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DISTRICT COURT OF
ELMORE COUNTY, ALABAMA
MICHAEL DOZIER, CLERK

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

PROCESS OF GARNISHMENT

IN THE SMALL CLAIMS COURT OF ELMORE

NAME AND ADDRESS OF PLAINTIFF (Persons Asserting Claim): TRUSTMARK NATIONAL BANK SUCCESSOR BY MERGER TO BANKTRUST PO Box 1928 Brandon MS 39043	NAME AND ADDRESS OF DEFENDANT (Person Whose Property is Subject to Garnishment): DAKARA L. PETTAWAY, SSN ***-**-5562 2811 CAROLINE DR MILLBROOK AL 36054 <p style="text-align: right;">BY SHERIFF</p>
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NAME AND ADDRESS OF ATTORNEY FOR PLAINTIFF:
 MARY R. WYATT
 Post Office Box 230759
 Montgomery, AL 36123-0759

DATE OF JUDGMENT:	April 27, 2021
JUDGMENT AMOUNT: \$	\$1107.56
INTEREST: \$	\$96.99 int.
COSTS: \$	\$266.20
LESS CREDIT: \$	\$403.90
OTHER: \$	
TOTAL: \$	\$1066.85

NAME AND ADDRESS OF GARNISHEE: PREVIOUSLY SERVED
 MGM 104 INC
 C/O HEMANGKUMAR PADHIAR, REG. AGT.
 6756 TAYLOR CIRCLE
 MONTGOMERY AL 36117

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 20th day of June, 2023

[Signature]
 Notary Public/Clerk (Signature)

[Signature]
 Notary Public, Alabama State Notary (Signature)
 My Commission Expires May 06, 2024

WRIT OF GARNISHMENT **MGM 104 INC**

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:
 You are hereby commanded to serve this Process of Garnishment on the GARNISHEE, DAKARA L. PETTAWAY (Name of garnishee) and a copy on the defendant, MGM 104 INC (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 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 \$ 1066.85 (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: 4/15/2024
 Clerk: *[Signature]* ELMORE COUNTY SMALL CLAIMS COURT, POST OFFICE BOX 310, WETUMPKA, AL 36092, (334)367-
 Address: _____ By: *[Signature]* Deputy Clerk

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

TRUSTMARK NATL BANK V. DAKARA L PETTAWAY

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: SEC 6-10-7, CODE OF ALABAMA 1975, AND TITLE 15, SEC 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: SEC 5-19-15, CODE OF ALABAMA 1975, AS AMENDED BY ACT 88-294, EFF 04 APR 88.
- 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 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), YOU SHOULD HOLD THE PROPERTY OR MONEY SUBJECT TO THE ORDERS OF THE COURT. 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. MULTIPLY THE "MINIMUM WAGE AMOUNT" (INEFFECT AT THE TIME THE EARNINGS ARE PAYABLE BY YOU) BY THIRTY (30) *** 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" (INEFFECT AT THE TIME THE EARNINGS ARE PAYABLE BY YOU) BY FIFTY (50).
- (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" INCLUDED WITH 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, SEC 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.