

REL: 05/20/2011

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

2100094

Mary E. (Robbins) Finn

v.

Mary Katelyn Robbins

Appeal from Jefferson Circuit Court
(DR-09-629)

THOMAS, Judge.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(E), Ala. R. App. P.; Rule 45, Ala. R. App. P.; Ex parte Clark, 23 So. 3d 1107, 1116 (Ala. 2009); Bush v. Alabama Farm Bureau Mut. Cas. Ins. Co., 576 So. 2d 175, 177 (Ala. 1991); State Farm Mut. Auto. Ins. Co. v.

2100094

Motley, 909 So. 2d 806, 821-22 (Ala. 2005); Johnson v. Langley, 495 So. 2d 1061, 1065 (Ala. 1986); Flomer v. Farthing, [Ms. 2090208, November 5, 2010] ___ So. 3d ___, ___ (Ala. Civ. App. 2010); and Amie v. Conrey, 801 So. 2d 841, 846 (Ala. Civ. App. 2001).

Pittman and Moore, JJ., concur.

Bryan, J., concurs specially, which Thompson, P.J., joins.

2100094

BRYAN, Judge, concurring specially.

I agree that the judgment of the Jefferson Circuit Court is due to be affirmed. I write specially only to state that I would award the appellee, Mary Katelyn Robbins, attorney's fees on appeal in the amount of \$6,700 -- the full amount of attorney's fees that she requested on appeal. In this action, Mary Katelyn, who is the daughter of the appellant, Mary E. Robbins (Finn), was forced to bring an action against her mother to enforce her mother's undisputed obligation to pay a portion of her postminority educational expenses. The mother refused to pay her portion of Mary Katelyn's postminority educational expenses despite the facts that she admitted that she had the ability to pay those expenses, that she did not wish to terminate her postminority-educational-support obligation, and that she had received correspondence from Mary Katelyn and an attorney informing her of the amount of college-related expenses that had been incurred by Mary Katelyn. Moreover, the mother filed an appeal that this court has found to be without merit, which required Mary Katelyn, who is a college student, to incur the additional cost of hiring an attorney to represent her interests on appeal. For the foregoing reasons, I would award Mary Katelyn \$6,700 in attorney's fees on appeal.

Thompson, P.J., concurs.