**Civil Procedure Key Terms**

**Alternative Service** − a method of delivering to an uncooperative defendant **Answer** − a defendant’s written reply to a plaintiff’s petition

**Applicant** − a party making application to the court or petitioning for some action

**Attachment** − a procedure or writ which may be used to bring a person or property into thecustody of the court

**Citation** − an official notice from a court of competent jurisdiction, issued to a defendant after aplaintiff’s petition is filed; the citation commands the defendant to answer and appear in court at a specific time

**Civil Law** − portion of the law which defines the personal and property rights of individuals, therights of an individual to seek redress or to prevent a wrong, and any action other than criminal proceedings

**Civil subpoena** − a command to appear at a certain time and place to give testimony upon acertain matter

**Contempt** − proceedings held to determine whether a person has violated a lawful court orderand to set punishment if a violation is found

**Default judgment** − can result when there is a failure to perform some action required by lawwithin the specified time. May be rendered against a party who has failed to answer or appear as directed

**Diligent effort** − persistent activity, prudence or care; what is properly expected from areasonable and prudent person under the particular circumstances

**Ex Parte** − any proceedings which are held for the benefit of, or on application of only one party;in the absence of one party

**Execution of judgment** − mostcommon writ, issued to seize property to satisfy a judgment

**Garnishment** − a writ and process directed to one who has money or property in hispossession belonging to the defendant, ordering the third person not to deliver or pay it to the defendant but to deliver or hold it for the plaintiff or as directed by the court

**Habeas Corpus** − a writ which orders that a person be brought before the court in order to testthe legality of his detention by the person to whom the writ is directed

**Injunction** − a writ issued by a court that demands or prohibits specified actions

**Judgment** − The final order of a court in a civil suit which settles all disputed issues anddetermines the rights of the parties with regard to the subject matter of the suit, and which is subject to being enforced by a writ

**Jurisdiction** − the power of a court to lawfully act with regard to persons and property **Orders** − the directions of a court or judge; a mandate or command

**Petition** − A document filed by theplaintiff with the clerk of the court which outlines the basis ofthe complaint against the defendant and the relief being sought from the court

**Plaintiff** − a party in a civil suit; mainly the one who initiates the suit by filing a petition

**Possession** − awrit employed to enforce a judgment to recover possession of real or personalproperty (used in eviction process)

**Process** − all writs and official documents issued by courts in connection with pending suits **Respondent** − defendant in a civil suit

**Restraining Order** − an order to the defendant prohibiting him or her from performing an actprohibited in the order until a formal hearing can be conducted

**Return** − the endorsement made by a constable or sheriff upon process; writ or notice statingwhat has been accomplished, and the time and mode of service

**Service** − the delivery of a writ, notice or injunction, etc. by an authorized person, to a personwho is thereby officially notified of some proceeding concerning him or her

**Sequestration** − an order directing the sheriff or constable to take into his or her possessioncertain property of which another person has possession until the suit can be decided or as the court directs

**Show cause** − a notice to the defendant to either appear in court or prepare a written answer toshow cause for failing to respond to a previous order of the court (a.k.a. notice)

**Style or format** − the prescribed structure for the clerks of the court to use in developing theprocess

**Subpoena Duces Tecum** − process by which a court, at the direction of a party, commands awitness who has in his possession or control some document or paper that is pertinent to the issues of a pending controversy, to produce it at the trial

**Tort** − any one of various legally recognized private injuries or wrongs; a civil action

**Writ** − a legal order issued by the court, in the name of the state to compel a person to dosomething specifically ordered