



ELECTRONICALLY FILED
7/30/2024 8:35 AM
63-CV-2016-900973.00
CIRCUIT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

CREDIT ACCEPTANCE CORPORATION,)	
Plaintiff,)	
)	
V.)	Case No.: CV-2016-900973.00
)	
SPADLIN ANDREW,)	
SPRADLIN ANGELA,)	
Defendants.)	

ORDER GRANTING MOTION TO SERVE

MOTION TO SERVE filed by CREDIT ACCEPTANCE CORPORATION is hereby GRANTED.

DONE this 30th day of July, 2024.

/s/ DANIEL F PRUET

CIRCUIT JUDGE



ELECTRONICALLY FILED
7/24/2024 1:40 PM
63-CV-2016-900973.00
CIRCUIT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

IN THE CIRCUIT COURT OF TUSCALOOSA COUNT

CREDIT ACCEPTANCE CORPORATION)

Plaintiff, v.)

ANDREW SPRADLIN)

Defendant.)

CASE NO. CV-2016-900973

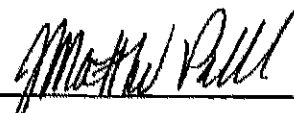
**MOTION FOR PERMISSION TO SERVE DEFENDANT NOTICE OF GARNISHMENT
BY POSTING AND MAILING**

COMES NOW the Plaintiff in the above-styled cause, by and through the undersigned counsel, and requests that this Honorable Court allow the Plaintiff to serve Defendants with the notice of garnishment by posting and mailing pursuant to Ala. Code § 6-6-394.1 of the Alabama Rules of Civil Procedure. In support of this motion, the Plaintiff relies on the Exhibit 1 and the following:

1. Plaintiff filed a Process of Garnishment on February 1, 2023..
2. Notice was issued to Defendant contemporaneously with the service of garnishment upon garnishee, Star Construction LLC, but was returned not found.
3. Plaintiff has been unable to perfect service on Defendant Andrew Spradlin.
4. Plaintiff has attempted to serve Defendant through Sheriff.
5. Those attempts were unsuccessful.
6. Plaintiff would allege to the Court that Defendant is purposefully avoiding service.

Wherefore, Plaintiff respectfully requests that it be allowed to serve the Defendant with the notice of garnishment by posting and mailing and that the costs of this action be taxed against the Defendant.

Respectfully submitted this 5th day of July 2024.



J. Matthew Parnell, III (PAR103)
Attorney for Plaintiff

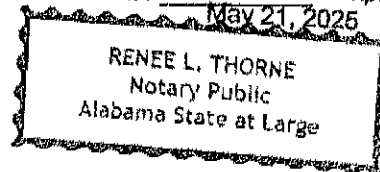
I hereby affirm, under the penalties of perjury, that the statements set forth in the Motion to Serve Defendant Notice of Garnishment by Posting and Mailing are true and correct to the best of my knowledge and belief. Further, Affiant saith not.

Matthew Palk
Affiant

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

SWORN TO AND SUBSCRIBED before me this the 5th day of
July, 2024.

Renee L. Thorne
NOTARY PUBLIC
MY COMMISSION EXPIRES: May 21, 2025 My Commission Expires



Of Counsel:
Parnell Law Group, LLC
Post Office Box 2189
Montgomery, AL 36102 (334)
832-4200

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion upon the below listed party on this 5th day of July 2024 either by ALAFILE electronic notice OR by placing a copy of same in the United States Mail, postage prepaid and properly addressed to the following.

Andrew Spradlin
20544 Highway 216
McCalla, AL 35111

Matthew Palk
Of Counsel

Ala. Code § 6-6-394.1

Section 6-6-394.1 - Notice of a garnishment

(a) Should service of notice of a garnishment on a judgment in which an appearance has not been entered for the defendant be returned not found or otherwise not accomplished, service of the notice of garnishment may be perfected by the posting and mailing of the notice upon motion and order. The posting and mailing of the notice of garnishment is accomplished in the following manner:

(1) A request for an order permitting service by posting and mailing shall be made upon the court by verified motion attesting that notice was issued to the defendant contemporaneously with the service of process of garnishment upon the garnishee, but was returned not found or service was otherwise not accomplished.

(2) If the motion is granted by written court order, the clerk of the court shall post a copy of the notice of the garnishment and written court order authorizing the posting on the clerk of the court's official website and in a designated and conspicuous location within the courthouse where the action is pending for four continuous weeks, or as may be directed by the court order. If the court determines that an additional location for the posting is necessary, the court, for good cause shown, may order an additional posting in any other public place for four continuous weeks, or as may be directed by the court order. The additional posting shall be the responsibility of the plaintiff.

(3) The last date of the posting must be at least five days before any judgment of condemnation is entered against the garnishee and shall identify the name of the parties, the court in which the action is pending, and the case number. In addition, except in proceedings to collect child or spousal support, the notice shall also contain the statement concerning rights of exemption as provided in Rule 64A of the Alabama Rules of Civil Procedure.

(4) At the time of posting, the clerk of the court shall also send by regular U.S. Mail a copy of the posted notice of garnishment to the defendant at the defendant's last known address.

(5) The effective date of service shall be 28 days from the first date of the website posting.

(6) A fee of fifteen dollars (\$15) shall be assessed as additional court costs and collected by the clerk of the court for the county in which the case has been filed. At the time of the filing of the motion for posting and mailing, the moving party shall be responsible for this assessment and the cost of mailing. The additional costs and fees may be made taxable to the defendant upon motion to the court. If the amount subject to a judgment of condemnation is less than twenty-five dollars (\$25), the court may order waiver of the fee assessment upon motion.

(b) The fees collected pursuant to this section by the clerk of the court shall be remitted monthly to the Circuit Clerk's Judicial Administrative Fund for the county in which the case

Section 6-6-394.1 - Notice of a garnishment Ala. Code § 6-6-394.1

has been filed.

(c) Upon compliance with the order of service by posting and mailing, a request for an order for a judgment of condemnation against the garnishee and condemnation of proceeds may be made upon the court by verified motion that all requirements of the order of service by posting and mailing have been accomplished. The movant shall attach to the verified motion a copy of the posting, along with a verified statement of the clerk of the court attesting to the contents of the posting, the dates of the website and courthouse postings, and the date of the mailing of the posted notice copy to the defendant.

(d) Unless otherwise authorized by law or rule, perfection of service by notice upon a defendant by posting and mailing shall have application to this section only.

(e) This section applies to any garnishment proceeding conducted under this chapter, Chapter 10, or the Alabama Rules of Civil Procedure.

(f) Pursuant to Section 6.11 of Amendment 328 to the Constitution of Alabama of 1901, now appearing as Section 150 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, the Supreme Court is hereby requested to modify its rules to conform to this section.

Ala. Code § 6-6-394.1 (1973)

Added by Act 2022-397, § 1, eff. 7/1/2022.



ELECTRONICALLY FILED
6/11/2024 10:19 AM
63-CV-2016-900973.00
CIRCUIT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

State of Alabama
Unified Judicial System

ALIAS PROCESS OF GARNISHMENT

***-**-6686

Form C-21 (Front) Rev. 10/15

IN THE CIRCUIT COURT OF TUSCALOOSA COUNTY, ALABAMA

NAME AND ADDRESS OF PLAINTIFF (Person Asserting Claim)
CREDIT ACCEPTANCE CORPORATION,
25505 West Twelve Mile Rd
Southfield, MI
C/O THE PARNELL LAW GROUP, LLC

NAME AND ADDRESS OF DEFENDANT (Person Whose Property is Subject to Garnishment)
ANDREW SPRADLIN-***-**-6686
20544 Highway 216
Mc Calla AL 35111-1403

NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF
THE PARNELL LAW GROUP, LLC
POST OFFICE BOX 2189
MONTGOMERY, ALABAMA 36102-2189
(334) 832-4200

DATE OF JUDGMENT: November 9, 2016

NAME AND ADDRESS OF GARNISHEE
Star Construction, LLC
6621 Asheville Highway
Knoxville, TN 37924

JUDGMENT AMOUNT: \$13,534.80
COSTS: \$594.40
LESS CREDIT: \$
OTHER: \$00
TOTAL: \$14,129.20

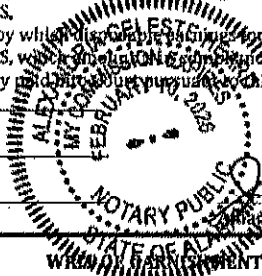
AFFIDAVIT

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, with the instructions on the reverse side of this form.
C. I hereby request disbursement of amounts periodically withheld from the garnishee's property.

Sworn to and subscribed before me this

day

[Signature]
Notary Public/Clerk (Signature)



[Signature]
Attorney (Signature)

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:

You are hereby commanded to serve this Process of Garnishment on the Garnishee, Star Construction, LLC
(Name of garnishee)

and a copy on the defendant, ANDREW SPRADLIN and make proper return to this Court.
(Name of Defendant)

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 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 were 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 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 of \$14,107.29 (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:

06/08/2024

Magaria H. Bobo

By:

LAA

Clerk

Deputy Clerk

Address: 714 Greensboro Ave, Rm 214 Tusc, AL 35401

This process was executed by serving a copy on (Garnishee)

on (Date) _____, Service on (Defendant) _____ on (Date) _____

Served by: _____ Title: _____