

RESOLUTION 2013-01

**A RESOLUTION AUTHORIZING PAYMENT OF LEGAL
EXPENSES FOR MAYOR AND COUNCIL MEMBER**

WHEREAS, Councilman Bob Holk and Mayor Charles Houser were named as individual Defendants in the lawsuit against the Town of Magnolia Springs styled *Deidre W. Lee, et al. vs. Town of Magnolia Springs*, Baldwin County Circuit Court Case Number CV-2007-900627;

WHEREAS, the individual claims against Holk and Houser were dismissed pursuant to the Baldwin County Circuit Court's summary judgment order dated September 7, 2011;

WHEREAS, on October 24, 2011, the Plaintiffs in the above-referenced matter appealed the Baldwin County Circuit Court's summary judgment order dismissing Holk and Houser;

WHEREAS, Holk and Houser have hired the firm of Stone, Granade & Crosby, P.C., to represent their individual interests in said appeal;

WHEREAS, Plaintiffs' in said lawsuit allege that Holk and Houser, as Councilman and Mayor, damaged Plaintiffs through certain alleged acts in connection with Plaintiffs' subdivision;

WHEREAS, Holk and Houser have honestly discharged their duties on behalf of the Town;

WHEREAS, by adopting Resolution 2012-06, the Town approved the payment of Holk and Houser's legal expenses, not to exceed \$10,000.00, to the firm of Stone, Granade & Crosby, P.C., for the purpose of representing Holk and Houser in the above-referenced appeal and for the reasons therein stated;

WHEREAS, said Resolution provided that legal expenses exceeding \$10,000.00 would not be paid without further resolution by the Town;

WHEREAS, Holk and Houser have incurred additional legal expenses in the amount of \$5,240.72;

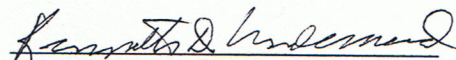
WHEREAS, this matter is of proper corporate interest;

WHEREAS, it is in the best interest of the Town to defend Holk and Houser against the charges against them and to protect them from assaults upon their integrity and the discharge of their public duty.

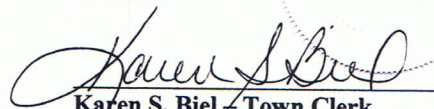
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Magnolia Springs, that pursuant to Alabama law, the Town Council approves the payment of Holk and Houser's legal expenses in the amount of \$5,240.72, to the firm of Stone, Granade & Crosby, P.C., for the purpose of representing Holk and Houser in the above-referenced appeal and for the reasons herein stated. Legal expenses exceeding said amount will not be paid without further resolution by the Town.

Adopted this the 22nd day of January, 2013.

TOWN OF MAGNOLIA SPRINGS


Kenneth D. Underwood - Mayor

ATTEST:


Karen S. Biel - Town Clerk