

REL: 08/29/2014

Notice: This opinion is subject to formal revision before publication in the advance sheets of Southern Reporter. Readers are requested to notify the **Reporter of Decisions**, Alabama Appellate Courts, 300 Dexter Avenue, Montgomery, Alabama 36104-3741 ((334) 229-0649), of any typographical or other errors, in order that corrections may be made before the opinion is printed in Southern Reporter.

SUPREME COURT OF ALABAMA

SPECIAL TERM, 2014

1131077, 1131081, and 1131082

Ex parte V.S.T.

**PETITIONS FOR WRIT OF CERTIORARI
TO THE COURT OF CIVIL APPEALS**

(In re: V.S.T.

v.

R.W. and B.W.)

**(Bessemer Probate Court, No. 50041554, No. 50041555,
and No. 50041556;
Court of Civil Appeals, 2130112, 2130113, and 2130114)**

WISE, Justice.

1131077, 1131081, and 1131082

1131077 -- WRIT DENIED. NO OPINION.

1131081 -- WRIT DENIED. NO OPINION.

1131082 -- WRIT DENIED. NO OPINION.

Stuart, Bolin, Main, and Bryan, JJ., concur.

Moore, C.J., and Parker and Murdock, JJ., dissent.

1131077, 1131081, and 1131082
MURDOCK, Justice (dissenting).

The Court of Civil Appeals dismissed all of these appeals as untimely. It appears that a final judgment was entered in V.S.T.'s favor in a collateral action under § 26-10A-25(d), Ala. Code 1975; that she then filed a timely postjudgment motion pursuant to Rule 59, Ala. R. Civ. P.; and that she timely appealed within 42 days of the denial of that motion. Also, I find the petitions before us sufficiently compliant with the requirements of Rule 39, Ala. R. App. P. I therefore dissent from the Court's decision refusing to consider the petitions.