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

PROCESS OF GARNISHMENT

Case Number
SM09-2034 JLW

IN THE SMALL CLAIMS COURT OF MOBILE COUNTY, ALABAMA

NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim):
LVNV FUNDING LLC

NAME AND ADDRESS OF ATTORNEY OR REPRESENTATIVE FOR PLAINTIFF:
Zarzaur & Schwartz, PC
Post Office Box 11366
Birmingham, AL 35202

NAME AND ADDRESS OF GARNISHEE:
Clark Personnel, Inc.
Agent: CORPORATION SERVICE COMPANY INC
641 SOUTH LAWRENCE STREET
MONTGOMERY, AL 36104

NAME AND ADDRESS OF DEFENDANT (Person Whose Property is Subject to Garnishment):
Yolanda P Smoot *Defendant's Social Security Number must be redacted according to Alabama Rule 5.1. for full number, please contact Plaintiff's Attorney at 205-250-5320.*
XXX-XX-3264
461 West Creek Cir Dr.
Mobile AL 36617

DATE OF JUDGMENT: January 19, 2010

JUDGMENT AMOUNT:	**$1,351.56**
INTEREST:	**$1,549.09**
COSTS:	**$160.00**
LESS CREDIT:	**$500.00**
OTHER:	**$0.00**
TOTAL:	**$2,560.65**

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 earning for the week exceed 30 times the federal minimum hourly wage in effect as the time the earnings are payable, WHICHEVER IS LESS, OR

☐ 20% of disposable earnings for the week OR the amount by which disposable earning 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 before me on the date shown below.

Notary Public (signature) My Commission Expires June 27, 2026

Affiant/ Attorney (signature)

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

State of Alabama Unified Judicial System Form C-21 (Front) Rev. 7/2017	**PROCESS OF GARNISHMENT**	**Case Number** SM09-2034

WRIT OF GARNISHMENT

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:
You are hereby commanded to serve Process of Garnishment on the GARNISHEE and a copy on the 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 of $2,560.65 (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: 8/3/23 Clerk/Register By: Deputy Clerk

Address: 205 Government Street, Room 317, Mobile, AL 36644

This process executed by serving a copy on _____, Garnishee this _____ day of _____, _____
By_____ Title:_____, Service on Defendant this _____ day of _____, _____
By_____ Title:_____

FORM c21 (BACK) Revised 7/17 PROCESS OF GARNISHMENT

Instructions for Determining the Percentage of Wages, Salary or Other Compensation to be Withheld

I. GARNISHMENTS TO COLLECT JUDGMENTS ARISING FROM SITUATIONS OTHER THAN CONSUMER LOANS, CONSUMER CREDIT SALES OR CONSUMER LEASES ARE SUBJECT TO THE RESTRICTIONS OF:§6-10-7, *Code of Alabama* 1975, and Title 15, §1673, *United States Code* ("U.S.C."). Under Alabama and federal law, the amount subject to garnishment to collect such judgments shall not exceed the LESSER of:

(1) twenty-five (25) percent of "disposable earnings" for the week; OR

(2) the amount by which "disposable earnings" for the week exceed thirty (30) times the federal minimum hourly wage in effect at the time the earnings are payable. II. GARNISHMENTS TO COLLECT JUDGMENTS ARISING FROM CONSUMER LOANS, CONSUMER CREDIT SALES OR CONSUMER LEASES ARE SUBJECT TO THE RESTRICTIONS OF: §5-19-15, *Code of Alabama*, 1975 as amended by Act 88-294, effective 4/12/1988, and Act 96-576, effective 5/20/1996.

A. Under this law, if the debt or demand was created ON OR AFTER April 12, 1988, the amount subject to garnishment shall not exceed the LESSER of:

(1) twenty-five (25) percent of "disposable earnings" for the week; OR

(2) the amount by which "disposable earnings" for the week exceed thirty (30) times the federal minimum hourly wage in effect at the time the earnings are payable.

B. If the debt or demand was created BEFORE April 12, 1988, the amount subject to garnishment shall not exceed the LESSER of:

(1) twenty (20) percent of "disposable earnings" for the week; OR

(2) the amount by which "disposable earnings" for the week exceed fifty (50) times the federal minimum hourly wage in effect at the time the earnings are payable.

DISPOSABLE EARNINGS DEFINED: An employee's "disposable earnings" means that part of earnings of an individual remaining after deduction of amounts required by law to be withheld such as Federal Income Tax, Federal Social Security Tax, and State and Local Taxes.

NOTICE TO GARNISHEE

Note: 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 commanded to hold the property or money, or the amount shown on the other side as "Total," whichever is **less**, subject to the orders of the Court. Social Security, SSI, VA and federal retirement moneys are all exempt under federal law and remain so even when deposited in a bank or other financial institution. If the only money in your possession or control belonging to the defendant is Social Security, SSI, VA or federal retirement moneys, you should indicate in your answer "all such money is exempt from execution." The formula outlined below only applies if the property sought to be garnished is wages, salary or other compensation of the defendant.

(Use the following formula to calculate a garnishment of wages, salary or other compensation)

(1) Calculate "disposable earnings" for the week (see definition of disposable earnings" above).

(2) If the twenty-five (25) percent block is checked on the front of this form, multiply the "disposable earnings" amount by twenty-five (25) percent. Then multiply the "minimum wage amount" (in effect at the time the earnings are payable by you) by thirty (30) and subtract this amount from "disposable earnings." Compare these two and obtain the lesser amount.

OR

(3) If the twenty (20) percent block is checked on the front of this form, multiply the "disposable earnings" amount by twenty (20) percent. Multiply the "minimum wage amount" (in effect at the time the earnings are payable by you) by fifty (50) and subtract this amount from "disposable earnings." Compare these two and obtain the lesser amount.

(4) After the calculation is made in accordance with (2) or (3) above (whichever is applicable), the amount of the garnishment for the week is the LESSER amount. Withhold this amount and pay it into Court as instructed in the "Writ of Garnishment" on the front of this form.

(5) THE CLERK AND OTHER COURT PERSONNEL CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED ASSISTANCE, YOU SHOULD CONSULT A LAWYER FOR ADVICE. PROTECTION AGAINST DISCHARGE: Title 15, §1674, U.S.C., prohibits an employer from discharging any employee because his or her earnings have been subjected to garnishment for any one indebtedness.

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 personal property, including money (except wages, salaries, or other compensation), 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, AFDC (welfare) payments, unemployment compensation payments and worker's compensation payments. THESE EXAMPLES ARE FOR PURPOSES OF ILLUSTRATION ONLY. WHETHER YOUWILL 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.

NOTICE TO PLAINTIFF OR 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 Claimof 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 make timely Contest of 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 exemptions.

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.