two copies to me, together with the cost bill.

Yours very truly,



Charles H. Sims III

CES:dmc

Encls.