Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Civil Procedure Exam**

1. \_\_\_\_\_ Which of the following occurs first in the civil suit process?
   1. Plaintiffs must be within the statute of limitations to file a suit
   2. The petition is filed in the proper court
   3. Some type of demand is made on the defendant and if the parties are unable to resolve the dispute, suit may commence
   4. The petition (which tells what the suit is about) is prepared
2. \_\_\_\_\_ Which of the items below must be included on a citation?
   1. Notice of filing of a written answer in a specified time
   2. Plain language (“You have been sued”)
   3. Notification to the defendant that failure to file a written answer can result in a judgment of default
   4. All of the above
3. \_\_\_\_\_ A citation may be served in which of the following ways?
   1. Face-to-face
   2. Publication
   3. Registered or certified mail
   4. All of the above
4. \_\_\_\_\_ Which of the following is a method of delivering to an uncooperative defendant?
   1. Alternative service
   2. Answer
   3. Diligent effort
   4. Service
5. \_\_\_\_\_ Unlike other civil processes, a citation may be served on Sunday.
   1. True
   2. False
6. \_\_\_\_\_ Which of the following is a defendant’s written reply to a plaintiff’s petition?
   1. Citation
   2. Confession
   3. Order
   4. Show cause
7. \_\_\_\_\_ Which of the following describes a party making application to the court or petitioning for some action?
   1. Citation
   2. Defendant
   3. Applicant
   4. Plaintiff
8. \_\_\_\_\_ Which of the following is an official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff’s petition is filed; this citation commands the defendant to answer and appear in court at a specific time:
   1. Default judgment
   2. Order
   3. Judgment
   4. Citation
9. \_\_\_\_\_ Which of the following are proceedings held to determine whether a person has violated a lawful court order and to set punishment if a violation is found?
   1. Contempt
   2. Petition
   3. Service
   4. Tort
10. \_\_\_\_\_ Which of the following can result when there is failure to perform some action required by law within specified time? In a civil lawsuit, this decision may be rendered against a party who has failed to answer or appear as directed.
    1. Alternative service
    2. Default judgment
    3. Show cause
    4. Judgment
11. \_\_\_\_\_ Which of the following is persistent activity, prudence or care that is properly expected from a reasonable and prudent person under the particular circumstances?
    1. Alternative service
    2. Process
    3. Diligent effort
    4. Petition
12. \_\_\_\_\_ Which of the following is the final order of a court in a civil suit which settles all disputed issues, determines the rights of the parties with regard to the subject matter of the suit, and which is subject to being enforced by a writ?
    1. Default judgment
    2. Orders
    3. Answer
    4. Judgment
13. \_\_\_\_\_ Which of the following are the directions of a court or judge (a mandate or command)?
    1. Orders
    2. Judgment
    3. Process
    4. Contempt
14. \_\_\_\_\_ Which of the following is a document filed by the plaintiff with the clerk of the court that outlines the basis of the complaint against the defendant and the relief being sought from the court?
    1. Citation
    2. Petition
    3. Default judgment
    4. Tort
15. \_\_\_\_\_ Which of the following includes all writs and official documents issued by courts in connection with pending suits?
    1. Orders
    2. Petition
    3. Citation
    4. Process
16. \_\_\_\_\_ Which of the following is the defendant in a civil suit?
    1. Plaintiff
    2. Applicant
    3. Defendant
    4. Respondent
17. \_\_\_\_\_ Every officer or authorized person, upon receipt of process, should do which of the following?
    1. Endorse the date and time of receipt
    2. Execute without delay
    3. State when and by what manner served
    4. All of the above
18. \_\_\_\_\_ Which type of document is not an enforcement document in a lawsuit?
    1. Civil subpoena
    2. Subpoena Duces Tecum
    3. Judgment
    4. Writ
19. \_\_\_\_\_ A Writ of Possession is also known as which of the following?
    1. Garnishment
    2. Claim and delivery
    3. Attachment
    4. Sequestration
20. \_\_\_\_\_ Which of the following is a writ issued by a Justice of the Peace court directing the seizure of a tenant’s property for failure to pay rent as due; it can only be issued in a commercial tenant/landlord relationships:
    1. Distress warrant
    2. Garnishment
    3. Possession
    4. Attachment
21. \_\_\_\_\_ Process servers may trespass on private property to serve civil process.
    1. True
    2. False
22. \_\_\_\_\_ Protective Orders protect against which of the following?
    1. Committing further acts of violence
    2. Harassing or threatening of the victim
    3. Going to the school or daycare center of a protected child
    4. All of the above
23. \_\_\_\_\_ Who can file for a Protective Order?
    1. An adult member of the family or household
    2. A defense attorney
    3. A suspect
    4. A police officer
24. \_\_\_\_\_ Protective orders are both criminally and civilly enforceable.
    1. True
    2. False
25. \_\_\_\_\_ A Protective Order is valid for which of the following periods of time?
    1. 31 to 61 days
    2. 14 days
    3. Two years
    4. One year from date of imprisonment
26. \_\_\_\_\_ Emergency Protective Orders can be requested by which of the following?
    1. The police officer
    2. The victim
    3. The attorney representing the state
    4. All of the above
27. \_\_\_\_\_ An Emergency Protective Order is valid for which of the following periods of time?
    1. One year from date of release from imprisonment
    2. 2 years
    3. 31 to 61 days
    4. 14 days
28. \_\_\_\_\_ Which of the following is an emergency injunction that prohibits the suspect from contacting the victim through physical contact, telephone, email, text messages, letters, or messages delivered by third party?
    1. Order of No Contact
    2. Emergency Protective Order
    3. Protective Order
    4. Restraining Order
29. \_\_\_\_\_ Which of the following is the delivery of a writ, notice or injunction, etc. by an authorized person to a person who is thereby officially notified of some proceeding concerning him?
    1. Service
    2. Alternative service
    3. Show cause
    4. Process
30. \_\_\_\_\_ Which of the following is a notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court (a.k.a. notice)?
    1. Citation
    2. Petition
    3. Order
    4. Show cause
31. \_\_\_\_\_ Which of the following is any one of various legally recognized private injuries or wrongs (a civil action)?
    1. Tort
    2. Citation
    3. Answer
    4. Default judgment
32. \_\_\_\_\_ Which of the following is the portion of the law which defines the personal and property rights of individuals, the rights of an individual to seek redress or to prevent a wrong, and any action other than criminal proceedings?
    1. Criminal law
    2. Civil law
    3. Case law
    4. Statutory law
33. \_\_\_\_\_ Which of the following is an example of civil law?
    1. Divorce
    2. Child Custody
    3. Personal damage
    4. All of the above
34. \_\_\_\_\_ Which is not an action that may result in civil action?
    1. Improper use of force
    2. Official misconduct
    3. Assaulting an inmate
    4. Civil rights violation
35. \_\_\_\_\_ In civil cases, conduct is regulated through which two functions?
    1. Fines and imprisonment
    2. Monetary damage and injunctions
    3. Injunction and imprisonment
    4. Monetary damage and personal damage
36. \_\_\_\_\_ In a civil case, the verdict rendered by the court must be unanimous.
    1. True
    2. False
37. \_\_\_\_\_ Which of the following is a party in a civil suit; mainly the one who initiates the suit by filing a petition?
    1. Applicant
    2. Respondent
    3. Plaintiff
    4. Answer
38. \_\_\_\_\_ Which of the following is a procedure or writ which may be used to bring a person or property into the custody of the court?
    1. Garnishment
    2. Attachment
    3. Sequestration
    4. Habeas Corpus
39. \_\_\_\_\_ Which of the following is a command to appear at a certain time and place to give testimony upon a certain matter?
    1. Order
    2. Citation
    3. Civil subpoena
    4. Injunction
40. \_\_\_\_\_ Which of the following is any proceeding held for the benefit of, or on application of only one party (in the absence of one party)?
    1. Process
    2. Show Cause
    3. Ex Parte
    4. None of the above
41. \_\_\_\_\_ Which of the following is a writ and process directed to one who has money or property in his possession 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?
    1. Attachment
    2. Subpoena Duces Tecum
    3. Sequestration
    4. Garnishment
42. \_\_\_\_\_ Which of the following is a writ which orders that a person be brought before the court in order to test the legality of his detention by the person to whom the writ is directed?
    1. Habeas Corpus
    2. Sequestration
    3. Attachment
    4. Garnishment
43. \_\_\_\_\_ Which of the following is a writ employed to enforce a judgment to recover possession of real or personal property (used in the eviction process)?
    1. Attachment
    2. Possession
    3. Garnishment
    4. Sequestration
44. \_\_\_\_\_ Which of the following is an order to the defendant prohibiting him from performing an act prohibited in the order until a formal hearing can be conducted?
    1. Order
    2. Restraining Order
    3. Execution of judgment
    4. Judgment
45. \_\_\_\_\_ Which of the following is the endorsement made by a constable or sheriff upon process; a writ or notice stating what has been accomplished, and the time and mode of service:
    1. Citation
    2. Petition
    3. Return
    4. None of the above
46. \_\_\_\_\_ Which of the following is an order directing the sheriff or constable to take into his possession certain property of which another person has possession until the suit can be decided or as the court directs?
    1. Writ of Possession
    2. Attachment
    3. Garnishment
    4. Sequestration
47. \_\_\_\_\_ Which of the following is the process by which a court, at the direction of a party, commands a witness 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?
    1. Execution of judgment
    2. Injunction
    3. Civil Subpoena
    4. Subpoena Duces Tecum
48. \_\_\_\_\_ Which of the following is not required before filing the eviction process?
    1. 72-hour written notice to the defendant if the suit is for past due money
    2. Upon expiration of the appeal time the plaintiff may obtain a Writ of Possession to regain possession of the property
    3. 30-day notice for all other reasons
    4. Suit must be filed in the Justice of Peace precinct in which the property is located
49. \_\_\_\_\_ After notice has been given in an eviction, a suit is filed that requests the court to grant possession of the property to the plaintiff or landlord. This suit is called which of the following?
    1. Writ of Possession
    2. Writ of Attachment
    3. Forcible Entry and Detainer (Citation)
    4. Writ of Sequestration
50. \_\_\_\_\_ Once a Writ of Possession is executed, the landlord or plaintiff may remove property and place it in which of the following locations?
    1. A storage facility
    2. Inside the property
    3. Outside in the rain, sleet or snow
    4. Outside on public property
51. \_\_\_\_\_ A Writ of Reentry allows tenants back onto the premises of property they were unlawfully denied access to.
    1. True
    2. False
52. \_\_\_\_\_ Which is not a criminally enforceable law regarding child custody?
    1. Enticing a Child
    2. Agreement to abduct from custody
    3. Violation of a protective order
    4. Interference with Child Custody
53. \_\_\_\_\_ Which child custody law requires a person to agree for payment or promise of payment, to abduct a child under 18 by force, threat of force, misrepresentation, stealth, or unlawful entry?
    1. Interference with Child Custody
    2. Agreement to Abduct from Custody
    3. Enticing a child
    4. Child custody
54. \_\_\_\_\_ A person commits which of the following if, with intent to interfere with lawful custody of a child under 18, he or she knowingly entices, persuades, or takes the child from the custody of a parent?
    1. Enticing a Child
    2. Agreement to Abduct from Custody
    3. Interference with Child Custody
    4. Violation of Protective Order
55. \_\_\_\_\_ Which of the following constitutes Interference with Child Custody?
    1. The person retains a child
    2. The person removes a child from the jurisdiction of the court in an attempt to deprive the court of the authority over the child
    3. A noncustodial parent, with intent to interfere, entices or persuades the child to leave the custodial parent
    4. All of the above
56. \_\_\_\_\_ Interference with Child Custody is what level offense?
    1. Class A misdemeanor
    2. Class B misdemeanor
    3. State Jail Felony
    4. 2nd Degree Felony
57. \_\_\_\_\_ Violation of Protective Order restricts a person from doing which of the following?
    1. Communicating in a threatening or harassing manner
    2. Communicating a threat through a third party
    3. Going to or near the residence, employment, or business of the protected person
    4. All of the above
58. \_\_\_\_\_ Which of the following is a legal order issued by the court, in the name of the state to compel a person to do something specifically ordered?
    1. Writ
    2. Restraining order
    3. Sequestration
    4. Subpoena Duces Tecum