

SUPREME COURT OF ALABAMA

Stribling Equipment, Inc. v. Crager

891 So. 2d 299 (Ala. 2004) · No. 1030131 · Decided April 16, 2004

SUMMARY

The Alabama Supreme Court considered whether a Mississippi judgment could be domesticated and enforced in Alabama after the defendant moved for relief under Rule 60(b)(4). The court held that the defendant waived any challenge to personal jurisdiction by filing answers that did not contest jurisdiction, and that service of the default-judgment motion on his attorney satisfied due process. The court reversed the order setting aside domestication of the Mississippi judgment and remanded.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Houston, Justice; Lyons, Justice; Brown, Justice; Johnstone, Justice; Woodall, Justice
JURISDICTION	Alabama
DECIDED	April 16, 2004
DOCKET	1030131
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Stribling appealed from an order of the Washington Circuit Court granting Crager's Alabama Rule of Civil Procedure 60(b)(4) motion and setting aside an order domesticating a Mississippi judgment.
STANDARD OF REVIEW	De novo review of the grant or denial of a Rule 60(b) motion.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Alabama; precedential.
PARTIES	Stribling Equipment, Inc. v. Jason Scott Crager

TOPICS

- full faith and credit
- personal jurisdiction
- default judgment
- due process
- civil procedure

PRACTICE AREAS

- civil procedure
- constitutional law
- commercial litigation
- judgments

QUESTIONS PRESENTED

1. Whether Crager's voluntary filing of answers in the Mississippi action constituted an appearance and waived his defense of lack of personal jurisdiction, even if the answers were later stricken.
2. Whether service of the motion for default judgment and notice of hearing on Crager's attorney of record satisfied Mississippi procedural and due-process requirements.
3. Whether the Mississippi judgment was void and therefore subject to being set aside under Alabama Rule of Civil Procedure 60(b)(4).

HOLDINGS

1. Under Mississippi law, Crager's voluntary filing of answers constituted an appearance, and his failure to assert lack of personal jurisdiction in those answers waived that defense, even if the answers were later stricken for a technical reason.
2. Service of the motion for default judgment and hearing notice on Crager's attorney of record satisfied Mississippi Rule of Civil Procedure 5(b), Rule 55(b), and due process.
3. The Mississippi judgment was not void because the Mississippi court had personal jurisdiction over Crager and did not act inconsistently with due process; therefore, the Alabama order setting aside domestication of the judgment was erroneous.

KEY QUOTATIONS

“A judgment is void only if the court that rendered it lacked jurisdiction of the subject matter or of the parties, or if it acted in a manner inconsistent with due process.” (302)

“Therefore, we conclude that Crager waived his right to contest personal jurisdiction in the Mississippi court; thus, the Mississippi court had jurisdiction over Crager when it entered the judgment.” (303)

“Because notice of the hearing was timely, we find no procedural defect in the granting of Stribling's motion for a default judgment.” (304)

FACTUAL BACKGROUND

Crager, an Alabama resident doing business as J & E Logging, purchased a bulldozer from Stribling in Mississippi and incurred a balance for the purchase and repairs. Stribling sued him in Mississippi, where Crager voluntarily filed an answer through an Alabama attorney and later filed a pro se answer; neither answer challenged personal jurisdiction. After the Mississippi court entered judgment, Stribling domesticated it in Alabama, and Crager sought relief under Rule 60(b)(4), arguing that the Mississippi judgment was void because he had waived no jurisdictional defense and had not received adequate notice of the default-judgment hearing.

PROCEDURAL HISTORY

Stribling obtained a judgment against Crager in the Rankin Circuit Court in Mississippi after Crager filed answers that did not contest personal jurisdiction. Stribling then domesticated the Mississippi judgment in Washington Circuit Court, Alabama. The Alabama trial court later granted Crager's Rule 60(b)(4) motion, concluding that the Mississippi judgment was void for lack of personal jurisdiction and denial of due process. The Supreme Court of Alabama reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Washington Circuit Court for proceedings consistent with the opinion.

CASES CITED

- Satterfield v. Winston Industries, Inc., 553 So. 2d 61, 64 (Ala. 1989)
- Bank of America Corp. v. Edwards, 881 So. 2d 403, 405 (Ala. 2003)
- Holiday Casino, Inc. v. Breedwell, 581 So. 2d 474, 475 (Ala. 1991)
- Walker v. Blackwell, 800 So. 2d 582, 586-87 (Ala. 2001)
- Morse v. Morse, 394 So. 2d 950, 951 (Ala. 1981)
- Holmes v. Holmes, 628 So. 2d 1361, 1363-64 (Miss. 1993)
- Williams v. Chase Manhattan Bank, 834 So. 2d 718, 720 (Miss. Ct. App. 2003)
- Bryant, Inc. v. Walters, 493 So. 2d 933, 938 (Miss. 1986)
- Duckworth v. Strite, 748 So. 2d 794, 797 (Miss. Ct. App. 1999)
- Guam Economic Development Authority v. Ulloa, 841 F.2d 990, 993 (9th Cir. 1988)
- Ex parte Alabama Mobile Homes, Inc., 468 So. 2d 156, 159 (Ala. 1985)

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