

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BRANCH BANKING AND TRUST</b>	)	
<b>COMPANY, successor in interest to</b>	)	
<b>COLONIAL BANK, by asset acquisition</b>	)	
<b>from the FDIC, as Receiver for Colonial</b>	)	
<b>Bank,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 15-00398-KD-N</b>
	)	
<b>MACLAY CONSTRUCTION, INC. and</b>	)	
<b>CHARLES A. MACLAY,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This action is before the Court on Plaintiff Branch Banking and Trust Company's (BBT) motion for summary judgment, brief, supporting exhibits, and the supplement (docs. 20, 21, 32). Previously, the Court entered an order granting the motion for summary judgment and finding that the attorney's fees, costs, and expenses claimed by BBT were reasonable (doc. 31). However, BBT was ordered to supplement its submission with additional evidence as to the attorney's fees, costs and expenses for collection of the Notes, as opposed to the Guarantees.

In the supplement, BBT states that it is unable to accurately delineate the work performed for collection of the Notes from the work performed for collection of the Guarantees. BBT requests an award of the full amount of attorney's fees, costs, and expenses against Charles A. Maclay individually as the Guarantor and the against Maclay Construction, Inc., as the maker of the Notes. Alternatively, BBT suggests an equitable apportionment.

Upon consideration, the Court finds that BBT is entitled to an award of reasonable attorney's fees and expenses as follows:

1) against the Guarantor Charles A. Maclay in the total amount of \$6,084.59, for collection of the Guarantees; and

2) against Maclay Construction, Inc., in the total amount of \$3,042.29, for collection of the Notes.

Final judgment shall be entered by separate document as provided in Fed. R. Civ. P.

58(a).

**DONE** and **ORDERED** this 15th day of April 2016.

s / Kristi K DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**