



ELECTRONICALLY FILED
8/8/2024 10:46 AM
63-SM-2023-900957.00
DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

IN THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA

ALFA MUTUAL INSURANCE CO.)
A/S/O IT'S INSURED,)
Plaintiff,)

V.)

Case No.: SM-2023-900957.00

MAXWELL ARSENIO,)
Defendant.)

**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 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 8th day of August, 2024.

/s/ JOANNE M JANNIK
DISTRICT JUDGE



ELECTRONICALLY FILED
5/29/2024 2:26 PM
63-SM-2023-900957.00
DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

State of Alabama
Unified Judicial System Form
C-21 (Front) Rev. 10/2023

PROCESS OF GARNISHMENT

IN THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA

NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim): ALFA MUTUAL INSURANCE CO. A/S/O IT'S INSURED (C001) C/O AZAR & AZAR, LLC 8212 OLD FEDERAL ROAD MONTGOMERY, AL 36117-0000	NAME AND ADDRESS OF DEFENDANT (Person Whose Property SSN ***-**-**** (Optional) is Subject to Garnishment): ARSENIO MAXWELL (D001) 11408 CEDAR GLADES DRIVE VANCE, AL 35490-0000
NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF: ZACK MICHAEL AZAR 8212 Old Federal Road Montgomery, AL 36117 (334) 265-8551	DATE OF JUDGMENT: <u>07/11/2023</u> JUDGMENT AMOUNT: <u>\$1391.30</u> INTEREST: <u>\$14.01</u> COSTS: <u>\$151.25</u> LESS CREDIT: <u>\$0.00</u> OTHER: <u>\$0.00</u> TOTAL: <u>\$1556.56</u>
NAME AND ADDRESS OF GARNISHEE: MERCEDES-BENZ U.S. INTERNATIONAL, INC. P.O. BOX 100 TUSCALOOSA, AL 35407-0000	

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 29th
day of May, 2024

/s/ Cassandra Wise
Signature of Officer Authorized to Administer Oaths/Notary Public

/s/ Zack M. Azar, Esq.
Affiant/Attorney (Signature)

(Notary Public Only: My Commission expires on September 30, 2026 (Date)).

**ALABAMA JUDICIAL DATA CENTER
IN THE DISTRICT COURT OF TUSCALOOSA COUNTY
NOTICE TO DEFENDANT OF RIGHT TO CLAIM
EXEMPTION FROM GARNISHMENT**

JUDGE: JOANNE M. JANNIK

CASE: SM 2023 900957.00

ALFA MUTUAL INSURANCE CO. A/S/O IT'S INSURED V. ARSENIO MAXWELL

PARTY: MAXWELL ARSENIO
ADDRESS: 11408 CEDAR GLADES DRIVE
VANCE AL 35490-0000

PLAINTIFF: ALFA MUTUAL INSURANCE CO. A/S/O IT'S IN
ADDRESS: C/O AZAR & AZAR, LLC
8212 OLD FEDERAL ROAD
MONTGOMERY AL 36117-0000

A PROCESS OF GARNISHMENT HAS BEEN DELIVERED TO YOU. THIS MEANS THAT A COURT MAY ORDER YOUR WAGES, MONEY IN A BANK, SUMS OWED TO YOU, OR OTHER PROPERTY BELONGING TO YOU, TO BE PAID INTO COURT TO SATISFY A JUDGMENT AGAINST YOU.

LAWS OF THE STATE OF ALABAMA AND OF THE UNITED STATES PROVIDE THAT IN SOME CIRCUMSTANCES CERTAIN MONEY AND PROPERTY MAY NOT BE TAKEN TO PAY CERTAIN TYPES OF COURT JUDGMENTS, BECAUSE CERTAIN MONEY OR PROPERTY MAY BE "EXEMPT" FROM GARNISHMENT. FOR EXAMPLE, UNDER STATE LAW, IN SOME CIRCUMSTANCES, UP TO \$7500.00 IN PERSONAL PROPERTY, INCLUDING MONEY, BANK ACCOUNTS, AUTOMOBILES, APPLIANCES, ETC., MAY BE EXEMPT FROM PROCESS EXCEPT WAGES, SALARIES, OR OTHER COMPENSATION OF GARNISHMENT. SIMILARLY, UNDER FEDERAL LAW, CERTAIN BENEFITS AND CERTAIN WELFARE PAYMENTS MAY BE EXEMPT FROM GARNISHMENT. BENEFITS AND PAYMENTS ORDINARILY EXEMPT FROM GARNISHMENT INCLUDE, FOR EXAMPLE, SOCIAL SECURITY PAYMENTS, SSI PAYMENTS, VETERAN'S BENEFITS, AFDC (WELFARE) PAYMENTS, UNEMPLOYMENT COMPENSATION PAYMENTS, AND WORKERS' COMPENSATION PAYMENTS.

THESE EXAMPLES ARE FOR ILLUSTRATION PURPOSES ONLY. WHETHER YOU WILL BE ENTITLED TO CLAIM ANY EXEMPTION FROM THE PROCESS OF GARNISHMENT, AND, IF SO, WHAT PROPERTY MAY BE EXEMPT, WILL BE DETERMINED BY THE FACTS IN YOUR PARTICULAR CASE. IF YOU ARE UNCERTAIN AS TO YOUR POSSIBLE EXEMPTION RIGHTS, YOU SHOULD CONSULT A LAWYER FOR ADVICE.

TO CLAIM ANY EXEMPTION THAT MAY BE AVAILABLE TO YOU, YOU MUST PREPARE A "CLAIM OF EXEMPTION" FORM LISTING ON IT ALL YOUR WAGES AND PERSONAL PROPERTY; HAVE THE CLAIM OF EXEMPTION NOTARIZED; AND FILE IT IN THE CLERK'S OFFICE. ALSO, IT IS YOUR RESPONSIBILITY TO MAIL OR DELIVER A COPY OF THE CLAIM OF EXEMPTION TO THE PLAINTIFF WHO HAS A JUDGMENT AGAINST YOU. YOU MUST INDICATE ON THE CLAIM OF EXEMPTION THAT YOU FILE IN THE CLERK'S OFFICE WHETHER YOU MAILED OR DELIVERED THE COPY TO THE PLAINTIFF AND THE DATE ON WHICH YOU MAILED OR DELIVERED IT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED ASSISTANCE, YOU SHOULD SEE A LAWYER.

IF YOU FILE A CLAIM OF EXEMPTION, THE PLAINTIFF WILL HAVE APPROXIMATELY TEN (10) DAYS TO FILE A "CONTEST" OF YOUR CLAIM OF EXEMPTION. IF A CONTEST IS FILED, A COURT HEARING WILL BE SCHEDULED AND YOU WILL BE NOTIFIED OF THE TIME AND PLACE OF THE HEARING. IF THE PLAINTIFF DOES NOT FILE A CONTEST, THE PROPERTY CLAIMED BY YOU AS EXEMPT WILL BE RELEASED FROM THE GARNISHMENT.

IF YOU DO NOT FILE A CLAIM OF EXEMPTION, YOUR PROPERTY MAY BE TURNED OVER TO THE COURT AND PAID TO THE PLAINTIFF ON THE JUDGMENT AGAINST YOU.

TO PROTECT YOUR RIGHTS, IT IS IMPORTANT THAT YOU ACT PROMPTLY. IF YOU HAVE ANY QUESTIONS, YOU SHOULD CONSULT A LAWYER.