

**AFFIDAVIT OF CLERK OF COURT  
POSTING OF NOTICE OF GARNISHMENT**

IN THE \_\_\_\_\_ CIRCUIT \_\_\_\_\_ COURT OF MORGAN COUNTY, ALABAMA

*(Circuit, District, or Juvenile)*

*(Name of County)*

CAPITAL ONE BANK (USA), N.A. v. MELISSA A. KEMP – 52-CV-2018-900281.00

*(Plaintiff)*

*(Defendant)*

I hereby make oath that I have posted a copy of the Process of Garnishment on a judgment in which an appearance has not been entered for the Defendant and which was served on the above-named Defendant and was returned not found or not otherwise accomplished.

The back of this Process of Garnishment contains a Notice to Defendant of Right to Claim Exemption from Garnishment which informs the Defendant that the Process of Garnishment was delivered to him or her, meaning that the Court may order his or her wages, money in a bank, sums owned to him or her, or other property belonging to him or her, to be paid into Court to satisfy a judgment against him or her. Additionally, the Notice provides that, if the Defendant does not file a claim of exemption, his or her property may be turned over to the Court and to the Plaintiff on the judgment against him or her, and to protect his or her rights, it is important that the Defendant act promptly. The Notice also provides that, if the Defendant has any questions, he or she should consult a lawyer.

The dates that this Process of Garnishment were posted are as follows:

FEBRUARY 23, 2023 THROUGH MARCH 23, 2023


The date of the mailing of the posted copy of the Process of Garnishment to the Defendant was:

FEBRUARY 23, 2023

Name of Clerk

Chris Priest, Clerk of Court

Signature of Clerk

X- 

Date

FEBRUARY 23, 2023

Sworn to and Subscribed before me this 23<sup>rd</sup> day of February, 2023.

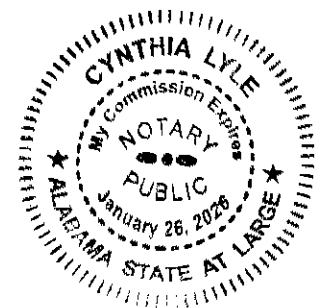
Cynthia Lyle

Name of Notary Public



Signature of Notary Public

My Commission Expires on January 26, 2026 (date).





ELECTRONICALLY FILED  
2/21/2023 10:20 AM  
52-CV-2018-900281.00  
CIRCUIT COURT OF  
MORGAN COUNTY, ALABAMA  
CHRIS PRIEST, CLERK

IN THE CIRCUIT COURT OF MORGAN COUNTY, ALABAMA

CAPITAL ONE BANK (USA), N.A.  
Plaintiff,

vs.

MELISSA A KEMP  
Defendant(s).

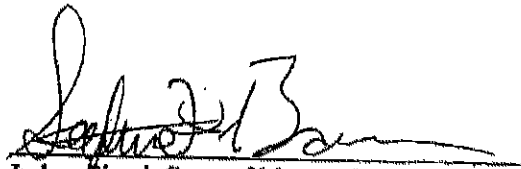
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CASE NO: CV-2018-900281

ORDER

In this matter coming before the Court on the Plaintiff's Motion for Service of Wage Garnishment, pursuant to Section 6-6-394.1 of the Alabama Code, having reviewed the motion and it being well taken, it is hereby considered, ordered and adjudged by the Court that the Clerk shall perfect service upon the Defendant by posting the Notice of Garnishment along with this Order on the Clerk of Court's Official website and at a designated and conspicuous location within the courthouse for four (4) continuous weeks. The Clerk is also to mail such Notice of Garnishment and Order to the Defendant.

Done this 21<sup>st</sup> Day of February, 2023.

  
Judge, Circuit Court of Morgan County

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

## ALIAS PROCESS OF GARNISHMENT



ELECTRONICALLY FILED  
1/25/2023 9:07 AM  
52-CV-2018-900281.00  
CIRCUIT COURT OF  
MORGAN COUNTY, ALABAMA  
CHRIS PRIEST, CLERK

**IN THE Circuit Court of Morgan County, ALAB.**

**NAME AND ADDRESS OF PLAINTIFF**

(Person Asserting Claim)

**CAPITAL ONE BANK (USA), N.A.**

1000 Washington Blvd. Birmingham Alabama 35201

**NAME AND ADDRESS OF DEFENDANT**

(Person Whose Property is Subject to Garnishment)

Melissa A Kemp

611 CENTRAL PKWY SW

DECATUR AL 35601 SSN: XXX-XX-XXXX

**Note to Garnishee - FOR FULL SSN CALL 866-498-5400**

**NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF:**

**NATHAN & NATHAN, P.C.**

P.O. Box 1715 Birmingham Alabama 35201

N&N File No: 18-18171

DATE OF JUDGMENT: September 26, 2018

JUDGMENT AMOUNT: \$6,706.29

INTEREST: \$0.00

COSTS: \$405.57

LESS CREDIT: \$0.00

OTHER:

TOTAL: \$7,111.86

**NAME AND ADDRESS OF GARNISHEE:**

**Toyota Motor Manufacturing, Alabama, Inc.**

(already served)

### 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 \_\_\_\_\_

day of \_\_\_\_\_,

Notary Public:(Signature) \_\_\_\_\_

My Commission Date Expires \_\_\_\_\_

*Bee-Dee-Jean*  
Affiant/Attorney (Signature) **FRE061**

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

# PROCESS OF GARNISHMENT



ELECTRONICALLY FILED  
1/25/2023 10:43 AM  
52-CV-2018-900281.00  
CIRCUIT COURT OF  
MORGAN COUNTY, ALABAMA  
CHRIS PRIEST, CLERK

## 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, TOYOTA MOTOR and a copy on the defendant, KEMP MELISSA A (D001) ~~MANUFACTURING ALABAMA, INC.~~ and make proper return to this (G001)

### 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 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 \$ 7111.86 (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 Instructions on Garnishments attached in this packet). 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: 1/25/2023      /s/ CHRIS PRIEST      By: /s/ CYL  
 Clerk      Deputy Clerk  
 Address: 302 LEE STREET POST OFFICE BOX 688, DECATUR, AL 35602

This process was executed by serving a copy on (Garnishee) \_\_\_\_\_  
 on (Date) \_\_\_\_\_ . Service on Defendant \_\_\_\_\_ on (Date) \_\_\_\_\_  
 Served By: \_\_\_\_\_ Title: \_\_\_\_\_