



ELECTRONICALLY FILED
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DISTRICT COURT OF
JEFFERSON COUNTY, ALABAMA
JACQUELINE ANDERSON SMITH, CLERK

ALIAS NOTICE TO DEFENDANT
PROCESS OF GARNISHMENT

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

IN THE SMALL CLAIMS COURT OF JEFFERSON

NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim):
ONEMAIN FINANCIAL GROUP, LLC

NAME AND ADDRESS OF DEFENDANT (Person Whose Property is Subject to Garnishment):
LAQUISHA WILSON
5104 TERRACE M
BIRMINGHAM, AL 35208
SERVE BY CONSTABLE

NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF:

TIFFANY N
PO BOX 500
MOBILE, AL 36688

DATE OF JUDGMENT: February 27, 2024

JUDGMENT AMOUNT: \$2634.84

INTEREST: \$ 0.00

COSTS: \$ 293.03

LESS CREDIT: \$ 130.20

OTHER: \$ 0.00

TOTAL: \$ 2797.67

NAME AND ADDRESS OF GARNISHEE:

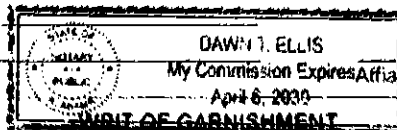
UAB ST. VINCENT'S FOUNDATION
1130 NINTH AVENUE
SUITE 1000
BIRMINGHAM, AL 35203

AFFIDAVIT

- A. I, the undersigned, have obtained the above judgment and believe the named garnishee is or will be indebted to the named defendant and that I 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:
☒ the 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,
☐ the 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.

Subscribed and sworn to before me this _____ day of _____, 2024.

(Notary Public 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, UAB ST. VINCENT'S FOUNDATION

(Name of garnishee)

and a constable named LAQUISHA WILSON

(Name of 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 promptly and file the enclosed Answer form within thirty (30) days from service of process. If you fail to file an Answer, the plaintiff can obtain a judgment against you for the amount of the claim, plus costs. Mailing the notarized Answer form to the Clerk of the Court as directed 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 period of time;
- (2) Whether you are indebted to the defendant in the future by existing contract; or
- (3) Whether an 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 a period of time as is necessary to accumulate the sum \$ 2797.67 (Judgment and costs). You

are required to begin paying the sum within 30 days from the first retention of any sum from the defendants wages, salary, or other compensation, to begin paying the sum, and the sum as they are received or withheld and continue to do so on a monthly or more frequent basis until the full amount is paid.

If employment of the defendant is terminated BEFORE the sum is accumulated, you are required by law to report the termination to the court within 15 days AFTER termination, all sums withheld in compliance with this garnishment. (See Reverse Side for Instructions to Garnishees). 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 thereof, and the Total, whichever is less, subject to orders of this Court.

Date issued:

(Notary)

By:

Deputy Clerk

This process is being served by sending a copy on (Garnishee)

on (Date) _____ Service on (Defendant)

on (Date) _____

Served by _____ Title _____

9922301

COURT FILED _____ PLAINTIFF (Copy) _____ GARNISHEE (Copy)

PROCESS OF GARNISHMENT

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

- I. GARNISHMENT 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 federal and state 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. GARNISHMENT 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 April 12, 1988, and Act 96-576, effective 5/20/1996.**
- A. 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 possession or control of 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 that the money is exempt from execution. The formula outlined below only applies if the property sought to be garnished is wages, salary or other compensation belonging to 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 hourly wage in effect at the time the earnings are payable by you" by thirty (30) and subtract this amount from "disposable earnings." Compare these two amounts and use the lesser amount.
 - (3) If the thirty (30) percent block is checked on the front of this form, multiply the "disposable earnings" amount by twenty (20) percent. Multiply the "minimum hourly wage 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.
 - (5) When the amount is paid, say it into Court as instructed in the "Writ of Garnishment" on the front of this form.
- THE CLERK OF COURT OR COURT PERSONNEL CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED ASSISTANCE YOU SHOULD CONSULT A LAWYER.**

PROTECTION FROM DISCHARGE: Title 15, §1674, U.S.C. prohibits an employer from discharging any employee because his or her earnings have been subjected to garnishment. 29 U.S.C. §505.

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 turned over 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. Such certain money or property may be "exempt" from garnishment. For example, under State law, in some circumstances, up to \$7,500.00 in personal property, such as money (except wages, salaries, or other compensation), bank accounts, automobiles, appliances, etc. may be exempt from process of garnishment. 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, veterans' benefits, AFDC (welfare) payments, unemployment compensation payments, and workers' compensation payments.

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

TO CLAIM AN EXEMPTION THAT MAY BE AVAILABLE TO YOU, YOU MUST PREPARE A "CLAIM OF EXEMPTION" FORM LISTING ON IT ALL YOUR WAGES AND OTHER PROPERTY. HAVE THE CLAIM OF EXEMPTION NOTARIZED AND FILE IT IN THE CLERK'S OFFICE. ALSO, IT IS YOUR RESPONSIBILITY TO 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 FILED IN THE CLERK'S OFFICE WHETHER YOU MAILED OR DELIVERED THE COPY TO THE PLAINTIFF AND THE DATE WHEN IT WAS MAILED OR DELIVERED. IF 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 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 Court.

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

If you fail to file a Contest to the Claim of Exemption within fifteen (15) calendar days from the filing of such claim by the defendant, the Process of Garnishment and any writ of execution thereon 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 OF COURT OR COURT PERSONNEL CANNOT GIVE YOU LEGAL ADVICE.