

# Clay County Sheriff's Office - Glossary of Terms

The responsibilities of Clay County Sheriff's Office Civil Unit are closely tied to civil court procedures, so we've provided this glossary of terms to assist your understanding of some of the language used in this section

**Affidavit** - A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.

**Attorney of Record** - Attorney whose name must appear somewhere in permanent records or files of case, or on the pleadings or some instrument filed in the case, or on appearance docket.

**Bond** - A certificate or evidence of a debt on which the issuing company or governmental body promises to pay the bondholders a specified amount of interest for a specified length of time, and to repay the loan on the expiration date.

**Certified Copy** - A copy of a document or record, signed and certified as a true copy by the officer to whose custody the original is entrusted.

**Court order** - Direction of a court or judge made or entered in writing, and not included in a judgment, which determines some point or directs some step in the proceedings.

**Defendant** - The person defending or denying; the party against whom relief or recovery is sought in an action or suit or the accused in a criminal case.

**Distress Writ** - A writ that enables a common-law right of landlord, now regulated by statute, to seize a tenant's goods and chattels in a nonjudicial proceeding to satisfy an arrears of rent.

**Docket** - To abstract and enter in a book. To make a brief entry of any proceeding in a court of justice in the docket. A minute, abstract, or brief entry; or the book containing such entries. A formal record, entered in brief, of the proceedings in a court of justice.

**Docket Fee** - An attorney's fee, of a fixed sum, chargeable with or as a part of the costs of the action, for the attorney of the successful party.

**Enforce** - To put into execution; to cause to take effect; to make effective; as, to enforce a particular law, a writ, a judgment or the collection of a debt or fine; to compel obedience to.

**Entity** - A real being; existence. An organization or being that possesses separate existence for tax purposes. Entity includes person estate, trust and governmental unit.

**Execution** - Carrying out some act or course of conduct to its completion. Execution of contract includes performance of all acts necessary to render it complete as an instrument and imports idea that nothing remains to be done to make complete and effective contract. Execution upon a money judgment is the legal process of enforcing the judgment, usually by seizing and selling property of the debtor. Form of process whereby an official (usually a sheriff) is directed by way of an appropriate judicial writ to seize and sell so much of the debtor's nonexempt property as is necessary to satisfy a judgment.

**Eviction** - Dispossession by process of law; the act of depriving a person of the possession of land or rental property which he has held or leased. Act of turning a tenant out of possession, either by re-entry or legal proceedings.

**Hearing** - A proceeding of relative formality (though generally less formal than a trial), generally public, with definite issues of fact or of law to be tried, in which witnesses are heard and evidence presented. It is a proceeding where evidence is taken to determine issue of fact and to render decision on basis of that evidence.

**Incarceration** - Imprisonment; confinement in a jail or penitentiary.

**Injunction** - A court order prohibiting someone from doing some specified act or commanding someone to undo some wrong or injury.

**Judgment** - A sense of knowledge sufficient to comprehend nature of transaction. The formation of an opinion or notion concerning some thing by exercising the mind upon it.

**Legal Description** - A description of real property by government survey, metes and bounds, or lot numbers of a recorded plat including a description of any portion thereof subject to an easement or reservation, if any. Such must be complete enough that a particular parcel of land can be located and identified.

**Levy** - A seizure. The obtaining of money by legal process through seizure and sale of property; the raising of the money for which an execution has been issued.

**Notice** - Information concerning a fact, actually communicated to a person by an authorized person, or actually derived by him from a proper source, and is regarded in law as 'actual' when the person sought to be affected by it knows thereby of the existence of the particular fact in question.

**Petition** - A written address, embodying an application or prayer from the person or persons preferring it, to the power, body or person to whom it is presented, for the exercise of his or their authority in the redress of some wrong, or the grant of some favor, privilege or license.

**Replevin** - An action whereby the owner or person entitled to repossession of goods or chattels may recover those goods or chattels from one who has wrongfully taken or who wrongfully detains such goods or chattels.

**Restraining Order** - An order in the nature of an injunction which may issue upon filing of an application for an injunction forbidding the defendant from doing the threatened act until a hearing on the application can be had.

**Satisfaction** - An entry made on the record, by which a party in whose favor a judgment was rendered declares that he has been satisfied and paid.

**Satisfaction of Judgment** - A document such as an execution enforced by the judgment creditor and indicating that the judgment has been paid.

**Seizure** - The act of taking possession of a property for a violation of law or by virtue of an execution of a judgment. Term implies a taking or removal of something from the possession, actual or constructive, of another person or persons.

**Subpoena** - A command to appear at a certain time and place to give testimony upon a certain matter.

**True copy** - A true copy does not mean an absolutely exact copy but means that the copy shall be so true that anybody can understand it.

**Witness** - One who, being present, personally sees or perceives a thing. One who is called to testify before a court. A person whose declaration under oath (or affirmation) is received as evidence for any purpose, whether such declaration be made on oral

examination or by deposition or affidavit. A person attesting genuineness of signature to document by adding his signature. One who is called upon to be present at a transaction, or the making of a will. He may thereafter, if necessary, testify to the transaction.

**Writ** - A written judicial order to perform a specified act, or giving authority to have it done. A written court order or a judicial process, directing that a sheriff or other judicial officer do what is commanded by the writ.

**Writ of Attachment** - An order to seize a debtor's property so as to secure the claim of a creditor. A writ employed to enforce obedience to an order or judgment of the court. It may take the form of taking or seizing property to bring it under control of the court.

**Writ of Execution** - A writ to put in force the judgment or decree of a court. Formal, written command of a court directing a sheriff or other official to enforce a judgment through process of execution.