



ELECTRONICALLY FILED
6/6/2024 11:29 AM
14-DV-2017-900018.00
DISTRICT COURT OF
CHILTON COUNTY, ALABAMA
GLENN MCGRIFF, CLERK

IN THE DISTRICT COURT OF CHILTON COUNTY, AL

CREDIT ACCEPTANCE CORPORATION)
)
 Plaintiff, v.)
)
 JOHN ALSTOTT)
)
 Defendant.)

CASE NO. DV-2017-900018

**MOTION FOR PERMISSION TO SERVE DEFENDANT NOTICE OF GARNISHMENT
BY POSTING AND MAILING**

COMES NOW the Plaintiff in the above-styled cause, by and through the undersigned counsel, and requests that this Honorable Court allow the Plaintiff to serve Defendants with the notice of garnishment by posting and mailing pursuant to Ala. Code § 6-6-394.1 of the Alabama Rules of Civil Procedure. In support of this motion, the Plaintiff relies on the Exhibit 1 and the following:

1. Plaintiff filed a Process of Garnishment on June 6, 2018 and February 21, 2024.
2. Notice was issued to Defendant contemporaneously with the service of garnishment upon garnishee, Quality Architectural Metal, but was returned party moved and avoided service.
3. Plaintiff has been unable to perfect service on Defendant John Alstott.
4. Plaintiff has attempted to serve Defendant through Sheriff.
5. Those attempts were unsuccessful.
6. Plaintiff would allege to the Court that Defendant is purposefully avoiding service.

Wherefore, Plaintiff respectfully requests that it be allowed to serve the Defendant with the notice of garnishment by posting and mailing and that the costs of this action be taxed against the Defendant.

Respectfully submitted this 10th day of May 2024.


/s/ J. Matthew Parnell

J. Matthew Parnell, III (PAR103)
Attorney for Plaintiff

I hereby affirm, under the penalties of perjury, that the statements set forth in the Motion to Serve Defendant Notice of Garnishment by Posting and Mailing are true and correct to the best of my knowledge and belief. Further, Affiant saith not.

Matthew Pull
Affiant

STATE OF ALABAMA
COUNTY OF MONGOMERY

SWORN TO AND SUBSCRIBED before me this the 10th day of May, 2024.

Renee L. Thorne
NOTARY PUBLIC
MY COMMISSION EXPIRES: Alabama State at Large

My Commission Expires
May 21, 2025

Of Counsel:
Parnell Law Group, LLC
Post Office Box 2189
Montgomery, AL 36102 (334)
832-4200

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing motion upon the below listed party on this 10th day of May 2024 either by ALAFILE electronic notice OR by placing a copy of same in the United States Mail, postage prepaid and properly addressed to the following.

7192 AL Highway 22
Maplesville, Al
36750-3210

Matthew Pull
Of Counsel

Ala. Code § 6-6-394.1

Section 6-6-394.1 - Notice of a garnishment

(a) Should service of notice of a garnishment on a judgment in which an appearance has not been entered for the defendant be returned not found or otherwise not accomplished, service of the notice of garnishment may be perfected by the posting and mailing of the notice upon motion and order. The posting and mailing of the notice of garnishment is accomplished in the following manner:

(1) A request for an order permitting service by posting and mailing shall be made upon the court by verified motion attesting that notice was issued to the defendant contemporaneously with the service of process of garnishment upon the garnishee, but was returned not found or service was otherwise not accomplished.

(2) If the motion is granted by written court order, the clerk of the court shall post a copy of the notice of the garnishment and written court order authorizing the posting on the clerk of the court's official website and in a designated and conspicuous location within the courthouse where the action is pending for four continuous weeks, or as may be directed by the court order. If the court determines that an additional location for the posting is necessary, the court, for good cause shown, may order an additional posting in any other public place for four continuous weeks, or as may be directed by the court order. The additional posting shall be the responsibility of the plaintiff.

(3) The last date of the posting must be at least five days before any judgment of condemnation is entered against the garnishee and shall identify the name of the parties, the court in which the action is pending, and the case number. In addition, except in proceedings to collect child or spousal support, the notice shall also contain the statement concerning rights of exemption as provided in Rule 64A of the Alabama Rules of Civil Procedure.

(4) At the time of posting, the clerk of the court shall also send by regular U.S. Mail a copy of the posted notice of garnishment to the defendant at the defendant's last known address.

(5) The effective date of service shall be 28 days from the first date of the website posting.

(6) A fee of fifteen dollars (\$15) shall be assessed as additional court costs and collected by the clerk of the court for the county in which the case has been filed. At the time of the filing of the motion for posting and mailing, the moving party shall be responsible for this assessment and the cost of mailing. The additional costs and fees may be made taxable to the defendant upon motion to the court. If the amount subject to a judgment of condemnation is less than twenty-five dollars (\$25), the court may order waiver of the fee assessment upon motion.

(b) The fees collected pursuant to this section by the clerk of the court shall be remitted monthly to the Circuit Clerk's Judicial Administrative Fund for the county in which the case

Section 6-6-394.1 - Notice of a garnishment Ala. Code § 6-6-394.1

has been filed.

(c) Upon compliance with the order of service by posting and mailing, a request for an order for a judgment of condemnation against the garnishee and condemnation of proceeds may be made upon the court by verified motion that all requirements of the order of service by posting and mailing have been accomplished. The movant shall attach to the verified motion a copy of the posting, along with a verified statement of the clerk of the court attesting to the contents of the posting, the dates of the website and courthouse postings, and the date of the mailing of the posted notice copy to the defendant.


(d) Unless otherwise authorized by law or rule, perfection of service by notice upon a defendant by posting and mailing shall have application to this section only.

(e) This section applies to any garnishment proceeding conducted under this chapter, Chapter 10, or the Alabama Rules of Civil Procedure.

(f) Pursuant to Section 6.11 of Amendment 328 to the Constitution of Alabama of 1901, now appearing as Section 150 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, the Supreme Court is hereby requested to modify its rules to conform to this section.

Ala. Code § 6-6-394.1 (1975)

Added by Act 2022-397, § 1, eff. 7/1/2022.

 ELECTRONICALLY FILED
6/7/2024 9:30 AM
14-DV-2017-900018.00
DISTRICT COURT OF
CHILTON COUNTY, ALABAMA
GLENN MCGRUFF, CLERK

IN THE DISTRICT COURT OF CHILTON COUNTY, ALABAMA

CREDIT ACCEPTANCE)	
CORPORATION,)	
Plaintiff,)	
)	
V.)	Case No.: DV-2017-900018.00
)	
ALSTOTT JOHN,)	
ROBERTS DONNA,)	
Defendants.)	

ORDER

MOTION TO SERVE filed by CREDIT ACCEPTANCE CORPORATION is hereby GRANTED.

DONE this 7th day of June, 2024.

/s/ CHRISTOPHER G SPEAKS
DISTRICT JUDGE