

Rel: 10/12/2007

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# ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2007-2008

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**Kimberly Estelle**

v.

**Ruthie Lee Cunningham**

**Appeal from Talladega Circuit Court  
(CV-04-51)**

After Remand from the Supreme Court

THOMPSON, Presiding Judge.

On certiorari review in this case, the Alabama Supreme Court overruled Owens v. Coleman, 520 So. 2d 514 (Ala.1987),

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Taylor v. Southern Bank & Trust Co., 227 Ala. 565, 151 So. 357 (1933), and Barnett v. Boyd, 224 Ala. 309, 140 So. 375 (1932) -- cases that this court relied upon in our opinion affirming the trial court's summary judgment -- to the extent that they "hold that a former beneficiary is precluded from challenging, on the basis of undue influence, a change by the deceased insured of the beneficiary of an insurance policy." Ex parte Estelle, [Ms. 1051720, July 13, 2007] \_\_\_ So. 2d \_\_\_, \_\_\_ (Ala. 2007). In compliance with the Supreme Court's opinion, the judgment of the trial court is hereby reversed and the cause remanded for further proceedings consistent with the Supreme Court's opinion.

REVERSED AND REMANDED WITH INSTRUCTIONS.

Pittman, Bryan, Thomas, and Moore, JJ., concur.