

# Index

## ADJUDICATION

Notice of submission for, **25:29**

## ADMINISTRATIVE ENFORCEMENT POWERS

Consumer Financial Protection Bureau, **1:5**

## ADMISSION REQUESTS

Generally, **7:2**  
Attachment proceedings, **21:12**  
Contested cases, use in, **19:9**  
Deposition, admission made during, **7:5**  
Forms, **25:16, 25:18 to 25:20, 25:22**  
Replevin cases, use in, **20:8, 25:16**

## ADVERTISEMENTS

Execution sale, **12:1**

## AFFIDAVITS

Attachment, affidavits related to, **16:2, 17:4, 25:85, 25:87, 25:90, 25:95**  
**Compliance Affidavits** (this index)  
Contested cases, use in, **19:10**  
Default judgment affidavits, **5:1, 25:12**  
Execution in other county, insufficiency of property affidavits, **12:1**  
Foreign judgment registration, **25:4**  
Garnishment, affidavits relating to, **25:51, 25:53, 25:56**  
Judgment pro confesso, **25:14**  
Military status affidavit, default judgments, **5:1**  
Post judgment discovery, **10:1 to 10:5**  
Replevin, affidavits related to, **14:1, 25:68, 25:70, 25:74, 25:80**  
Return of service, **4:2, 4:4**  
Special bailiff appointment, **25:10**  
Summary judgment motion affidavits, **8:1, 19:10, 25:24**  
Temporary restraining orders and writs of possession, **17:2**

## AGENTS

Post judgment discovery, **10:2**

## AGREED JUDGMENTS AND ORDERS OF DISMISSAL

Generally, **19:12, 20:10**  
Attachment, **25:93, 25:99**  
Forms, **25:30, 25:31, 25:78, 25:93, 25:99**

## AGREED JUDGMENTS AND ORDERS OF DISMISSAL

### —Cont'd

Replevin, **14:1, 20:10, 25:78**  
Settlement, **6:1**

## AGREEMENTS

**Contracts** (this index)

## AMENDMENT

Post-judgment discovery, **10:4**

## ANNUAL RECEIPTS

Consumer Financial Protection Bureau, proposed definition, **1:3**

## ANSWERS

Settlement negotiations, **6:1**

## APPEAL

Final judgments, **8:2**  
Post-judgment enforcement, stays pending appeal, **10:5**

## APPEARANCE

Contempt, post judgment discovery, **10:2**  
Ex parte petition for issuance of subpoena to compel appearance of deponent at deposition in aid of out-of-state litigation pursuant to Ill.S.Ct.R. 204(b), **25:47**  
Order to appear, **25:46**

## APPLICATION FOR DEPOSITION

Out-of-state litigation pursuant to TR 28(E), **25:38**

## APPOINTMENTS

Decedent's estate  
creditor as personal representative, **22:8**  
public administrator, appointment of, **22:9**  
Special bailiffs, affidavit for appointment, **25:10**

## APPRAISALS

Execution sales, appraisal prior to, **13:1**

## ARBITRATION AGREEMENTS

Enforcement, **3:14**

## ATTACHMENT

For related topic see, **Garnishment**

**ATTACHMENT—Cont'd**

Generally, **16:1, 16:2, 21:1 to 21:13**  
 Affidavits, **16:2, 17:4, 25:85, 25:87, 25:90, 25:95**  
 Agreed judgments, **25:93**  
 Agreed order terminating stay, **25:99**  
 Bank attachment not answered, email to be sent, **24:12**  
 Bank attachment not answered, letter to be sent, **24:12**  
 Bonds, **16:2, 17:4, 25:88, 25:96**  
 Certificate, default judgments, **21:4, 25:89**  
 Default judgments, **21:4, 25:89**  
 Demand notice, **25:86**  
 Deposition use, **21:6**  
 Execution, **21:3**  
 Exemptions, **12:1**  
 Ex parte proceedings, **16:2, 21:11 to 21:13, 25:94, 25:96**  
 Filing suit, **21:1, 21:11**  
 Forms related to attachment, **25:84 to 25:106**  
 Hearings, **21:5, 21:12**  
 Interrogatories and requests for admission, **21:8**  
 Issuance and execution of writ, **14:1, 16:2, 21:3**  
 Judgments related to, **25:91 to 25:92**  
 Notice and knowledge, demand notice, **25:86**  
 Orders, **17:4, 17:5, 25:99, 25:104**  
 Post-judgment discovery, proceedings supplemental, **10:3**  
 Proof of claim, **25:100**  
**Public Officers and Employees** (this index)  
 Reaffirmation agreement, **25:98**  
 Rights of creditors, **3:10**  
 Service of process, **4:1, 21:2**  
 Settlement, **21:10**  
 Stays, **25:99, 25:101 to 25:106**  
 Summary judgment, obtaining, **21:9**  
 Temporary restraining orders and orders of attachment, **17:4, 17:5**  
 Writ of attachment, **25:97**  
**Wrongful Attachment** (this index)

**ATTORNEYS**

Fair Debt Collection Practices Act, **2:1 et seq.**  
 Fees. **Attorneys' Fees** (this index)  
 Meaningful involvement, **2:6, 2:11**  
 National Creditors Bar Association (NARCA), **1:10**

**ATTORNEYS—Cont'd**

Notice to take deposition in law office, **25:32**  
 Signature on pleadings, **5:1**  
 Sureties on replevin action bonds, **15:1**  
 Warning order attorneys, **4:2**

**ATTORNEYS' FEES**

Recovery, **3:9**  
 Replevin action, **15:1**  
 Settlement, **6:1**

**AUTOMOBILES**

**Motor Vehicles** (this index)

**BAILIFFS**

**Special Bailiffs** (this index)  
 Temporary restraining order service requirements, **17:1**

**BANKRUPTCY**

Generally, **23:1 et seq.**  
 Attachment as protection, **16:1**  
 Chapter 7  
   generally, **23:5**  
   co-debtors, **23:12**  
   first meeting of creditors, **23:6, 23:7**  
   garnishments, effect on, **23:10**  
   notice of judgment lien, **23:11**  
   reaffirmation agreements, **23:8**  
   terminating the automatic stay, **23:9**  
 Chapter 11 and 12, **23:19**  
 Chapter 13  
   generally, **23:13**  
   co-debtors, **23:16**  
   first meeting of creditors, **23:14**  
   garnishments, **23:17**  
   notice of judgment lien, **23:18**  
   proof of claims, **23:15**  
 Co-debtors, **23:12, 23:16**  
 Divisions of the Bankruptcy Court, **23:2**  
 Fair Debt Collection Practices Act, **2:5**  
 Garnishments, effect of bankruptcy on, **11:9, 23:10 23:17**  
 Judicial lien avoidance, **13:1**  
 Notice of judgment lien, **23:11, 23:18**  
 Party to sue, **3:2**  
 Process in general, **23:4**  
 Prohibition against collecting after bankruptcy, **23:3**  
 Proof of claims, **23:15**  
 Reaffirmation agreements, **23:8**  
 Terminating the automatic stay, **23:9**

**BANKS**

**Financial Institutions** (this index)

## INDEX

### **BIDDING IN**

Execution sales, **12:1**

### **BILLS OF COSTS**

Kentucky, **25:28**

U.S. District Court, **25:27**

### **BONA FIDE ERROR DEFENSE**

Fair Debt Collection Practices Act, **2:15**

### **BONDS**

Attachment, **16:2, 17:4, 25:88, 25:96**

Forms, **25:71, 25:82, 25:88, 25:96**

Possession writs, **17:4, 17:5**

Post-judgment discovery, stays pending appeal, **10:5**

Replevin, **14:1, 15:1, 25:71, 25:82**

**Sureties** (this index)

Temporary restraining orders, **17:1**

### **BUSINESS DEBTOR'S INFORMATION SHEET**

Data packet, **18:2**

### **CEASE AND DESIST**

Fair Debt Collection Practices Act, **2:8**

### **CERTIFICATES AND CERTIFICATION**

Attorney's signature on pleading, **5:1**

Default judgments certificate, **5:1, 25:13, 25:73, 25:89**

Registration in another district, certification of judgment for, **25:5**

### **CERTIFIED CHECKS**

Settlement negotiations, **6:1**

### **CERTIFIED MAIL**

Service of process, **4:1, 14:1**

### **CHARGING ORDERS**

Garnishment, **11:4**

### **CHECKS**

Client letters, summons check of status letter, **24:6**

Historical analysis

uniform Commercial Code, accepting checks in payment under, **6:6**

Settlement negotiations

certified checks, **6:1**

uniform Commercial Code, accepting checks in payment under, **6:6**

### **CLERKS OF COURTS**

Attachment issuance, **14:1, 16:2**

**Depositions** (this index)

Letters to clerk

another county, letter to send clerk if filing suit in, **24:1**

### **CLERKS OF COURTS—Cont'd**

Letters to clerk—Cont'd

judgment, letter when sending to be filed, **24:7**

**Post-Judgment Discovery** (this index)

Replevin writ issuance, **14:1**

### **CLIENT INFORMATION SHEET**

Data packet, **18:1**

### **CLIENT LETTERS**

Permanent record letter, **24:7**

Summons check of status letter, **24:6**

### **CO-DEBTORS**

Attachment

motion to terminate section 1301 co-debtor stay, **25:105**

order to terminate section 1301 co-debtor stay, **25:106**

Bankruptcy, **23:12, 23:16**

### **COLLATERAL**

**Repossession of Collateral** (this index)

Resale, **3:12**

### **COLLECTION FORMS**

Generally, **25:1 to 25:65**

### **COLLECTION LETTERS**

Clerk, letters to. **Clerks of Courts** (this index)

**Client Letters** (this index)

Fair Debt Collection Practices Act, **2:9, 2:10**

Sheriff, letters to. **Sheriff** (this index)

### **COMPENSATION**

**Wages** (this index)

### **COMPLAINTS**

Generally, **3:1 et seq.**

Attachment complaints, **25:84, 25:94**

Civil action, **25:2**

Forms, **25:1 to 25:4, 25:6, 25:66, 25:67, 25:79, 25:84, 25:94**

Replevin complaint, **25:66, 25:67**

Striking of pleadings, **7:8**

Two accounts, **25:3**

### **COMPLIANCE AFFIDAVITS**

Attachment, **25:87**

Replevin, **25:70**

### **COMPROMISE**

**Settlements** (this index)

### **CONCEALMENT**

Ex parte seizure, grounds, **14:2**

**CONSTABLE**

Service of process by, **4:3**

**CONSTITUTIONALITY**

Collection practices, **1:1**  
 Prejudgment seizures, **14:1, 14:2**

**CONSTRUCTIVE SERVICE**

Generally, **4:2**

**CONSUMER FINANCIAL PROTECTION BUREAU**

Generally, **1:2**  
 Administrative enforcement powers, **1:5**  
 Advisory opinions, **1:9**  
 Annual receipts, proposed definition, **1:3**  
 Collections rules, **1:8**  
 Defining larger participants of debt collection market, **1:3**  
 Disclosure of confidential investigatory material, **1:7**  
 Documentation of debt collector practices and procedures, **1:4**  
 Enforcement actions of note, **1:6**  
 Enforcement methods, **1:5**  
 Examination Procedures, **1:4**  
 Jurisdiction, **1:2**  
 Larger participant rule, **1:3**  
 Limitations periods under various Acts, **1:5**  
 Privileged information protection, **1:7**  
 Regulation F, **1:8**  
 Rule making, **1:8**

**CONTEMPT**

Bond, contempt power where goods released to defendant under bond, **17:5**  
 Discovery sanctions, **7:8, 10:2**  
 Post judgment discovery, failure to appear, **10:2**  
 Temporary restraining order violation, **17:1, 17:2**

**CONTRACTS**

Attorneys' fees award pursuant to contract, **3:9**  
 Corporation, action based on contract against, venue, **3:4**  
**Installment Contracts** (this index)  
 Real property execution where contract for deed, **13:1**  
**Settlements** (this index)

**CONVEYANCE**

Temporary restraining order prohibiting conveyance, **17:1**

**CORPORATE OFFICERS AND DIRECTORS**

Bankruptcy of corporation, suit against personally guaranteed officers, **3:2**  
 Post judgment discovery, **10:2**

**CORPORATIONS**

Bankruptcy, suit against officers on personal guaranty, **3:2**  
 Foreign corporation, grounds for attachment, **16:2**  
 Legal action assignment questionnaire, **18:6**  
 Officers and directors. **Corporate Officers and Directors** (this index)  
 Post-judgment discovery against corporation, **10:1 to 10:5**  
 Venue, **3:4**

**COSTS AND EXPENSES**

**Attorneys' Fees** (this index)  
 Bill of costs, **25:27, 25:28**  
 Discovery request denial, **7:8**  
 Garnishment, **11:10**  
 Service of process costs, recovery, **4:1**

**COUNTIES**

County circuit courts, jurisdiction, **3:3**  
 Letter to send clerk if filing suit in another county, **24:1**

**COURT CLERKS**

**Clerks of Courts** (this index)

**COURT ORDERS**

**Orders of Courts** (this index)

**COVER SHEET**

Civil action, **25:9**

**CREDIT BUREAU CHECK**

Post judgment discovery, **10:2**

**DANGER**

Ex parte seizure, grounds, **14:2**

**DATA PACKETS**

Business debtor's information sheet, **18:2**  
 Client information sheet, **18:1**  
 Legal action assignment form generally, **18:3**  
 open account, **18:4**  
 replevin, **18:5**  
 Legal action assignment questionnaire on corporations, **18:6**

**DEBT COLLECTION**

Consumer financial protection bureau examination Procedures, **1:4**

## INDEX

### DECEDENT'S ESTATE

- Allowance or disallowance of a claim by the personal representative, **22:4**
- Appointment of creditor as personal representative, **22:8**
- Appointment of public administrator, **22:9**
- Distributee, claims against, **22:11**
- Execution against decedent's estate, **22:12**
- Failure to present a claim, effect of, **22:2**
- Inventory by personal representative and right to notice, **22:5**
- Order of distribution, **22:6**
- Payment of secured claims, **22:7**
- Personal representative
  - allowance or disallowance of a claim by, **22:4**
  - appointment of creditor as, **22:8**
  - claims against, **22:10**
  - inventory by and right to notice, **22:5**
- Presenting a claim, **22:1**
- Public administrator, appointment of, **22:9**
- Revival of actions, **22:13**
- Time to file a claim, **22:3**

### DEEDS

- Contract for deed, real property execution, **13:1**

### DEFAULT JUDGMENTS

- Generally, **5:1**
- Attachment proceedings, obtaining, **21:4**
- Certificate, **5:1, 25:13, 25:73, 25:89**
- Filing and recording, **19:4**
- Motion, affidavit, and judgment, **5:1, 25:12**
- Replevin suit, **20:3, 25:73 to 25:76**
- Striking of pleadings for refusal of discovery, **7:8**

### DEFENSES

- Settlement negotiations, clients ability to pay for additional defense, **6:1**

### DELAY

- Post-judgment discovery, **10:1**
- Settlement negotiations, delaying tactics, **6:1**

### DEPOSITIONS

- Generally, **7:5**
- Application for deposition and subpoena in support of out-of-state litigation pursuant to TR 28(E), **25:38**
- Attachment proceedings, **21:6**

### DEPOSITIONS—Cont'd

- Authorization of deposition for out-of-state witness by Commission, **25:37**
- Clerks of courts. Subpoena, below
- Ex parte petition for issuance of subpoena to compel appearance of deponent at deposition in aid of out-of-state litigation pursuant to Ill.S.Ct.R. 204(b), **25:47**
- Foreign states. Subpoena, below
- Interstate depositions, subpoena process for, **7:7**
- Notice to take deposition, **25:15, 25:32, 25:33**
- Orders of court. Subpoena, below
- Out-of-state. Subpoena, below
- Petitions. Subpoena, below
- Post-judgment discovery, **10:2**
- Production of documents, **25:42, 25:45**
- Replevin cases, use in, **20:6**
- Subpoena
  - generally, **25:34, 25:35, 25:49**
  - application for subpoena in support of out-of-state litigation pursuant to TR 28(E), **25:38**
  - clerks of court. Orders of courts, below this group
  - ex parte petition for issuance of subpoena to compel appearance of deponent at deposition in aid of out-of-state litigation pursuant to Ill.S.Ct.R. 204(b), **25:47**
  - interstate depositions, **7:7**
  - motion for entry of Commission to depose out-of-state witness upon subpoena pursuant to CR 28.02, **25:36**
  - orders of courts, clerk to issue subpoena
    - civil proceeding pursuant to RCP 45(a) and RCP 45(d)(2), **25:44**
    - civil proceeding pursuant to TR 28(E) and TR 45(A), **25:39**
    - out-of-state civil proceeding pursuant to Ill.S.Ct. 204(b), **25:48**
    - out-of-state proceeding pursuant to O.R.C. § 2319.08, **25:41**
  - out-of-state litigation
    - application for subpoena in support of litigation pursuant to TR 28(E), **25:38**
    - orders of court, above this group
    - out-of-state witness, below this group
    - petition for deposition and subpoena in aid of litigation

**DEPOSITIONS—Cont'd**

- Subpoena—Cont'd
  - out-of-state litigation—Cont'd
    - pursuant to pursuant to RCP 28(d), **25:43**
  - out-of-state witness
    - generally, **20:7, 21:6**
    - issuance of appropriate subpoena, **25:37**
    - motion for entry of Commission to depose witness upon subpoena pursuant to CR 28.02, **25:36**
  - petitions. Out-of-state litigation, above this group
  - production of documents, **25:42, 25:45**
- Trial preparation, **9:1**
- Use in contested cases, **19:8**
- Videotaped depositions, **7:6**

**DEPUTY SHERIFFS**

- Sheriffs** (this index)

**DESTRUCTION**

- Ex parte seizure, grounds, **14:2**
- Temporary restraining order prohibiting destruction of goods, **17:1**

**DETENTION OF PROPERTY**

- Wrongful detention, **15:1**

**DIRECTORS**

- Corporate Officers and Directors** (this index)

**DISCHARGE OF INDEBTEDNESS**

- Reporting requirements, **6:2 to 6:5**

**DISCLOSURE**

- Consumer Financial Protection Bureau confidential investigatory material, **1:7**

**DISCOVERY**

- Generally, **7:1 to 7:9**
- Admission Requests** (this index)
- Depositions** (this index)
- Interrogatories** (this index)
- Post-Judgment Discovery** (this index)
- Replevin actions, **20:6, 20:7**
- Requests for production of documents, **7:4**
- Sanctions, **7:8, 10:2**
- Summary, **7:9**
- Trial preparation, **9:1**

**DISMISSAL**

- Agreed Judgments and Orders of Dismissal** (this index)

**DISTRICT COURTS**

- Jefferson District Court, **19:15**
- Temporary restraining order, power to grant, **17:1**
- U.S. District Court** (this index)

**DOCUMENTS**

- Consumer Financial Protection Bureau examination, **1:4**
- Fair Debt Collection Practices Act, pre-demand documentation, **2:6**
- Production of, requests and commands for, **7:4, 25:42, 25:45**

**EMPLOYERS AND EMPLOYEES**

- Attorneys' fee award where attorney is employee, **3:9**
- Corporate Officers and Directors** (this index)
- Email to consumer's employer, **24:8, 24:11**
- Garnishment** (this index)
- Letter to consumer's employer, **24:8, 24:11**
- Post judgment discovery, **10:2**
- Public Officers and Employees** (this index)

**ENFORCEMENT**

- Consumer Financial Protection Bureau enforcement actions of note, **1:6**

**EQUITABLE TITLES**

- Execution against real property, **13:1**

**ESTOPPEL**

- Waiver and Estoppel** (this index)

**EXAMINATIONS**

- Consumer Financial Protection Bureau Examination Procedures, **1:4**

**EXECUTION**

- Generally, **12:1**
- Attachment writ, **21:3**
- Decedent's estate, execution against, **22:12**
- Final judgments, **8:2**
- Forms, **25:62**
- Liens** (this index)
- Notice, **13:1**
- Personal property, **12:1, 19:18, 25:62**
- Real property, **13:1, 19:20**
- Writ of execution, **10:1, 25:65**

**EXEMPTIONS**

- Execution, **12:1**
- Garnishment, **11:1, 11:8, 25:56, 25:57**
- Notice of rights, forms, **25:52**

## INDEX

### EX PARTE PROCEEDINGS

- Attachment, **16:2, 21:11 to 21:13**
- Replevin, **15:1, 20:11 to 20:13, 25:79 to 25:83**
- Seizure, generally, **14:2**
- Subpoena to compel appearance of deponent at deposition in aid of out-of-state litigation pursuant to Ill.S.Ct.R. 204(b), **25:47**

### EXPENSES

- Costs and Expenses** (this index)

### FAIR DEBT COLLECTION PRACTICES ACT

- Generally, **1:1, 2:1 to 2:15**
- Amount of debt, collection letter, **2:10**
- Bankruptcy consideration, **2:5**
- Bona fide error defense, **2:15**
- Cease and desist, **2:8**
- Collection letters, **2:9, 2:10**
- Continuing validation issues, **2:13**
- Disputes, **2:8**
- Documentation, **2:6, 2:11**
- Initial communication, **1:1, 6:6, 19:1**
- Meaningful involvement, **2:6, 2:11**
- Mini-Miranda warnings, **2:9**
- Overshadowing issues, **2:14**
- Phone contacts, **2:7**
- Post-demand considerations, **2:12**
- Pre-demand considerations, **2:3 to 2:6**
- Settlement negotiations, **6:1**
- Statute of limitations, **2:4**
- Suit considerations, **2:13, 2:14**
- Telephone contacts, **2:7**

### FAMILY AND RELATIVES

- Post judgment discovery, **10:2**

### FEDERAL COURTS

- Garnishments, **11:6**
- Jurisdiction, **3:3**
- U.S. District Court** (this index)

### FEDERAL EMPLOYEES

- Public Officers and Employees** (this index)

### FEDERAL PROCEDURE

- Foreign judgments, registration, **4:4, 19:7**

### FEES

- Attorneys' Fees** (this index)
- Garnishment, **11:1**

### FILING AND RECORDING

- Generally, **19:1**
- Attachment proceeding, **21:1, 21:11**

### FILING AND RECORDING—Cont'd

- Default judgment, **5:1, 19:4**
- Execution notice, **13:1**
- Federal procedure, **19:7**
- Foreign judgments, registration of, **19:6, 19:7**
- Judgments, **19:6, 19:7, 24:7**
- Long arm procedure, **19:2**
- Replevin suits, **20:1, 20:11**
- Summons, preparation and service of, **19:3**

### FINAL JUDGMENTS

- Generally, **8:2**

### FINANCIAL INSTITUTIONS

- Attachment not answered, email to be sent to bank if, **24:12**
- Attachment not answered, letter to be sent to bank if, **24:12**
- Attorneys' fee award in suit by bank, **3:9**
- Garnishment, **11:1**

### FORECLOSURE

- Execution liens, **13:1**
- Secured creditors, rights, **3:12**

### FOREIGN CORPORATIONS

- Attachment, grounds for, **16:2**

### FOREIGN JUDGMENTS

- Affidavit of registration, **4:4, 25:4**
- Complaint for suit on foreign judgment, **25:4**
- Notice of registration, **25:4**
- Registration, **4:4, 19:6, 19:7, 25:4, 25:5**
- Request for admission in suit, **25:18**
- Service of process and affidavit, **4:4**
- Uniform Enforcement of Foreign Judgments Act, **4:4**

### FOREIGN STATES

- Depositions** (this index)
- Long Arm Statutes** (this index)

### FORMS

- Generally, **25:1 et seq.**
- Attachment, **25:84 to 25:106**
- Letters, **24:1 et seq.**
- Model validation letter to consumer's attorney or consumer before suit filed, **24:1**
- Replevin, **25:66 to 25:83**

### FUTURE INTERESTS

- Execution against real property, **13:1**

### GARNISHMENT

- Generally, **11:1, 11:2, 19:17**
- For related topic see, **Attachment**

**GARNISHMENT—Cont'd**

- Affidavits relating to, **25:51, 25:53, 25:56**
- Affidavit to challenge wage garnishment, **25:59**
- Bankruptcy, effect on garnishments, **11:9, 23:10 23:17**
- Challenge order, **25:60**
- Challenges and challenge orders, **11:5, 25:56, 25:57**
- Charging orders, **11:4**
- Costs, **11:10**
- Emails related to garnishment
  - employer of consumer if garnishment unanswered, **24:11**
  - status of garnishment, email to creditor, **24:10**
- Federal Courts, **11:6**
- Federal employee commercial garnishment, application, **25:58**
- Federal exemptions, generally, **11:8**
- Fees, **11:1**
- Forms related to garnishment, **25:50 to 25:57**
- Letters related to garnishment
  - employer of consumer if garnishment unanswered, **24:11**
  - status of garnishment, letter to creditor, **24:10**
- Nonresident employee, **3:6**
- Nonwage garnishment, **11:3**
- Notice of rights to assert exemption to wage garnishment, **25:50, 25:52**
- Post-judgment discovery, proceedings supplemental, **10:3**
- Public Officers and Employees** (this index)
- Seamen, **11:8**
- Service of process, **4:1, 11:1**
- Supplemental order of wage garnishment, **25:51**
- Wage garnishments, generally, **11:2**

**GUARANTEES**

- Discovery forms, **25:20, 25:21**

**HEARINGS**

- Attachment proceedings, **21:5, 21:12**
- Ex parte seizure, hearing following, **14:2**
- Prejudgment seizure hearing requirement, **14:1**
- Replevin hearing, **20:5**
- Temporary restraining orders and writs of possession, **17:3**

**HISTORICAL OVERVIEW**

- Collection practices, **1:1**

**HUSBAND AND WIFE**

- Necessaries, suit arising out of sale of, **3:2**

**IMMUNITY**

- Summary judgment, **8:2**

**IMPEACHMENT**

- Depositions, **7:5**

**IMPOSSIBILITY DOCTRINE**

- Summary judgment, **8:1**

**INITIAL COMMUNICATION**

- Fair Debt Collection Practices Act, **1:1, 6:6, 19:1**

**INJUNCTIONS**

- Preliminary injunctions, **17:2**
- Temporary Restraining Orders, **17:1 to 17:5**

**INSOLVENCY**

- Bankruptcy** (this index)

**INSTALLMENT CONTRACTS**

- Attorneys fees in suit on contract, **3:9**

**INTEREST ON MONEY**

- Generally, **3:8**
- Sheriff's failure to pay execution proceeds, **12:1**

**INTERNAL REVENUE SERVICE**

- Discharge of indebtedness, **6:1**
- Form 1099-C reporting, **6:2 to 6:5**

**INTERROGATORIES**

- Generally, **7:3**
- Attachment proceedings, **21:8**
- Forms, **25:17, 25:19, 25:21, 25:23**
- Order to compel answer, **7:8**
- Replevin cases, **20:8, 25:17**
- Use in contested cases, **19:9**

**INVENTORY**

- Decedent's estate, inventory by personal representative and right to notice, **22:5**

**IRREPARABLE INJURY**

- Ex parte seizure, grounds, **14:2**

**JOINDER**

- Venue, **3:6**

**JUDGMENT PRO CONFESSO**

- Generally, **19:5**
- Forms related to, **25:14**

**JUDGMENTS**

- Agreed Judgments and Orders of Dismissal** (this index)

## INDEX

### JUDGMENTS—Cont'd

- Attachments, judgments related to, **25:91 to 25:92**
- Certification of judgment for registration in another district, **25:5**
- Default Judgments** (this index)
- Filing letter to clerk, **24:7**
- Final judgments, **8:2**
- Foreign Judgments** (this index)
- Lien, form, **25:63**
- Pro confesso judgments, **19:5, 25:14**
- Summary Judgment** (this index)

### JURISDICTION

- Generally, **3:1 to 3:6**
- Attachment, obtaining jurisdiction through, **16:1**
- Consumer Financial Protection Bureau, **1:2**
- Long Arm Statutes** (this index)

### JURY AND JURY TRIAL

- Right to jury trial, **8:1**
- Voir dire, **9:1**

### KNOWLEDGE

- Notice and Knowledge** (this index)

### LARGER PARTICIPANT RULE

- Consumer Financial Protection Bureau, **1:3**

### LATE PAYMENTS

- Letter to be sent to consumer, **24:9**

### LAWYERS

- Attorneys** (this index)

### LEADING QUESTIONS

- Depositions, **7:5**

### LEGAL ACTION ASSIGNMENT FORM

- Generally, **18:3**
- Open account, **18:4**
- Replevin, **18:5**

### LEGAL ACTION ASSIGNMENT QUESTIONNAIRE

- Corporations, **18:6**

### LETTERS

- Clerk, letters to. **Clerks of Courts** (this index)
- Client Letters** (this index)
- Collection letters, Fair Debt Collection Practices Act, **2:9, 2:10**
- Sheriff, letters to. **Sheriff** (this index)

### LEVY

- Execution** (this index)

### LIBRARIES

- Execution, exemption on professional libraries, **12:1**
- Exemptions, **12:1**

### LIENS

- Attachment, obtaining lien through, **16:1**
- Bankruptcy
  - avoiding judicial lien, **13:1**
  - notice of judgment lien, **23:11, 23:18**
- Execution
  - generally, **11:1, 12:1**
  - creating lien, **12:1**
  - sale of personal property under, **19:9**
- Judgment lien, form, **25:63**
- Statutory lien, attorneys' fees award, **3:9**

### LIFE ESTATES

- Execution against real property, **13:1**

### LIMITATION OF ACTIONS

- Judgments, **12:1**

### LOCATION OR PLACE

- Jurisdiction** (this index)
- Post judgment discovery, determination or debtor's location, **10:2**
- Venue** (this index)

### LONG ARM STATUTES

- Generally, **3:6**
- Complaint form, **25:6**
- Filing suit, **19:2**
- Jurisdiction under statute, **3:5, 3:6**

### MAIL

- Certified Mail** (this index)
- Garnishment service, **11:1**
- Registered mail temporary restraining order service, **17:1**
- Service of process and affidavit of foreign judgments, **4:4**

### MEANINGFUL INVOLVEMENT

- Fair Debt Collection Practices Act, **2:6, 2:11**

### MEMORANDUMS

- Summary judgment motion, **8:1**

### MILITARY STATUS AFFIDAVIT

- Default judgments, **5:1**

### MINI-MIRANDA WARNINGS

- Fair Debt Collection Practices Act, **2:9**

### MOBILE HOMES

- Attorneys' fees award in action based upon lack of merchantability, **3:9**

**MORTGAGES**

- Attorneys' fees awards in actions to force release of satisfied mortgage, **3:9**
- Settlement agreement security, **6:1**

**MOTIONS**

- Attachment, motions related to, **25:85, 25:90, 25:95, 25:101, 25:102**
- Default judgment motions, **5:1, 25:12**
- Depositions, motion for entry of Commission to depose out-of-state witness upon subpoena pursuant to CR 28.02, **25:36**
- Judgment pro confesso, **25:14**
- Post-Judgment Discovery** (this index)
- Relief from stay on real property, **25:103**
- Replevin, motions related to, **25:68, 25:74, 25:80**
- Summary judgment motion, **8:1, 25:24 to 25:26**

**MOTOR VEHICLES**

- Installment contracts, attorneys' fee award in suit by bank, **3:9**

**MULTIPLE PARTIES OR CLAIMS**

- Generally, **8:2**
- Jurisdiction, **3:3**
- Party to sue, **3:2**

**NATIONAL CREDITORS BAR ASSOCIATION (NARCA)**

- Attorneys, **1:10**

**NECESSARIES**

- Husband, suit against were purchased by wife, **3:2**

**NEGOTIATING SETTLEMENTS**

- Settlements** (this index)

**NEW TRIAL**

- Post-judgment discovery, motions for new trial, **10:4**

**NONRESIDENTS**

- Attachment grounds, **16:2**
- Garnishment, **3:6**
- Long Arm Statutes** (this index)

**NOTARY PUBLIC**

- Post judgment discovery, **10:2**

**NOTICE AND KNOWLEDGE**

- Attachment, demand notice, **25:86**
- Bankruptcy, notice of judgment lien, **23:11, 23:18**
- Debtor, notice to after repossessing collateral, **24:2**

**NOTICE AND KNOWLEDGE—Cont'd**

- Decedent's estate, inventory by personal representative and right to notice, **22:5**
- Demand notice, **25:69, 25:86**
- Deposition notice, **25:15, 25:32, 25:33**
- Foreign judgment registration, **4:4, 25:4, 25:5**
- Judgment lien, form of notice, **25:63**  
real estate, **25:64**
- Post-Judgment Discovery** (this index)
- Replevin demand notice, **25:69**
- Secured creditor's sale of property, **3:12**
- Submission for final adjudication, notice of, **25:29**
- Summary judgment motion notice, **25:24**
- Third-party collector, **24:3**
- Wage garnishment, notice of rights to assert exemption to, **25:50, 25:52**

**OFFICERS**

- Corporate Officers and Directors** (this index)
- Public Officers and Employees** (this index)

**OPEN ACCOUNTS**

- Interrogatories accompanying request for admissions, **25:19**
- Legal action assignment form, **18:4**
- Request for admissions, **25:18, 25:19**

**ORDERS OF COURTS**

- Appearance, order for, **25:46**
- Attachment** (this index)
- Challenge order, garnishment, **25:56**
- Charging orders, **11:4**
- Depositions** (this index)
- Dismissal. **Agreed Judgments and Orders of Dismissal** (this index)
- Documents or other objects, production of, **25:42, 25:45**
- Ex parte replevin writ, **25:81**
- Garnishment orders, **25:51, 25:54, 25:55**
- Injunctions** (this index)
- Interrogatories, order to answer, **7:8**
- Judgment pro confesso, **25:14**
- Possession transfer order, **25:77**
- Replevin, orders related to  
ex parte writ order, **25:81**  
transfer of possession order, **25:77**
- Special bailiff appointment, **25:11**
- Supplemental wage garnishment order, **25:51**

## INDEX

### **ORDERS OF COURTS—Cont'd**

Temporary restraining orders, **17:1 to 17:5**

### **OUT-OF-STATE**

**Foreign States** (this index)

### **PAYMENTS**

Decedent's estate, payment of secured claims, **22:7**

Letter to be sent to consumer, late payments, **24:9**

### **PERSONAL PROPERTY**

Execution, **12:1, 19:18, 25:62**

Sale under execution lien, **19:19**

Wrongful detention, **15:1**

### **PERSONAL REPRESENTATIVE**

**Decedent's Estate** (this index)

### **PETITION**

**Depositions** (this index)

### **PHONE CONTACTS**

Fair Debt Collection Practices Act, **2:7**

### **PLACE**

**Location or Place** (this index)

### **PLEADINGS**

Attorney's signature, **5:1**

**Complaints** (this index)

**Depositions** (this index)

Striking of pleadings, **7:8**

### **POSSESSION WRITS**

Bonds, **17:4, 17:5**

Forms, **25:72, 25:83**

Hearings, **17:3**

Issuance and execution, **20:3**

**Replevin** (this index)

Service of process, **4:1, 17:3**

Temporary restraining orders with possession writs, **17:2, 17:3**

### **POST-JUDGMENT DISCOVERY**

Generally, **10:1 to 10:5, 19:13**

Clerks of courts

special procedures, **10:2**

stays pending appeal, **10:5**

Jefferson Circuit Court, **19:14**

Jefferson District Court, **19:15**

Motions

new trial, **10:4**

stays pending appeal, **10:5**

New trial, **10:4**

Notice

new trial, **10:4**

stays pending appeal, **10:5**

### **POST-JUDGMENT DISCOVERY**

—**Cont'd**

Stays pending appeal, **10:5**

U.S. District Court, **19:16**

### **PREJUDGMENT SEIZURE**

Generally, **14:1, 14:2**

### **PRELIMINARY INJUNCTIONS**

Temporary restraining order replaced, **17:2**

### **PRINCIPAL**

Generally, **3:7**

### **PROCESS AND SERVICE OF PROCESS**

Generally, **4:1 to 4:4, 19:1**

Attachment proceedings, **4:1, 21:2**

Civil summons form, **25:7, 25:8**

Constable, service by, **4:3**

Constructive service, **4:2**

**Depositions** (this index)

Document or object, command for production of, **25:42, 25:45**

Filing and recording, **19:3**

Foreign judgment registration, **4:4**

Garnishment, **4:1, 11:1**

**Long Arm Statutes** (this index)

Possession writ and bond, **4:1, 17:3**

Post-judgment discovery, subpoena, **10:1**

Prejudgment seizure, **14:1**

Receipts, **25:61**

Replevin process, **4:1, 20:2**

**Return of Service** (this index)

Sheriff, service by, **4:3**

Status of summons, e-mail to get, **24:5**

Status of summons, letter to get, **24:5**

Subpoenas

generally, **25:34, 25:42**

**Depositions** (this index)

document or object, command for production of, **25:42, 25:45**

general form, **25:42**

interstate depositions, **7:7**

post judgment discovery, **10:1**

term time subpoena, **25:40**

Summons

civil summons form, **25:7, 25:8**

filing and recording, **19:3**

status of summons, e-mail to get, **24:5**

status of summons, letter to get, **24:5**

Temporary restraining orders, **17:1, 17:3**

Term time subpoena, **25:40**

U.S. Marshals Service, **25:61**

Witnesses. Subpoenas, below

**PRO CONFESSO JUDGMENTS**

Judgments Pro Confesso (this index)

**PRODUCTION OF DOCUMENT OR OBJECT**

Generally, 7:4, 25:42, 25:45

**PROMISSORY NOTES**

Discovery forms, 25:22, 25:23

**PROOF OF CLAIMS**

Attachment, 25:100

Bankruptcy, 23:15

**PROPERTY**

Personal Property (this index)

Real Property (this index)

**PUBLIC OFFICERS AND EMPLOYEES**

Attachment and garnishment  
federal employees, garnishment of,  
11:7

**QUASI IN REM JURISDICTION**

Attachment, obtaining jurisdiction  
through, 16:1

**REAFFIRMATION AGREEMENTS**

Attachment, 25:98

Bankruptcy, 23:8

**REAL PROPERTY**

Deeds (this index)

Execution, 13:1, 19:20, 25:62

Garnishment of rent, 11:1

Mortgages (this index)

Settlement negotiations, 6:1

Strict foreclosure prohibited, 3:12

**RECORDING**

Filing and Recording (this index)

**REDEMPTION**

Real property, 13:1

**REFUNDS**

Unearned interest, 3:8

**REGISTERED MAIL**

Temporary restraining order service,  
17:1

**REGISTRATION**

Foreign judgments, 4:4, 19:6, 19:7,  
25:4, 25:5

**RELEASE**

Discharge (this index)

**REMAINDERS**

Execution against real property, 13:1

**RENT**

Garnishment, 11:1

**REPLEVIN**

Generally, 14:1, 15:1, 20:1 to 20:13

Affidavits, 14:1, 25:68, 25:70, 25:74,  
25:80

Agreed judgments, 14:1, 20:10, 25:78

Bonds, 14:1, 15:1, 25:71, 25:82

Default judgments, obtaining, 20:4,  
25:73 to 25:76

Demand notice, 25:69

Deposition use in contested cases, 20:6

Discovery, 20:6, 20:7

Ex parte proceedings, 15:1, 20:11 to  
20:13, 25:80 to 25:83

Filing suit, 20:1, 20:11

Forms related to replevin, 25:66 to  
25:83

Hearings, 20:5, 20:12

Interrogatories, 20:8, 25:17

Issuance and execution of possession  
writs, 20:3

Legal action assignment form, 18:5

Notice and knowledge, demand notice,  
25:69

Orders of Courts (this index)

Possession Writs (this index)

Process and service of process, 4:1, 20:2

Request for admissions, 20:8, 25:16

Rights of creditors, 3:10

Settling contested cases, agreed judg-  
ment, 20:10

Summary judgment, obtaining, 20:9

**REPORTING REQUIREMENTS**

IRS, discharge of indebtedness, 6:2 to  
6:5

**REPOSSESSION OF COLLATERAL**

Attorneys' fees award, 3:9

Summary judgment following, 8:1

**REQUESTS FOR ADMISSIONS**

Admission Requests (this index)

**REQUESTS FOR PRODUCTION**

Generally, 7:4, 25:42, 25:45

**RESALE OF COLLATERAL**

Generally, 3:12

Attorneys' fees award, 3:9

**RESIDENCE**

Nonresidents (this index)

**RETURN OF SERVICE**

Constable, 4:3

Methods, 4:2

## INDEX

### **RETURN OF SERVICE—Cont'd**

- Sheriff, **4:3**
- Special bailiff, **4:3**
- U.S. Marshals Service, **25:61**

### **REVERSIONS**

- Execution against real property, **13:1**

### **REVIVAL OF ACTIONS**

- Decedent's estate, collection from, **22:13**

### **SAFETY DEPOSIT BOXES**

- Garnishment, **11:1**

### **SALES**

- Execution sales, **12:1, 13:1, 19:19**
- Secured creditor's sale of property, **3:12**

### **SAVINGS AND LOANS**

- Financial Institutions** (this index)

### **SEAMEN**

- Garnishment, **11:8**

### **SECURED CREDITORS**

- Mortgages** (this index)
- Nature of cause of action, **3:13**
- Replevin, **15:1**
- Repossession of Collateral** (this index)
- Resale of collateral, **3:13**

### **SELF-HELP**

- Rights of creditors, **3:10**

### **SERVICE OF PROCESS**

- Process and Service of Process** (this index)

### **SETTLEMENTS**

- Agreed judgments or agreed order of dismissal, **19:12**
- Attachment proceedings, **21:10**
- Negotiation
  - generally, **6:1**
  - IRS form 1099-C reporting, **6:2 to 6:5**
  - Uniform Commercial Code, accepting checks in payment under, **6:6**
- Replevin cases, **20:10**

### **SHERIFF**

- E-mail to sheriff
  - clerk does not forward to sheriff, **24:4**
  - status of summons, letter to get, **24:5**
- Execution, **12:1**
- Letters to sheriff
  - clerk does not forward to sheriff, **24:4**
  - status of summons, letter to get, **24:5**
- Levy on real property, **13:1**
- Service of process by, **4:3**

### **SHERIFF—Cont'd**

- Temporary restraining order service requirements, **17:1**

### **SIGNATURE**

- Attorney's signature on pleadings, **5:1**

### **SPECIAL BAILIFFS**

- Affidavit for appointment, **25:10**
- Court order, **25:11**
- Service of process by, **4:3**
- Temporary restraining order service requirements, **17:1**

### **SPOUSE**

- Husband and Wife** (this index)

### **STATUTE OF LIMITATIONS**

- Consumer Financial Protection Bureau enforcement, **1:5**
- Fair Debt Collection Practices Act, **2:4**
- Judgments, **12:1**

### **STATUTORY LIENS**

- Attorneys' fees awards, **3:9**

### **STAYS**

- Appeal, stays affecting post-judgment enforcement, **10:5**
- Attachment, **25:99, 25:101 to 25:106**
- Bankruptcy, terminating the automatic stay, **23:9**
- Execution stay, **12:1**

### **STRIKING OF PLEADINGS**

- Discovery sanctions, **7:8**

### **SUBPOENAS**

- Process and Service of Process** (this index)

### **SUMMARY JUDGMENT**

- Generally, **8:1**
- Affidavit in support of motion, **8:1, 19:10, 25:24**
- Attachment proceedings, **21:9**
- Discovery as foundation, **7:1**
- Getting summary judgment, **19:11**
- Immunity, absolute or qualified, **8:2**
- Letter of submission, **25:25**
- Motion, notice, and judgment, **8:1, 25:24 to 25:26**
- Replevin cases, **20:9**
- Settlement negotiations, **6:1**

### **SUMMONS**

- Process and Service of Process** (this index)

**SUPERIOR COURTS**

Temporary restraining order, power to grant, **17:1**

**SURETIES**

Bonds, **15:1**  
 Post-judgment discovery, stays pending appeal, **10:5**  
 Replevin action bond, **15:1**

**TAXATION**

IRS, discharge of indebtedness, **6:2 to 6:5**

**TELEPHONE CONTACTS**

Fair Debt Collection Practices Act, **2:7**

**TEMPORARY RESTRAINING ORDERS**

Generally, **17:1 to 17:5**

**TERM TIME SUBPOENA**

Form, **25:40**

**THIRD PARTIES**

Garnishment, **11:1**  
 Notice and knowledge, third-party collector, **24:3**  
 Post-judgment discovery, proceedings supplemental, **10:3**

**TIME**

Decedent's estate, time to file a claim, **22:3**  
 Service of process and affidavit of foreign judgments, **4:4**  
 Settlement negotiations, extension of time, **6:1**  
 Subpoenas, term time subpoena, **25:40**

**TITLE**

Real property, conveyance of title by sheriff, **13:1**

**TRIAL BY JURY**

**Jury and Jury Trial** (this index)

**TWO ACCOUNTS**

Complaints, **25:3**

**UNCONSTITUTIONALITY**

**Constitutionality** (this index)

**UNIFORM COMMERCIAL CODE**

Settlement negotiations, accepting checks in payment under, **6:6**

**UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT**

Service of process and affidavit, **4:4**

**UNSECURED CREDITORS**

Nature of cause of action, **3:11**

**UNSECURED CREDITORS—Cont'd Secured Creditors** (this index)

**U.S. DISTRICT COURT**

Bill of costs, **25:27**  
 Post-judgment discovery, **19:13**  
 Wage garnishment, notice of rights to assert exemption to, **25:52**

**U.S. MARSHALS SERVICE**

Process and service of process, return and receipt, **25:61**

**VALIDATION NOTICE**

Requirements under Fair Debt Collection Practices Act, **2:12**

**VALUATION**

**Appraisals** (this index)

**VENUE**

Generally, **3:3 to 3:6**  
 Chart, **3:5**  
 Corporations, **3:4**  
 County circuit courts, **3:3**  
 Quick reference chart, **3:5**  
 Service of process and affidavit of foreign judgments, **4:4**

**VIDEOTAPED DEPOSITIONS**

Generally, **7:6**

**VOIR DIRE**

Importance, **9:1**

**WAGES**

**Garnishment** (this index)

**WAIVER AND ESTOPPEL**

Attorneys' fees waiver in conditional settlement, **6:1**

**WARNING ORDER ATTORNEYS**

Generally, **4:2**

**WITNESSES**

**Depositions** (this index)  
**Process and Service of Process** (this index)

**WIVES**

**Husband and Wife** (this index)

**WRIT OF ATTACHMENT**

Form, **25:97**

**WRIT OF EXECUTION**

Generally, **10:1, 25:65**

**WRITS OF POSSESSION**

**Possession Writs** (this index)

INDEX

**WRONGFUL ATTACHMENT**

Attorneys' fees award, **3:9**

Damages, **15:1**

**WRONGFUL DETENTION**

Action, **15:1**