

NOTICE TO POTENTIAL USERS OF SMALL CLAIMS AND DISTRICT CIVIL COURT

Obtaining a Judgment against a Defendant in Small Claims or District Civil Court **does not** guarantee that you will receive the money damages awarded by the Court. If you file suit in Small Claims or District Civil Court and if you are successful and obtain a judgment against the defendant (the person being sued), then under Alabama law, it is up to you and not the court or clerk's office to attempt to collect the judgment by taking one of the following actions:

1. **A garnishment action:** By filing a Writ of Garnishment with the Clerk's Office, directing that the wages of the defendant or a bank account of the defendant, be withheld to satisfy the judgment.

2. **An execution:** By filing a Writ of Execution with the Clerk's Office, authorizing the Sheriff to pick up any property belonging to the defendant and sells it to satisfy the judgment.

Both of these actions require an additional filing fee. The additional fees are added to your recovery of court costs. Forms for this process may be obtained by accessing the website: **www.alacourt.gov**.

If you have reason to believe that a judgment against the defendant is not collectible because of that party's inability to pay or because the party does not have a job or own any property, then you should not file suit in Small Claims or District Civil Court.

A warrant of Arrest **cannot** be issued for a defendant's failure to pay a judgment. Alabama law only allows for a garnishment action or execution in order to enforce a judgment. Therefore, make sure the potential defendant owns property, has a bank account or has a job to ensure your judgment would be collectible. You should do this before paying your money to file suit. The Clerk's office cannot refund money once the suit is filed and you change your mind.

SHOULD YOU DECIDE TO FILE SUIT, and the other party files an answer contesting the matter, the case will be set for trial as soon as possible. You will receive a notice setting this matter for trial. It is very important that you bring all your documentation, photographs and any witnesses you feel necessary to prove your case to court on the date set for trial. This is your day in court and you need to be prepared to present your case.

Neither the Clerk's office nor the Judge or their Judicial Assistants can give you legal advice about your case. You may consult with a licensed attorney or contact the Lawyer's referral service operated by the Alabama State Bar if you need legal advice. Also, the Judge or his Judicial Assistant **CANNOT** talk to you about your case outside of court. The Canons of Judicial Ethics prohibit Ex Parte (one sided) communications about pending cases.

FORMS MAY BE OBTAINED BY ACCESSING THE FOLLOWING WEBSITE:

WWW.ALACOURT.GOV

SELECT E-FORMS

SELECT EITHER CIVIL FORMS OR SMALL CLAIMS