

IN THE CIRCUIT COURT FOR MADISON COUNTY, ALABAMA

JULIO AND CARMEN TELLERIA,
et al.,

Plaintiffs,

BYONG-RYE AHN,

Plaintiff Intervenor,

v.

WAYLAND COOLEY, individually
and in his official capacity as the
TAX ASSESSOR OF MADISON
COUNTY, ALABAMA,

Defendant.

Civil Action No. CV 96-2220LWH

ORDER

FILED IN OFFICE
99 NOV 23 P4:39
BILLY D. HANCOCK
CLERK OF COURT
MADISON COUNTY, ALABAMA

The attorneys for the parties in this case have filed a settlement agreement; in accordance with the settlement agreement, it is

ORDERED, ADJUDGED and DECREED by the Court as follows:

- Wayland Cooley, individually and in his official capacity as the Tax Assessor of Madison County, Alabama, and his successors in office as Tax Assessor of Madison County, Alabama, shall implement immediately the POLICY OF THE MADISON COUNTY TAX ASSESSOR IN REGARD TO PROPERTY OWNERS WHO DO NOT SPEAK ENGLISH, a copy of which is attached to this Order and made a part hereof as if set out in full herein and, other than the Oath of Translator, no additional

requirements will be imposed upon non-English speaking taxpayers that are not also imposed on English speaking taxpayers.

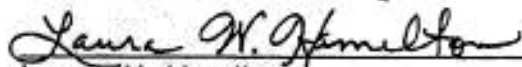
2. Wayland Cooley, in his official capacity as Tax Assessor of Madison County, Alabama, shall reimburse plaintiffs Carmen and Julio DePaula Telleria in the amount of one thousand two hundred sixty-five dollars and forty-six cents (\$1,265.46), being the amount of ad valorem taxes they overpaid during the tax years 1997, 1998 and 1999 as a result of the denial to them of Class III status, the homestead exemption, and the senior citizen exemption.

3. Wayland Cooley, in his official capacity as Tax Assessor of Madison County, Alabama, will reimburse Byong-Rye Ahn in the amount of three hundred ninety dollars and twenty-three cents (\$390.23), representing the amount of ad valorem taxes she overpaid during the tax years 1997, 1998 and 1999, as a result of the denial to her of Class III status and the homestead exemption (\$1,170.63), less the amount she underpaid during the tax years 1991 and 1992 (\$780.40).

4. Other than the specific relief set out above, all claims of the plaintiffs Julio and Carmen Telleria and Byong-Rye Ahn against Wayland Cooley, individually and in his official capacity as the Tax Assessor of Madison County, Alabama, which were or could have been litigated in this lawsuit arising under either Federal law or

the laws of the State of Alabama and seeking damages, equitable relief or relief of any other kind, specifically including, but not limited to, attorneys fees and court costs are hereby DISMISSED WITH PREJUDICE.

Done this the 23rd day of November, 1999.



Laura W. Hamilton
Circuit Court Judge

**POLICY OF THE MADISON COUNTY TAX ASSESSOR
IN REGARD TO PROPERTY OWNERS WHO DO
NOT SPEAK ENGLISH**

The Madison County Tax Assessor will not deny exemptions to property owners, to which the property owners are otherwise entitled, on the basis that the property owners cannot answer questions or take any required oath in English. Property owners who do not speak English must come to the Tax Assessor's Office in the Madison County Courthouse to initially claim exemptions to which they are entitled. A specific employee or employees in the Tax Assessor's Office will be designated to deal with property owners who do not speak English. If a property owner does not speak English, the property owner must bring to the Tax Assessor's Office a person who is fluent in English and the language spoken by the property owner to translate for the property owner. The Tax Assessor's Office is not required to have bilingual employees or to provide translators for property owners who do not speak English. The translator must take the attached oath before the Tax Assessor's employee begins asking questions of the property owner or administering any required oath to the property owner.

STATE OF ALABAMA .

MADISON COUNTY

OATH OF TRANSLATOR

I do solemnly swear that I will make a true translation of the oath to be administered to the property owner _____ (name of property owner) in the language which the property owner understands and can speak, and of all questions which are propounded to the property owner; and I will make a like true translation of the property owner's answers in the English language.

(Signature)

(Name printed)

(Address)

(City, state, zip code)

STATE OF ALABAMA

MADISON COUNTY

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

Given under my hand this the ____ day of _____, 19__.

Notary Public

My commission expires:
