

REL: 02/25/2011

**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.

## ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2010-2011

---

2080178

---

**Hurbert Maiers and Melissa Maiers**

**v.**

**Bennie Gibbs**

**Appeal from Houston Circuit Court  
(CV-08-320)**

After Remand from the Alabama Supreme Court

PITTMAN, Judge.

On November 20, 2009, this court affirmed a summary judgment entered by the Houston Circuit Court in an action filed pursuant to Ala. Code 1975, § 35-9A-101 et seq., by

Bennie Gibbs against Hurbert Maiers and Melissa Maiers. Maiers v. Gibbs (No. 2080178, November 20, 2009), \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2009) (table). However, our judgment of affirmance has been reversed. Ex parte Maiers, [Ms. 1090626, August 20, 2010] \_\_\_ So. 3d \_\_\_ (Ala. 2010). On remand to this court, and in compliance with Ex parte Maiers, we now reverse the summary judgment and remand the cause for further proceedings.

REVERSED AND REMANDED.

Thompson, P.J., and Bryan, Thomas, and Moore, JJ.,  
concur.