



IN THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA

DCH HEALTH SYSTEM,
Plaintiff,

V.

SMITH MICHAEL,
Defendant.

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Case No.: SM-2023-900084.00

**ORDER GRANTING PLAINTIFF'S VERIFIED
MOTION FOR SERVICE BY POSTING AND MAILING**

Plaintiff having filed a Motion for Service by Posting and Mailing herein, and the Court having considered said Motion, it is hereby:

ORDERED, ADJUDGED and DECREED:

1. The Clerk of the Court shall post (i) a copy of the notice of the garnishment, including the Defendant's right to claim an exemption as provided in Rule 64A of the Alabama Rules of Civil Procedure, and (ii) this Order to its official website and in a designated and conspicuous location within the Courthouse for four (4) continuous weeks.

2. The Clerk of the Court shall send by regular U.S. Mail a copy of the posted notice of garnishment to the Defendant at the Defendant's last known address.

Additional costs and fees of this motion and service are taxed to the Defendant.

DONE this 26th day of April, 2023.

/s/ JAMES E GENTRY
DISTRICT JUDGE

PROCESS OF GARNISHMENT

Case number
63-SM-23-900084

IN THE SMALL CLAIMS COURT OF TUSCALOOSA COUNTY, ALABAMA

NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim):
DCH HEALTH SYSTEM
SAME AS PLAINTIFF'S ATTORNEY'S ADDRESS

NAME AND ADDRESS OF DEFENDANT (Person Whose Property is Subject to Garnishment):
MICHAEL SMITH
731 OLD MILL ST.
TUSCALOOSA, AL 35401 SSN-8275

NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF:
Schwartz & McC ure, LLC
1609 Richard Arrington Jr. Blvd. South
Birmingham, AL 35205

DATE OF JUDGMENT: 2/13/2023

JUDGMENT AMOUNT: \$ 5,843.58

INTEREST: \$ 14.41

COSTS: \$ 372.82

LESS CREDIT: \$ 0.00

OTHER: \$ _____

TOTAL: \$ 6,230.81

NAME AND ADDRESS OF GARNISHEE:
GFC CONSTRUCTION INC
ATTN: PAYROLL
10474 HWY 82 E,
DUNCANVILLE, AL 35456

AFFIDAVIT

- A. I make oath that I have obtained the above judgment and believe the named garnishee is or will be indebted to the named defendant or has or will have effects of the defendant under the garnishee's control. I believe that a Process of Garnishment against the garnishee is necessary to obtain satisfaction of the judgment.
- B. If the garnishment is for wages, salary or other compensation, I further make oath that the amount to be withheld must be:
- 25% of disposable earnings for the week OR the amount by which disposable earnings for the week exceed 30 times the federal minimum hourly wage in effect at the time the earnings are payable, WHICHEVER IS LESS,
 - 20% of disposable earnings for the week OR the amount by which disposable earnings for the week exceed 50 times the federal minimum hourly wage in effect at the time the earnings are payable, WHICHEVER IS LESS, which amount is in compliance with the instructions on the reverse side of this form.
- C. I hereby request distribution of amounts periodically paid into Court pursuant to this garnishment.

Sworn to and subscribed before me this 28th day of February, 2023.
Notary Public/Clerk (Signature)

[Signature]
Affiant/Attorney (Signature)

WRIT OF GARNISHMENT

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:

You are hereby commanded to serve this Process of Garnishment on the GARNISHEE, GFC CONSTRUCTION INC

(Name of garnishee)

and a copy on the defendant, MICHAEL SMITH

(Name of defendant)

and make proper return to this Court.

NOTICE TO DEFENDANT: READ THE IMPORTANT INFORMATION ON THE BACK OF THIS FORM (Regarding your Rights).
NOTICE TO GARNISHEE: YOU ARE THE GARNISHEE IN THE ABOVE ACTION.

You must complete and file the enclosed Answer form within thirty (30) days from service of process. If you fail to file an Answer, the plaintiff can proceed for judgment against you for the amount of the claim, plus costs. Mailing the notarized Answer form to the Clerk of the Court at the address below constitutes making a proper appearance in the Court. **YOU MUST ANSWER:**

- (1) Whether you are or will be indebted to the defendant at the time you received this process, or when you make your answer, or during the intervening time, or
- (2) Whether you will be indebted to the defendant in the future by existing contract, or
- (3) Whether by existing contract you are liable to the defendant for the delivery of personal property or for the payment of money, or
- (4) Whether you have in your possession or control, money or effects belonging to the defendant.

You are commanded to retain the amount indicated above from wages, salary or other compensation due or which will become due to the defendant for such period of time as is necessary to accumulate the sum \$ 6,230.81 (Judgment and costs). You are required, after a period of 30 days from the first retention of any sum from the defendant's wages, salary, or other compensation, to begin paying the moneys withheld into court as they are deducted or withheld and continue to do so on a monthly or more frequent basis until the full amount is withheld. If employment of the defendant is terminated BEFORE the sum is accumulated, you are required by law to report the termination and pay into court within 15 days AFTER termination, all sums withheld in compliance with this garnishment. (See Reverse Side for Instructions on Garnishments). If you have in your possession or control property or money belonging to the defendant, which is NOT wages, salary or other compensation, and is not exempt as a matter of law, you are further commanded to hold the property or money, or the amount shown above as "Total," whichever is less, subject to orders of this Court.

Date issued: _____

Clerk Tuscaloosa County Clerk
Address: P.O. Box 2883

By: _____
Deputy Clerk

sa, AL 35403

y on (Garnishee) _____ on

Defendant) _____ on (Date) _____ Served

Title: _____

ELECTRONICALLY FILED
3/1/2023 8:36 AM
63-SM-2023-900084.00
DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARITA HAMNER BOBO, CLERK



DEFENDANT (Copy) GARNISHEE (Copy)

State of Alabama
Unified Judicial System
Form C-21 Rev. 7/2017

PROCESS OF GARNISHMENT



ELECTRONICALLY FILED
3/1/2023 9:49 AM
63-SM-2023-900084.00
DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

WRIT OF GARNISHMENT

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:

You are hereby commanded to serve this Process of Garnishment on the GARNISHEE, GFC CONSTRUCTION INC (G001) , and a copy on the defendant, SMITH MICHAEL (D001) , and make proper return to this

NOTICE TO DEFENDANT: READ THE IMPORTANT INFORMATION ON THE NEXT PAGE REGARDING YOUR RIGHTS.

NOTICE TO GARNISHEE: YOU ARE THE GARNISHEE IN THE ABOVE ACTION.

You must complete and file the enclosed Answer form within thirty (30) days from service of process. If you fail to file an Answer, the plaintiff can proceed for judgment against you for the amount of the claim, plus costs. Mailing the notarized Answer form to the Clerk of the Court at the address below constitutes making a proper appearance in the Court. **YOU MUST ANSWER:**

- (1) Whether you are or will be indebted to the defendant at the time you received this process, or when you make your answer, or during the intervening time, or
- (2) Whether you will be indebted to the defendant in the future by existing contract, or
- (3) Whether by existing contract you are liable to the defendant for the delivery of personal property, or for the payment of money, or
- (4) Whether you have in your possession or control, money or effects belonging to the defendant.

You are commanded to retain the amount indicated above from wages, salary or other compensation due or which will become due to the defendant for such period of time as is necessary to accumulate the sum \$ \$6230.81 (Judgment and costs). You are required, after a period of 30 days from the first retention of any sum from the defendant's wages, salary, or other compensation, to begin paying the moneys withheld into court as they are deducted or withheld and continue to do so on a monthly or more frequent basis until the full amount is withheld. If employment of the defendant is terminated BEFORE the sum is accumulated, you are required by law to report the termination and pay into court within 15 days AFTER termination, all sums withheld in compliance with this garnishment. (See Instructions on Garnishments attached in this packet). If you have in your possession or control property or money belonging to the defendant, which is NOT wages, salary or other compensation, and is not exempt as a matter of law, you are further commanded to hold the property or money, or the amount shown above as "Total," whichever is less, subject to orders of this Court.

Date issued: 3/1/2023 /s/ MAGARIA HAMNER BOBO By: /s/ CLH
Clerk Deputy Clerk
Address: POST OFFICE BOX 2883, TUSCALOOSA, AL 35403

This process was executed by serving a copy on (Garnishee) _____
on (Date) _____. Service on Defendant _____ on (Date) _____
Served By: _____ Title: _____