



IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY
STATE OF ALABAMA

| | | |
|---|---|---------------------------|
| CREDIT ACCEPTANCE CORP., |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Civil Action Case Number: |
| |) | |
| MARCUS MITCHELL, |) | <u>63-CV-2018-900804</u> |
| |) | |
| Defendant, |) | |
| |) | |
| Mercedes-Benz U.S. International, Inc., |) | |
| Garnishee. |) | |

ORDER

In this matter coming before the Court on the Plaintiff's Verified Motion For Garnishment Service By Posting And Mailing Pursuant To Alabama Code § 6-6-394.1 having reviewed the motion and it being well taken, it is hereby considered, ordered and adjudged by the Court that the Clerk shall perfect service upon the Defendant by posting the Notice of Garnishment along with this Order on the Clerk of Court's Official website and at a designated and conspicuous location within the courthouse for four (4) continuous weeks. The clerk is also to mail such Notice of Garnishment and Order are to the Defendant.

DONE this the 28 day of April, 2023.

CIRCUIT JUDGE.

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

PROCESS OF GARNISHMENT



ELECTRONICALLY FILED
4/12/2022 3:16 PM
63-CV-2018-900804.00
CIRCUIT COURT OF

TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

IN THE CIRCUIT COURT OF TUSCALOOSA

| | |
|--|---|
| NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim): CREDIT ACCEPTANCE CORP. C/O Plaintiff's Attorney | NAME AND ADDRESS OF DEFENDANT (Person whose Property is Subject to Garnishment): 864 ***-**-8472 Marcus Mitchell; 3715 3rd Ave E Apt B39, , Tuscaloosa, AL 35405-3139 |
|--|---|

NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF:
BRIAN M. CLOUD; CLOUD WILLIS & ELLIS, LLC.
3928 MONTCLAIR ROAD, SUITE 227, BIRMINGHAM, AL 35213

| |
|-------------------------------------|
| DATE OF JUDGMENT: 09/13/2019 |
| JUDGMENT AMOUNT: \$22361.82 |
| INTEREST: \$4245.68 |
| COSTS: \$521.24 |
| LESS CREDIT: \$0.00 |
| OTHER: \$0.00 |
| TOTAL: \$27,128.74 |

NAME AND ADDRESS OF GARNISHEE:
Mercedes-benz U.s. International, Inc.
1 MERCEDES DRIVE,
VANCE AL 35490

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 disbursement of amounts periodically paid into Court pursuant to this garnishment.

Sworn to and subscribed before me this 3/25/2022 day of March 2022.

 LESLIE LORRAINE GOLDEN
My Commission Expires February 3, 2024
Notary Public/Clerk (State of Alabama), commission expires 02/03/2024

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, Mercedes-benz U.s. International, Inc. and a copy on the defendant, Marcus Mitchell 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 \$27,128.74 (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: _____ By: _____
Clerk Deputy Clerk
Address: _____

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

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

PROCESS OF GARNISHMENT



ELECTRONICALLY FILED
4/12/2022 4:59 PM
63-CV-2018-900804.00
CIRCUIT 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, MERCEDES-BENZ U.S. INTERNATIONAL INC (D002), and a copy on the defendant, MITCHELL MARCUS (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 \$ \$27128.74 (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: 4/12/2022 /s/ MAGARIA HAMNER BOBO By: /s/ KRM
 Clerk Deputy Clerk
 Address: 714 GREENSBORO AVENUE, TUSCALOOSA, AL 35401

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