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AlaFile E-Notice

58-CV-2021-900798.00

Judge: JONATHAN A. SPANN

To: SIPES JADE ELEANOR
jsipes@bakerdonelson.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

COLONIAL FUNDING NETWORK INC VS MICHAEL MANN DBA SABRINA'S UNIQUE
58-CV-2021-900798.00

The following matter was FILED on 9/6/2023 3:37:35 PM

Notice Date: 9/6/2023 3:37:35 PM

MARY HARRIS
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SHELBY COUNTY, ALABAMA
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112 NORTH MAIN STREET
COLUMBIANA, AL, 35051

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DOCUMENT 56

Under the Act, once a foreign judgment (like the Virginia Judgment) is produced and verified, it is presumed valid and presumed that the issuing court had jurisdiction to enter the judgment. *See Century Intern. Mgmt. v. Gonzalez*, 601 So. 2d 105, 107 (Ala. Civ. App. 1992). Under the Act, the burden is on the party challenging the validity of the foreign judgment (here, Mr. Mann) to assert and demonstrate the rendering court's lack of jurisdiction. *Id.* Mr. Mann has not met his burden. Mr. Mann did not submit any evidence to show that the Virginia Judgment is invalid.

Mr. Mann primarily argues that he was not served with process in Virginia, but he failed to submit any evidence to the Court showing that.[1] He therefore has failed to meet his burden under the Act to show that the Virginia Judgment is invalid. *See Cambria, Inc. v. Worldwide Custom Materials, Inc.*, 10 So. 3d 615, 617 (Ala. Civ. App. 2008) (holding that unsworn allegations were insufficient to establish that the issuing court lacked jurisdiction to issue the foreign judgment). In addition, the Virginia Court "examined" service and concluded that it had been proper before entering the Virginia Judgment. That determination is entitled to full faith and credit. Finally, even putting aside that Mr. Mann has not met his burden, this Court concludes that Mr. Mann was properly served in the Virginia action. This Court must apply Virginia law to determine whether service of process was proper. *See Canon Fin. Servs., Inc. v. Nat'l Voting Rts. Museum & Inst., Inc.*, 57 So. 3d 766, 769 (Ala. Civ. App. 2010) ("[I]t is readily apparent that the Alabama court's views concerning the efficacy of service of process in the underlying action under Alabama law are *immaterial* to whether full faith and credit should be extended to the judgment of the New Jersey court. Rather, it is to the validity of the New Jersey court's judgment under New Jersey law that *Greene* directs a reviewing court." (emphasis added)). Mr. Mann does not argue that service of process was improper under Virginia law.

DOCUMENT 56

Besides that, the evidence submitted to the Court shows that Mr. Mann was, in fact, properly served under Virginia law.[2]

It is hereby **ORDERED, ADJUDGED, and DECREED:**

1. Mr. Mann's motion in opposition to domestication of foreign judgment is **DENIED.**

2. The Clerk is **ORDERED** to immediately **ENROLL** the Virginia Judgment.

3. The Virginia Judgment is entitled to full faith and credit in Alabama, and Colonial is permitted to enforce the Virginia Judgment in Alabama.

DONE this 6th day of September, 2023.

/s/ JONATHAN A. SPANN
CIRCUIT JUDGE



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
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Allen S. Bezel

[1] The Court rejects all other arguments made by Mr. Mann.

[2] Mr. Mann also filed a motion to strike two USPS green card receipts *after* the Court held oral arguments on Mr. Mann's motion. The Court **DENIES** Mr. Mann's motion.