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03-SM-2023-904029.00
DISTRICT COURT OF
MONTGOMERY COUNTY, ALABAMA
GINA J. ISHMAN, CLERK

IN THE DISTRICT COURT OF MONTGOMERY COUN

CAPITAL ONE, N.A., Plaintiff,	)	
V.	)	Case No.: SM-2023-904029.00
DILLARD NICHOLE M, Defendant.	)	

ORDER

Before the Court is the Plaintiff's Motion for Service of Notice of Garnishment via posting and U.S. Mail. In this matter a judgment was obtained and funds were garnished, but the Defendant has previously not been found or service was not otherwise perfected. At this time, the Plaintiff petitions the Court for permission to perfect service through posting and mailing notice to the Defendant. The Plaintiff has, through verified motion, affirmed to the Court that notice was provided to the Defendant contemporaneously with the service of the garnishment on the Garnishee. As such, Plaintiff's Motion for Service of Notice of Garnishment via posting and U.S. Mail is hereby GRANTED.

The Clerk's Office is directed to post on the clerk's website and in a conspicuous location within the courthouse a copy of the notice of garnishment along with this Order. The Clerk shall send by regular U.S. Mail a copy of these materials to the Defendant at Defendant's last known address. Lastly, the Clerk's Office shall assess the Plaintiff in this matter, or the moving party in the instance that it is not the Plaintiff, an additional fee as provided by section 6-6-394.1(6).

Once this matter has been posted for a minimum of four (4) continuous weeks, the Plaintiff or moving party may petition the Court for Condemnation. Any such petition shall be comprised of: (1) a verified motion that all requirements of this order have been accomplished, (2) a copy of the posting, and (3) a statement from the clerk's office attesting to the posting at the Courthouse, the posting on the website and verifying the dates of notice issued by U.S. Mailing.

A Defendant who is without legal assistance may be entitled to receive free legal assistance regarding this matter from either the Montgomery Volunteer Lawyers Program, please dial (334) 265-0222 ext. 2 or from Legal Services of Alabama, please dial 866-456-4995 or apply online at www.legalservicesalabama.org.

No funds will be condemned for at least 5 days after the last date of the posting.

DONE this 21st day of October, 2026.

/s/ SAMARRIA DUNSON
DISTRICT JUDGE