


IN THE CIRCUIT COURT OF DEKALB COUNTY, ALABAMA

STALLINGS JESSICA L.,)	
Plaintiff,)	
)	
V.)	Case No.: DR-2009-900024.01
)	
BARNETT LENION RICHARD, JR.,)	
Defendant.)	

ORDER

The above-styled case comes before the Court on the Motion to Set Aside Agreement and Suspend Visitation filed by the Plaintiff. This case came for a hearing on November 14, 2018, and on that date, the attorneys announced that a settlement had been reached on all issues.

The current motion states that "the Agreement has not yet been signed," which leaves the impression that an agreement was submitted to the Court for execution; however, no written agreement has been submitted to the Court by either attorney. Furthermore, the terms of their agreement were not announced to the record on the date of court.

The record contains no written documentation of the parties' partial settlement agreement, and an oral settlement agreement is valid and enforceable "only if it is made in open court or during a pretrial conference." *Contractor Success Group, Inc. v. Service Thrust Org., Inc.*, 681 So.2d 212, 215 (Ala.Civ.App.1996). This court has explained:

All settlement agreements entered into by attorneys and occurring at the trial-court level are governed by § 34-3-21, Ala.Code 1975. *Ex parte Sims*, 627 So.2d 380, 382 (Ala.1993). To be effective under § 34-3-21, an agreement must be made in writing or entered in the minutes of the court. *Holmes v. Sanders*, 729 So.2d 314, 316 (Ala.1999); and *Ex parte Kiely*, 579 So.2d 1366, 1367 (Ala.Civ.App.1991).¹

The current motion before the Court makes it abundantly clear that the parties had reached an **agreement** to allow the Defendant/Father to have "unsupervised visitation between

¹ *Willis v. Willis*, 45 So.3d 347 (Ala.Civ.App. 2010).

the Defendant and minor children." Now, the Plaintiff/Mother seeks to suspend the visitation she agreed to allow him to exercise.

Therefore, it is hereby **ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

1. That the parties shall remain bound by the previously entered orders.
2. That the above-styled case shall come for a FINAL hearing on the 12th day of August, 2019, at 9:00 a.m. in the DeKalb County Courthouse, Courtroom 302.

DONE this 18th day of June, 2019.


CIRCUIT JUDGE