

House Bill 1072

By: Representative Snelling of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 4 of Title 18 of the Official Code of Georgia Annotated,
2 relating to postjudgment garnishment proceedings generally, so as to change certain
3 provisions relating to contents and service of summons of garnishment and requirements as
4 to filing of answer to summons; to change certain provisions relating to service of copy of
5 summons of garnishment upon defendant, notice of filing and issuance of summons of
6 garnishment, and time for distribution; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to
10 postjudgment garnishment proceedings generally, is amended by striking subsection (a) of
11 Code Section 18-4-62, relating to contents and service of summons of garnishment and
12 requirements as to filing of answer to summons, and inserting in lieu thereof the following:

13 "(a) The summons of garnishment shall be directed to the garnishee, commanding him or
14 her to file an answer stating what money or other property is subject to garnishment.
15 Except as provided in subsection (b) or (c) of this Code section, the answer must be filed
16 with the court issuing the summons not sooner than 30 days and not later than 45 days after
17 the service of the summons and must be accompanied by the money or other property
18 subject to garnishment. Upon the affidavit and summons being delivered to the sheriff,
19 marshal, constable, or like officer of the court issuing the summons, it shall be his or her
20 duty to serve the summons of garnishment upon the person to whom it is directed and to
21 make his or her entry of service upon the affidavit and return the affidavit to the court,
22 whereupon the clerk of the court shall send to the plaintiff by first class mail a copy of the
23 summons showing the perfected service thereof upon the garnishee. The summons of
24 garnishment shall state that, if the garnishee fails to answer the summons, a judgment by
25 default will be entered against the garnishee for the amount claimed by plaintiff against the
26 defendant."

SECTION 2.

Said article is further amended by striking paragraph (2) of subsection (a) of Code Section 18-4-64, relating to service of copy of summons of garnishment upon defendant, notice of filing and issuance of summons of garnishment, and time for distribution, and inserting in lieu thereof the following:

"(2) The plaintiff, after issuance of the summons of garnishment and not more than ~~three business days after~~ five days after the postmarked date of the mailing of the summons of garnishment by the clerk of the court to the plaintiff showing service of the summons of garnishment on the garnishee, shall cause a written notice to be sent to the defendant at the defendant's last known address by registered or certified mail or statutory overnight delivery, return receipt requested. Either the return receipt indicating receipt by the defendant or the envelope bearing the official notification from the United States Postal Service of the defendant's refusal to accept delivery of such registered or certified mail or statutory overnight delivery shall be filed with the clerk of the court in which the garnishment is pending. The defendant's refusal to accept such registered or certified mail or statutory overnight delivery addressed to defendant shall be deemed notice to defendant;"

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.