

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

CROP PRODUCTION SERVICES,)
INC., a Delaware)
corporation,)
)
Plaintiff,)
)
v.)
)
TED BAXTER, an individual,)
)
Defendant.)

CIVIL ACTION NO.
1:10cv395-MHT
(WO)

ORDER

By final judgment entered on July 12, 2010, plaintiff Crop Production Services, Inc. is to have and recover from defendant Ted Baxter the sum of \$ 255,023.66, plus interest on that amount at \$ 110.2446 per day from June 9, 2010, until the date of the judgment, and attorney's fees and costs for this lawsuit. On July 27, 2010, a writ of garnishment was issued against garnishee People's South Bank, c/o Larry Pitchford, 519 Kirkland Street, Abbeville, Alabama 36104, claiming that Baxter is

indebted to Crop Production Services in the amount of \$ 255,023.66.¹ On July 30, 2010, People's South Bank filed an answer indicating that it is not indebted to Baxter. Answer at 1 (Doc. No. 15).²

Accordingly, it is ORDERED that plaintiff Crop Production Services, Inc. and defendant Ted Baxter show cause, if any there be, in writing by August 30, 2010, as to why final judgment should not be entered in favor of

1. Neither the application for the writ nor the writ itself makes any reference to interest, attorneys' fees or costs.

2. People's South Bank provided its answer on a form served with the writ of garnishment. This form instructs the garnishee to "check the appropriate answer(s) below" and then provides a list of common answers to a writ of garnishment. In making its answer, People's South Bank did not check the box next to the statement "the garnishee was not indebted to the defendant when the process was received, or, when making this Answer or during the intervening time, the garnishee does not have possession or control of any belongings of the defendant." Answer at 1. Instead, it checked the box for "Other" and wrote "Bank account closed." Id. The court reads this as a representation that People's South Bank is not indebted to Baxter.

garnishee People's South Bank, discharging the writ of
garnishment issued on July 27, 2010.

DONE, this the 10th day of August, 2010.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE