

MEMORANDUM ON POST JUDGMENT DISCOVERY POLICY IN THE JEFFERSON COUNTY DISTRICT COURT  
(BIRMINGHAM DIVISION)

Rule 69 A.R.C.P. (dc) permits certain discovery in the aid of judgment or execution in the District Court. This discovery may be obtained from any person including the judgment debtor in the manner provided by Rule 26 (dc) A.R.C.P.

Under the limitation that rule places on District Court discovery, the principal post judgment discovery tools are written interrogatories under Rule 34. These, however, are available only in the discretion of the court on motion of the parties seeking such discovery, unless by agreement of the parties.

PROCEDURAL STEPS:

1. In DV cases only, if you need post judgment discovery, file with the court a motion to allow post judgment discovery, see Exhibit 1 attached.

Step (1)  
~~to charge~~ \$10.00  
Unless going  
by Cert Mail  
~~to charge~~ each)  
\$10.00

2. File with the motion the proposed interrogatories. Interrogatories with the format and content of Exhibit 2 will be approved.

Make sure your interrogatories have an order for the Court's signature directing that the interrogatories be answered on or before a certain date. (See Exhibit 3)

Step (2)

3. If the defendant does not file answers to the interrogatories within the time allowed, a petition to hold the defendant in contempt may be filed, see Exhibit 4. In appropriate cases, the court will order the defendant to appear in court to show cause why he should not be held in contempt. See Exhibit 5

Step (3)

4. As to defendants residing in Jefferson County, if the defendant does not appear in response to the order to show cause, then upon your oral motion which will be noted on the docket sheet, the court may issue an order to the sheriff to take the defendant into custody and bring him immediately before the court. See Exhibit 6

5. Requests for post judgment discovery in SM cases will be considered on a case by case basis.

The foregoing format will also apply to post judgment requests for production.  
These procedures will, as provided by the rules supersede citations for oral examinations.

Issued 5/22/85

INTERROGATORIES

1. 2 copies of motion - Exhibit 1
- 1 set of interrogatories - Exhibit 2
- 3 copies of orders - Exhibit 3

\$10.00  
Step 1 - ~~No charge~~  
(unless going by  
Cert Mail ~~\$8.00~~ each)  
\$10.00

PETITIONS TO CITE DEFENDANT

2. 2 copies of motion - Exhibit 4
- 3 copies of order - Exhibit 5

Step 2 - ~~\$10.00~~  
\$20.00

ATTACHMENTS

3. 2 copies of orders - Exhibit 6

Step 3 - ~~\$17.00~~  
\$40.00

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)

vs

Case Number \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s)

MOTION TO ALLOW POST JUDGMENT DISCOVERY

Comes now the plaintiff(s) in this cause and moves the Court to allow the issuance of post judgment interrogatories to the defendant(s) \_\_\_\_\_ and as grounds for said motion would submit that judgment in the amount of \_\_\_\_\_ dollars (\$) was entered against the defendant(s) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; that said judgment is final and remains unsatisfied and that discovery is necessary in aid of execution upon judgment under Rule 69 (d.c.) A.R.C.P.

\_\_\_\_\_  
Plaintiff(s) or Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number



3. Are you self-employed? If so, state:
  - a). Name and address of your business:
  - b). Nature of your business:
  - c). Names and addresses of all those who were indebted to you as of the time you received these interrogatories:
  - d). Names and addresses of all those who are indebted to you as of the time of your answers:
  
4. Do you own any interest in real estate? If so, for each parcel state:
  - a). The Legal Description:
  - b). The type of interest you have:
  - c). When you obtained your interest:
  - d). The present market value of the parcel:
  - e). Any mortgages, liens or other encumbrances, including names, addresses, amounts owed, and dates incurred:
  - f). Where is your deed recorded; give volume and page of recording.
  
5. Do you own any interest in a motor vehicle? If so, for each vehicle state:  
(Include all cars, trucks, vans, motorcycles, etc.)
  - a). Description, including make, model, year, serial number, color, and license tag number:

- b). The interest which you own:
  - c). When and where you acquired your interest:
  - d). The present market value of the vehicle:
  - e). Any security interest, liens or other encumbrances, including names, addresses, amounts owed, and dates incurred:
  - f). Street address where vehicle is located:
6. Do you own any stocks, bonds or other securities? If so, describe in detail, state where located and fair market value.
7. Do you have any life insurance with a cash surrender value? If so, describe in detail, state where policies are located, and cash surrender value.
8. List all of your major appliances (refrigerator, stove, etc.), tools and equipment in which you own an interest, and as to each item state:
- a). Description:
  - b). When and where acquired:
  - c). The interest owned by you:
  - d). The present market value:
  - e). Any security interest, liens or other encumbrances, including names, addresses, amounts owed, and dates incurred:
  - f). Where located:

9. List any other boats, motors, house trailers, campers not already listed in which you own an interest, and as to each item state
- a). Description:
  - b). When and where acquired?
  - c). The interest owned by you:
  - d). The present market value:
  - e). Any security interest, liens or other encumbrances, including names, addresses, amounts owed, and dates incurred:
  - f). Where located:
10. Do you have any interest in a checking or savings account with a bank, savings and loan association, credit union, or other financial institution? If so, state the name and address, the account number, the balance at the time receipt of these interrogatories, and the balance at the time of your answers.
11. Does anyone owe you money or property? If so, state:
- a). Name and address:
  - b). Amount of money or type of property owed:
  - c). How long it has been owed:
  - d). Whether you have filed a lawsuit to collect:

12. Have you transferred or disposed of any real or personal property in the past six months? If your answer to the foregoing questions is "yes", then state:

a) A complete description of the property transferred or disposed of:

b) The complete name, address and telephone number of the person, firm or corporation who received said property:

c) The consideration received by you for transfer or disposition of said property:

I hereby swear, under penalty of perjury, that the answers contained herein are true and correct.

Signed \_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA

_____	)	
_____	)	
Plaintiff(s)	)	
vs.	)	Case Number _____
_____	)	
_____	)	
Defendant(s)	)	

ORDER

TO ANY SHERIFF OR ANY PERSON AUTHORIZED TO EFFECT SERVICE:

You are hereby commanded to serve this ORDER and the attached interrogatories upon the defendant(s) \_\_\_\_\_ and make return of this ORDER within thirty (30) days from the date of issuance, showing the actions performed by you.

\_\_\_\_\_  
Defendant's address

\_\_\_\_\_  
Defendant's address

RETURN OF SERVICE

- Received this ORDER on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.
- Served on Defendant(s) \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
  - Returned unfound.

Signed \_\_\_\_\_

Dated \_\_\_\_\_

ORDER TO DEFENDANT(S)

You are hereby commanded to answer in writing, the attached interrogatories and file them with the Clerk of this Court at the following address within thirty (30) days from the date that you were served with them. Failure to comply with this ORDER could subject you to being held in CONTEMPT OF COURT.

Anne Marie Adams, Clerk  
 Mail answers to : District Court of Jefferson County  
 716 Richard Arrington Jr Blvd N Room 500  
 Birmingham, Alabama 35203  
 325-5331

Issued this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

IN THE DISTRICT COURT OF JEFFERSON COUNTY, ALABAMA

_____	)	
_____	)	
Plaintiff (s)	)	
VS	)	CASE NUMBER _____
_____	)	
_____	)	
Defendant (2)	)	

PETITION TO CITE DEFENDANT FOR CONTEMPT OF COURT

Comes the Plaintiff(s) in the above styled cause and would respectfully show that on \_\_\_\_\_ a judgment was entered against defendant(s) \_\_\_\_\_

and said judgment remains unsatisfied. That this Court issued an Order on \_\_\_\_\_ requiring the defendant(s) to answer interrogatories in aid of execution of the judgment and that more than thirty (30) days have elapsed since defendant(s) was served with the Order and answers to the interrogatories have not been filed with the Clerk as ordered.

Therefore, the petitioner submits that Contempt is the only available sanction in the matter under Rule 37 (d.c.) A.R.C.P. and prays that this Court will order the defendant(s) to appear before this Court and show cause why he should not be held in Contempt of Court. Failure to appear at the hearing may result in the issuance of a writ of arrest pursuant to Rule 70A(d), (Interim) to compel the presence of the alleged contemnor.

\_\_\_\_\_  
Plaintiff(s) or Attorney

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone



