



## Glossary of Terms

**Attachment:** A writ against property, which commands the Sheriff to seize property belonging to the defendant to satisfy the claim of the plaintiff.

**Competent:** A person who is capable of understanding the contents of the papers served.

**Eviction Summons & Complaint:** A summons to the defendant to appear and answer for unlawfully detaining certain premises.

**Summons and Complaint for Eviction Posting:** A process where a copy of an eviction action is affixed onto some part of the premises where it can be conveniently read and a copy also mailed to the defendant's last known address.

**Execution:** A writ to enforce a judgment, which requires the payment of money or the delivery of property.

**Family Member:** In the service of process context, a family member is a relative who is part of the household.

**Garnishment:** An action whereby a creditor attempts to satisfy his/her claim by seizing assets that belong to the debtor but are in the hands of a third party.

**Garnishee Defendant:** The party in a garnishment action who is holding assets owed to the debtor.

**Habeas Corpus:** A writ directed to a person detaining another, commanding they produce the body of the prisoner at a certain time and place.

**Injunction:** An order after a hearing that is intended to protect one individual from violence, abuse, harassment, stalking, etc. by another for a specified period of time.

**Large Claims Action:** An action on a claim for greater than five-thousand dollars (\$5,000.00).

**Personal Service:** The direct serving of a copy of a paper to a specific individual which cannot be substituted upon another person.

**Principal Defendant:** The debtor (person owing money).

**Reasonable Diligence:** A pursuit of leads or information reasonably calculated to make service possible.

**Replevin:** A process commanding the Sheriff to seize property, which is in the hands of the defendant.

**Resisting/Obstructing an Officer:** It is a Class A misdemeanor to resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

Obstruction includes giving false information or knowingly placing physical evidence with the intent to mislead the officer in the performance of his/her duties including the service of any civil process.

In addition, whoever, in violating the resisting/obstructing statute, hinders, delays, or prevents an officer from properly serving or executing any civil process, is civilly liable to the person injured for any actual loss caused, and to the officer or their superior for any damages adjudged against either of them.

**Small Claims Action:** An action on a claim that is for less than five-thousand dollars (\$5,000.00).

**Substituted Service:** The serving of a copy of the paper at the party's usual place of abode to a competent member of the family at least fourteen (14) years of age or to any competent adult currently residing in the abode.

**Terminating Tenancy:** A notice informing the tenant to vacate the premises by a specified date.

**Usual Place of Abode:** The actual premises where the party eats, sleeps, and gets mail, etc.

**Writ of Restitution (Eviction/Assistance):** An action, which commands the Sheriff to remove the defendant and/or property from the premises so that the owner may have peaceful possession of the same and to satisfy the judgment for cost.