



ELECTRONICALLY FILED
11/12/2024 3:02 PM
63-DV-2013-900487.00
DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMA
MAGARIA HAMNER BOBO, CLERK

IN THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA

DCH HEALTH SYSTEM DBA DCH
REGIONAL MEDICAL CENTER,
Plaintiff,

V.

SMITH MICHAEL T,
Defendant.

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)
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Case No.: DV-2013-900487.00

**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 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 12th day of November, 2024.

/s/ JOANNE M JANNIK
DISTRICT JUDGE

State of Alabama Unified Judicial System Form Form C-21 (Front) Rev. 07/2017	PROCESS OF GARNISHMENT	Case Number 63-DV-2013-900487
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IN THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA

NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim): DCH Health System dba Regional Medical Center dba DCH Regional Medical Center c/o Aldridge Pitts Ham, LLP P.O. Box 7389 Marietta, GA 30065 Toll Free: 1-800/844-0045	NAME AND ADDRESS OF DEFENDANT: (Person Whose Property is Subject to Garnishment): Michael T Smith 711 OLD MILL ST. TUSCALOOSA AL 35401-0503 ***.***.8275 TUSCALOOSA County
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NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF: Aldridge Pitts Ham, LLP P.O. Box 7389 Marietta, GA 30065 Toll Free: 1-800/844-0045 Facsimile: 470/240-3441 APH FRS No.: 13N01536	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">DATE OF JUDGMENT:</td> <td style="padding: 2px;">May 28, 2013</td> </tr> <tr> <td style="padding: 2px;">JUDGMENT AMOUNT:</td> <td style="padding: 2px;">\$4,481.12</td> </tr> <tr> <td style="padding: 2px;">INTEREST:</td> <td style="padding: 2px;">\$1,674.88</td> </tr> <tr> <td style="padding: 2px;">COSTS:</td> <td style="padding: 2px;">\$461.00</td> </tr> <tr> <td style="padding: 2px;">LESS CREDIT:</td> <td style="padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">OTHER:</td> <td style="padding: 2px;">\$0.00</td> </tr> <tr> <td style="padding: 2px;">TOTAL:</td> <td style="padding: 2px;">\$6,617.07</td> </tr> </table>	DATE OF JUDGMENT:	May 28, 2013	JUDGMENT AMOUNT:	\$4,481.12	INTEREST:	\$1,674.88	COSTS:	\$461.00	LESS CREDIT:	\$0.00	OTHER:	\$0.00	TOTAL:	\$6,617.07
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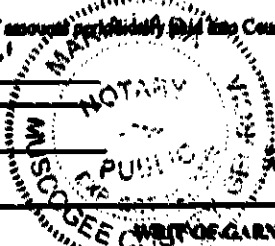
NAME AND ADDRESS OF GARNISHEE:
 GFC CONSTRUCTION, INC
 AFS: FREE, JOHNNY C JR
 12410 SLAYTON ROAD
 DUN-CANVILLE, AL 35436
 TUSCALOOSA County

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:
- X 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.
 - 30% 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 amount periodically paid into Court pursuant to this garnishment.

Sworn to and subscribed to me this _____ day of _____

Notary Public/Clerk (Signature)



Attorney (Signature) NAD002

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, and a copy on the defendant, Michael T Smith, and make proper return to this Court.

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 intervention period.
- (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 during the period of time as is necessary to accumulate the sum \$6,617.07 (judgment and costs). You are required, after a period of 30 days from the date retention of such amount begins, to begin paying the money withheld into court as they are deducted or withheld and continue to do so on a weekly 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: Tuscaloosa County Courthouse, P.O. Box 2481, Tuscaloosa, AL 35401

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

Served by: _____ Title: _____
 MAGARIA H. BOBO
 CIRCUIT CLERK
 TUSCALOOSA DISTRICT COURT

COURT RECORD (Original) PLAINTIFF (Copy) DEFENDANT (Copy) GARNISHEE (Copy)

MAILED
 JUN 2 2024
 FILED
 JUL 26 2024

NOTICE TO DEFENDANT OF RIGHT TO CLAIM EXEMPTION FROM GARNISHMENT

A process of garnishment has been delivered to you. This means that a Court may order your wages, money in a bank, sums owned 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 provides 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 \$7,500 in wages, personal property, including money, bank accounts, automobiles, appliances, etc. may be exempt from process 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, TANF (welfare) payments, unemployment compensation payments and worker's compensation payments.

THESE EXAMPLES ARE FOR PURPOSES OF ILLUSTRATION 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 EXEMPTION TO THE PLAINTIFF WHO HAS A JUDGMENT AGAINST YOU. YOU MUST INDICATE ON THE CLAIM OF EXEMPTION THAT YOU FILED 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 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.

*Act 2015-484 amended §6-10-6 to increase the personal property exemption from \$3,000 to \$7,500. Rule 64A, AL Rules of Civil Procedure, which requires this Notice, has not been amended as of this revision.

NOTICE TO PLAINTIFF OF RIGHT TO CONTEST CLAIM OF EXEMPTION OF DEFENDANT

If a "Claim of Exemption" is filed in the Clerk's office and mailed or delivered to you by the defendant, you have approximately ten (10) days to file a "Contest" to the Claim of Exemption with the Clerk of the Court.

If a Contest is timely filed, a Court hearing will be scheduled within seven (7) calendar days (or on the next business day thereafter if the Court is not open on the seventh day). You and the defendant will be notified of the time and place of the hearing.

If you fail to timely Contest the Claim of Exemption, after fifteen (15) calendar days from the filing of such claim by the defendant, the Process of Garnishment and any writ of garnishment issued therein shall be dismissed or, where appropriate, modified to the extent necessary to give effect to the claimed exemption.

IF YOU ARE UNCERTAIN AS TO HOW TO FILE A CONTEST TO THE CLAIM OF EXEMPTION, YOU SHOULD CONSULT A LAWYER FOR ADVICE. THE CLERK AND OTHER COURT PERSONNEL CANNOT GIVE YOU LEGAL ADVICE.

COURT RECORD (Original) PLAINTIFF (Copy) DEFENDANT (Copy) GARNISHEE (Copy)

MAIL
FILED

JUN 12 2024

MAGARIA H. BOBO
CIRCUIT CLERK
TUSCALOOSA DISTRICT COURT

MAIL
FILED

JUL 26 2024

MAGARIA H. BOBO
CIRCUIT CLERK
TUSCALOOSA DISTRICT COURT