

# OFFICE OF THE ATTORNEY GENERAL

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Honorable Melvin Bailey  
Sheriff, Jefferson County  
Jefferson County Courthouse  
716 North 21st Street  
Birmingham, Alabama 35263-0059

Sheriffs - Judgments -  
Interest

When the interest on a judgment has already been computed by the court clerk or plaintiff's attorney, the Sheriff does not necessarily have to recompute the interest but he should take whatever steps needed to ensure that the computation of interest is correct.

Dear Sheriff Bailey:

Reference is made to your request for an opinion regarding the computation of post-judgment interest by a sheriff. You specifically posed the following question:

"Attached to this letter is a copy of an opinion issued June 26, 1985, in response to an inquiry by Thomas H. Benton, Sheriff of Baldwin County, Alabama. By that opinion, the Attorney General has concluded:

- (1) that the sheriff of each county is responsible for computing the amount of post-judgment interest due on a judgment, and

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(2) that the clerk of court is responsible for noting the date of judgment and the applicable rate of interest to be collected somewhere on his/her Writ of Execution.

The practice in Jefferson County is for an execution to be delivered by the clerk to the Sheriff's Department with the interest already computed and the total amount to be collected shown on the execution. Presumably, the computation of interest due is made either by the clerk of court, or by the plaintiff's attorney at the time execution is requested.

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My question, in light of your opinion of June 26, 1985, is whether the sheriff, in cases where interest has already been computed at the time an execution is received, should recompute such interest, or whether the sheriff should collect the total amount shown on the Writ of Execution as computed by the clerk of court and/or the plaintiff's attorney."

Because there is no specific law or appellate court cases stating who is to compute interest on a judgment, the Attorney General in the opinion to Sheriff Benton, supra interpreted Code of Alabama 1975, Section 36-22-3, Section 6-9-80 and Section 6-9-101 to conclude that a sheriff is responsible for computing post-judgment interest due under Code of Alabama 1975, Section 8-8-10. The Attorney General further concluded that it is the duty of the court clerk to note the date of judgment and the rate of interest to be charged on an execution.

Using the conclusions in the opinion to Sheriff Benton, the Attorney General is of the opinion that in cases when the

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interest on a judgment has already been computed by the court clerk or plaintiff's attorney when the execution is received by the sheriff, the Sheriff does not necessarily have to recompute the interest but he should take whatever steps that are needed to ensure that the computation of interest on the execution is correct. If it is necessary to recompute the interest to make certain that it is correct, then this action must be taken because it is ultimately the responsibility of the sheriff to compute the post-judgment interest.

I hope that your question has been adequately answered.

If our office can be of assistance to you in the future, please let us know.

Sincerely,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

BY:



LYNDA KNIGHT OSWALD  
ASSISTANT ATTORNEY GENERAL

CAG:lo:w