

Senate Bill 255 Pre File

By: Senator Stone of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor,
2 so as to modernize, reorganize, and provide constitutional protections in garnishment
3 proceedings; to provide for definitions; to provide for an affidavit and summons of
4 garnishment, contents, and procedure for garnishment; to provide for property being subject
5 to and exempt from garnishment; to provide for a garnishee's answer to a summons of
6 garnishment; to provide for garnishee expenses; to provide for a defendant's and third party's
7 claim and plaintiff's traverse to a garnishment proceeding; to provide for procedure for
8 claims and traverses; to provide for default judgment and opening of default judgments; to
9 provide for procedures only applicable to financial institutions; to provide for release of
10 garnishment; to provide for continuing garnishments; to provide for continuing garnishment
11 for support of family members; to provide for and require the use of certain forms for
12 garnishment proceedings; to amend Code Sections 44-7-50 and 53-12-80 of the Official
13 Code of Georgia Annotated, relating to demand for possession and spendthrift provisions,
14 respectively, so as to correct cross-references; to provide for related matters; to repeal
15 conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 style="text-align:center">**SECTION 1.**

18 Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, is
19 amended by repealing Chapter 4, relating to garnishment proceedings, and enacting a new
20 Chapter 4 to read as follows:

21 style="text-align:center">"CHAPTER 4

22 style="text-align:center">ARTICLE 1

23 18-4-1.

24 As used in this chapter, the term:

25 (1) 'Disposable earnings' means that part of the earnings of an individual remaining after
 26 the deduction for federal income tax, state income tax, withholdings for the Federal
 27 Insurance Contributions Act (FICA), and other mandatory deductions required by law.

28 (2) 'Earnings' means compensation paid or payable for personal services, whether
 29 denominated as wages, salary, commission, fee, bonus, tips, overtime, or severance pay,
 30 including recurring periodic payments from pensions or retirement plans, including, but
 31 not limited to, the United States Department of Veterans Affairs, Railroad Retirement
 32 Board, Keoghs, and individual retirement accounts.

33 (3) 'Entity' means a public corporation or a corporation, limited liability company,
 34 partnership, limited partnership, professional corporation, firm, or other business
 35 organization other than a natural person.

36 (4) 'Financial institution' means every federal or state chartered commercial or savings
 37 bank, including savings and loan associations and cooperative banks, federal or state
 38 chartered credit unions, benefit associations, insurance companies, safe-deposit
 39 companies, trust companies, any money market mutual fund, or other organization held
 40 out to the public as a place of deposit of funds or medium of savings or collective
 41 investment.

42 (5) 'Garnishee answer' or 'garnishee's answer' means the response filed by a garnishee
 43 responding to a summons of garnishment detailing the money or other property of the
 44 defendant that is in the possession of the garnishee or declaring that the garnishee holds
 45 no such money or other property of the defendant.

46 (6) 'Public corporation' means any department, agency, branch of government, or
 47 political subdivision, as such term is defined in Code Section 50-15-1, or any public
 48 board, bureau, commission, or authority created by the General Assembly.

49 18-4-2.

50 (a) The procedure in garnishment cases shall be uniform in all courts throughout this state
 51 that have jurisdiction to preside over garnishment proceedings.

52 (b) In all cases when a money judgment was obtained in a court of this state or a federal
 53 court or is being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the
 54 'Uniform Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12
 55 of Title 9, the 'Uniform Enforcement of Foreign Judgments Law,' the plaintiff shall be
 56 entitled to the process of garnishment.

57 (c) Except as otherwise provided in this chapter, Chapter 11 of Title 9 shall apply in
 58 garnishment proceedings.

59 (d) Any affidavit, garnishee answer, or pleading required or permitted by this chapter shall
60 be amendable at any time before judgment is entered or before money or other property
61 subject to garnishment is distributed by the court.

62 18-4-3.

63 (a) The plaintiff, the plaintiff's attorney, or the plaintiff's agent shall make, on personal
64 knowledge, an affidavit setting forth that the plaintiff has a judgment against a named
65 defendant, the amount remaining due on the judgment, the name of the court which
66 rendered the judgment, and the case number thereof.

67 (b) Upon the filing of the affidavit described in subsection (a) of this Code section with
68 the clerk of any court having jurisdiction to preside over garnishment proceedings, such
69 clerk shall cause a summons of garnishment to issue, provided that the plaintiff's affidavit
70 is:

71 (1) Made before any officer authorized to administer oaths, a notary public, such clerk,
72 or the deputy clerk of the court in which the garnishment is filed; and

73 (2) Submitted to and approved by any judge of the court in which the garnishment is
74 filed or submitted to and approved by any clerk or deputy clerk of such court if the court
75 has promulgated rules authorizing the clerk or deputy clerk of such court to review and
76 approve affidavits of garnishment.

77 (c) An affidavit of garnishment may be electronically submitted to the clerk or deputy
78 clerk of the court if the court has promulgated rules authorizing such submission.

79 (d) The form for an affidavit of garnishment is set forth in Code Section 18-4-71.

80 18-4-4.

81 (a) All obligations owed by the garnishee to the defendant at the time of service of the
82 summons of garnishment upon the garnishee and all obligations accruing from the
83 garnishee to the defendant throughout the garnishment period shall be subject to the
84 process of garnishment. No payment made by the garnishee to the defendant or on his or
85 her behalf, or by any arrangement between the defendant and the garnishee, after the date
86 of service of the summons of garnishment upon the garnishee shall defeat the lien of such
87 garnishment.

88 (b) All money or other property of the defendant in the possession or control of the
89 garnishee at the time of service of the summons of garnishment upon the garnishee or
90 coming into the possession or control of the garnishee throughout the garnishment period
91 shall be subject to the process of garnishment, provided that, in the case of collateral
92 securities in the hands of a creditor, such securities shall not be subject to garnishment so

93 long as there is an amount owed on the debt for which the securities were given as
 94 collateral.

95 (c) The garnishment period shall begin on the day of service of the summons of
 96 garnishment and, for:

97 (1) A continuing garnishment, shall include the next 179 days;

98 (2) Garnishments, other than a continuing garnishment or continuing garnishment for
 99 support, served on a financial institution, shall include the next 24 hours;

100 (3) A continuing garnishment for support, shall remain for so long as the defendant is
 101 employed by the garnishee and shall not terminate until the original arrearage is retired;
 102 and

103 (4) All other garnishments, shall include the next 29 days.

104 18-4-5.

105 (a)(1) Subject to the limitations set forth in Code Sections 18-4-6 and 18-4-53, the
 106 maximum part of disposable earnings for any work week which is subject to garnishment
 107 shall not exceed the lesser of:

108 (A) Twenty-five percent of the defendant's disposable earnings for that week; or

109 (B) The amount by which the defendant's disposable earnings for that week exceed 30
 110 times the minimum wage established by federal law, in effect on June 30, 2016.

111 (2) In case of earnings for a period other than a week, a multiple of the minimum wage
 112 established by federal law, as referenced in subparagraph (B) of paragraph (1) of this
 113 subsection, shall be used.

114 (b) When disposable earnings are held at a financial institution, the limitation on
 115 garnishment set forth in subsection (a) of this Code section shall apply.

116 (c) The limitation on garnishment set forth in subsections (a) and (b) of this Code section
 117 shall apply although the garnishee may receive a summons of garnishment in more than
 118 one garnishment case naming the same defendant unless the garnishee has received a
 119 summons of continuing garnishment for support as provided in Article 3 of this chapter.

120 (d) No employer shall discharge an employee by reason of the fact that such employee's
 121 earnings have been subjected to garnishment for any one obligation, even though more than
 122 one summons of garnishment may be served upon such employer with respect to the
 123 obligation.

124 18-4-6.

125 (a)(1) Certain earnings or property of the defendant may be exempt from the process of
 126 garnishment.

127 (2) Funds or benefits from an individual retirement account or from a pension or
 128 retirement program shall be exempt from the process of garnishment until paid or
 129 otherwise transferred to a member of such program or beneficiary thereof. Such funds
 130 or benefits, when paid or otherwise transferred to such member or beneficiary, shall be
 131 exempt from the process of garnishment only to the extent of the limitations provided in
 132 Code Section 18-4-5 for other disposable earnings, unless a greater exemption is
 133 otherwise provided by law.

134 (3) Exempt property shall not be considered disposable earnings for purposes of Code
 135 Section 18-4-5 or subsection (b) of Code Section 18-4-53.

136 (b) On or before July 1, 2016, the Attorney General shall create and maintain on the
 137 Department of Law's website a list of exemptions that a defendant may be allowed by law
 138 to claim in relation to a garnishment of his or her earnings or property. The Attorney
 139 General shall revise such list when exemptions are repealed, revised, or created by law.
 140 The Attorney General shall transmit a copy of such list to each clerk of court in this state
 141 who issues summonses of garnishment and transmit a revised list when a change is made
 142 to such list.

143 (c) Each clerk of court in this state who issues summonses of garnishment shall post and
 144 update such list of exemptions as promulgated by the Attorney General and shall provide
 145 such list to individuals upon request.

146 (d) A defendant may claim an exemption as provided in Code Section 18-4-15.

147 (e) The fact that an exemption is not identified by the Attorney General shall not preclude
 148 a defendant from claiming an exemption.

149 18-4-7.

150 (a) The amount shown on the summons of garnishment shall not exceed the amount the
 151 defendant owes the plaintiff pursuant to a judgment.

152 (b)(1) A summons of garnishment, or an attachment thereto, shall state on its face with
 153 particularity all of the following information, to the extent reasonably available to the
 154 plaintiff:

155 (A) The name of the defendant and, to the extent such would reasonably enable the
 156 garnishee to properly respond to the summons of garnishment, all known
 157 configurations, nicknames, aliases, former or maiden names, trade names, or variations
 158 thereof;

159 (B) The service address and the current address of the defendant and, to the extent such
 160 would reasonably enable the garnishee to properly respond to the summons of
 161 garnishment and such is reasonably available to the plaintiff, the past addresses of the
 162 defendant; and

163 (C) The social security number or federal tax identification number of the defendant;
 164 provided, however, that if such summons is filed with a court, the court filing shall be
 165 redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable. The
 166 defendant's full social security number or federal tax identification number shall be
 167 made known to the garnishee and defendant in accordance with Code Section 9-11-7.1
 168 or 15-10-54, as applicable, to the extent such information is reasonably available to the
 169 plaintiff.

170 (2) A summons of garnishment on a financial institution, or an attachment thereto, shall
 171 also state with particularity the defendant's account, identification, or tracking numbers
 172 known to the plaintiff used by the garnishee in the identification or administration of the
 173 defendant's funds or property; provided, however, that if such summons is filed with a
 174 court, the court filing shall be redacted in accordance with Code Section 9-11-7.1 or
 175 15-10-54, as applicable. The defendant's account, identification, or tracking numbers
 176 shall be made known to the garnishee and defendant in accordance with Code Section
 177 9-11-7.1 or 15-10-54, as applicable, to the extent such information is known to the
 178 plaintiff.

179 (3) A misspelling of any information required by this subsection, other than the surname
 180 of a natural person defendant, shall not invalidate a summons of garnishment, so long as
 181 such information is not misleading in a search of the garnishee's records.

182 (c) The form for a summons of garnishment is set forth in Code Section 18-4-74, and the
 183 optional attachment thereto is set forth in Code Section 18-4-75. The form for a summons
 184 of garnishment on a financial institution is set forth in Code Section 18-4-76, and the
 185 attachment thereto is set forth in Code Section 18-4-77.

186 (d) When a plaintiff uses the incorrect form for a summons of garnishment of any type, the
 187 garnishment shall not be valid and the garnishee shall be relieved of all liability.

188 18-4-8.

189 (a) The plaintiff shall serve the garnishee, as provided in Code Section 9-11-4, with a copy
 190 of the affidavit of garnishment, summons of garnishment, Notice to Defendant of Right
 191 Against Garnishment of Money, Including Wages, and Other Property, and Defendant's
 192 Claim Form. The plaintiff shall fill in the style of the case, except for the civil action file
 193 number, and the garnishment court information on such notice and claim form. Such
 194 notice and claim form are set forth in Code Section 18-4-82.

195 (b)(1) Not more than three business days after service of the summons of garnishment
 196 on the garnishee, the plaintiff shall cause a copy of the affidavit of garnishment, a copy
 197 of the summons of garnishment, a copy of the Notice to Defendant of Right Against
 198 Garnishment of Money, Including Wages, and Other Property, and a copy of the

199 Defendant's Claim Form as described in subsection (a) of this Code section, using one of
200 the following methods:

201 (A)(i) To be sent to the defendant at the defendant's last known address by:

202 (I) Regular mail; and

203 (II) Registered or certified mail or statutory overnight delivery, return receipt
204 requested.

205 (ii) The return receipt indicating receipt by the defendant, the envelope bearing the
206 official notification from the United States Postal Service of the defendant's refusal
207 to accept delivery of such registered or certified mail, the envelope bearing the official
208 notification from a commercial firm of the defendant's refusal to accept such statutory
209 overnight delivery, or an official written notice from the United States Postal Service
210 of the defendant's refusal to accept delivery of such registered or certified mail shall
211 be filed with the clerk of the court in which the garnishment is pending.

212 (iii) The defendant's refusal to accept or failure to claim such registered or certified
213 mail or statutory overnight delivery addressed to such defendant shall be deemed
214 notice to such defendant;

215 (B)(i) To be delivered personally to the defendant by:

216 (I) An individual who is not a party and is not younger than 18 years of age;

217 (II) An individual who has been appointed by the court to serve process or is a
218 permanent process server;

219 (III) The sheriff of the county where the action is brought or where the defendant
220 is found or by such sheriff's deputy;

221 (IV) The marshal or sheriff of the court or by such official's deputy; or

222 (V) A certified process server as provided in Code Section 9-11-4.1.

223 (ii) A certification by the person making the delivery shall be filed with the clerk of
224 the court in which the garnishment is pending; or

225 (C) To be sent to the defendant by regular mail at the address at which the defendant
226 was served as shown on the return of service in the action resulting in the judgment
227 when it shall appear by affidavit to the satisfaction of the clerk of the court that the
228 defendant resides out of this state, has departed this state, cannot, after due diligence,
229 be found within this state, or has concealed his or her place of residence from the
230 plaintiff. A certificate of such mailing shall be filed with the clerk of the court in which
231 the garnishment is pending by the person mailing such notice.

232 (2) The methods of notification specified in this subsection shall be cumulative and may
233 be used in any sequence or combination. When it appears that a plaintiff has reasonably,
234 diligently, and in good faith attempted to use one method, another method thereafter may

235 be utilized; for the time during which the attempt was being made, the time limit shall be
236 tolled for the subsequent method.

237 (3) No money or other property delivered to the court by the garnishee shall be
238 distributed nor shall any judgment be rendered against the garnishee until:

239 (A) Ten days have elapsed from the date of compliance with at least one method of
240 notification provided by this subsection; and

241 (B) If a garnishee answer was filed:

242 (i) Twenty days have elapsed from the filing of the garnishee's answer without a
243 claim having been filed by any defendant or third party and without a traverse having
244 been filed by the plaintiff; or

245 (ii) All traverses filed prior to the twenty-first day from the filing of the garnishee's
246 answer have been adjudicated and all claims have been adjudicated.

247 18-4-9.

248 (a) Summonses of garnishment may issue from time to time until the judgment is paid or
249 the garnishment proceeding is otherwise terminated.

250 (b) No new summons of garnishment on the same affidavit of garnishment shall be issued
251 after two years from the date of the original filing of such affidavit. The garnishment
252 proceeding based on such affidavit shall automatically stand dismissed unless there are
253 funds remaining in the registry of the court or a new summons of garnishment has been
254 issued in the preceding 30 days.

255 18-4-10.

256 (a) The summons of garnishment shall state that if the garnishee fails to file a garnishee's
257 answer to such summons in a timely manner, a judgment by default shall be entered against
258 the garnishee for the amount remaining due on a judgment as shown in the plaintiff's
259 affidavit of garnishment.

260 (b) The summons of garnishment shall be directed to the garnishee, commanding the
261 garnishee to respond and state what money or other property is subject to garnishment.
262 Except as provided in subsection (c) of this Code section and Articles 2 and 3 of this
263 chapter, the garnishee's answer shall be filed with the court issuing the summons not sooner
264 than 30 days and not later than 45 days after service of the summons and shall be
265 accompanied by the money or other property subject to garnishment.

266 (c) When the garnishee is a financial institution, the garnishee's answer shall be filed with
267 the court issuing the summons of garnishment not sooner than one day and not later than
268 ten days after service of the summons and shall be accompanied by the money or other
269 property subject to garnishment. If the defendant does not have an active account with and

270 is not the owner of any money or other property in the possession of such financial
271 institution, then the garnishee may immediately file the garnishee's answer; provided,
272 however, that such garnishee's answer shall be filed not later than ten days after service of
273 the summons.

274 18-4-11.

275 (a) Within the time prescribed by Code Section 18-4-10, the garnishee shall file a
276 garnishee answer. Along with the garnishee's answer, the garnishee shall deliver to the
277 court the money or other property admitted in the garnishee's answer to be subject to
278 garnishment.

279 (b) If in responding to the summons of garnishment the garnishee shall state that the
280 property of the defendant includes property in a safe-deposit box or similar property, the
281 garnishee shall respond to the court issuing the summons of garnishment as to the existence
282 of such safe-deposit box and shall restrict access to any contents of such safe-deposit box
283 until the earlier of:

284 (1) Further order of such court regarding the disposition of the contents of such
285 safe-deposit box; or

286 (2) The elapsing of 120 days from the date of filing of the garnishee answer unless such
287 time has been extended by the court.

288 (c) If the garnishee has been served with a summons in more than one garnishment case
289 involving the same defendant, the garnishee shall state in each garnishee answer that the
290 money or other property is being delivered to a specifically named court subject to the
291 demands of other cases and shall give the numbers of all such cases in each garnishee
292 answer.

293 (d) If the garnishee is unable to respond with the specific information required by this
294 Code section, the garnishee's inability shall be stated in the garnishee's answer, together
295 with all the facts plainly, fully, and distinctly set forth, so as to enable the court to give
296 judgment thereon.

297 (e) The form for a garnishee answer is set forth in Code Section 18-4-84, and the form for
298 a financial institution garnishee answer is set forth in Code Section 18-4-85.

299 18-4-12.

300 (a) When a garnishment proceeding is filed in a court under any provision of this chapter
301 involving an entity as garnishee, the execution and filing of a garnishee answer may be
302 done by an entity's authorized officer or employee and shall not constitute the practice of
303 law. If a claim or traverse is filed to such entity's garnishee answer in a court of record, an
304 attorney shall be required to represent such entity in further garnishment proceedings.

305 (b) An entity's payment into court of any money or other property of the defendant, or
 306 money or other property which is admitted to be subject to garnishment, may be done by
 307 an entity's authorized officer or employee and shall not constitute the practice of law.

308 18-4-13.

309 (a) All garnishee answers shall, concurrently with filing, be served by the garnishee upon
 310 the plaintiff or the plaintiff's attorney and the defendant or the defendant's attorney.

311 (b)(1) Service of the garnishee's answer upon the plaintiff shall be shown by the:

312 (A) Written acknowledgment of the plaintiff or the plaintiff's attorney; or

313 (B) Certificate of the garnishee or the garnishee's attorney, attached to the garnishee's
 314 answer, that a copy of the garnishee's answer was mailed to the plaintiff or the
 315 plaintiff's attorney.

316 (2) No service upon the plaintiff shall be required unless the name and address of the
 317 plaintiff or the plaintiff's attorney shall legibly appear on the face of the summons of
 318 garnishment.

319 (3) If the garnishee fails to serve the plaintiff, the plaintiff shall be allowed 15 days from
 320 the time the plaintiff receives actual notice of the garnishee's answer to traverse the
 321 garnishee's answer.

322 (c)(1) Service of the garnishee's answer upon the defendant shall be shown by the:

323 (A) Written acknowledgment of the defendant or the defendant's attorney; or

324 (B) Certificate of the garnishee or the garnishee's attorney, attached to the garnishee's
 325 answer, that a copy of the garnishee's answer was mailed to the:

326 (i) Defendant's attorney; or

327 (ii) Defendant at the last address known to the garnishee.

328 (2) No service upon the defendant shall be required by a financial institution garnishee
 329 if the defendant does not have an active account with and is not the owner of any money
 330 or other property in the possession of such financial institution.

331 (d) The garnishee shall provide the defendant, by regular mail at the defendant's last
 332 address known to the garnishee, with the Notice to Defendant of Right Against
 333 Garnishment of Money, Including Wages, and Other Property and the Defendant's Claim
 334 Form that it received from the plaintiff as set forth in subsection (a) of Code Section
 335 18-4-8.

336 18-4-14.

337 (a) The garnishee shall be entitled to the garnishee's actual reasonable expenses, including
 338 attorney's fees, in preparing and filing a garnishee's answer. The amount of expenses
 339 incurred shall be taxed in the bill of costs and shall be paid by the party upon whom the

340 cost is cast, as costs are cast in other cases. The garnishee may deduct \$50.00 or 10 percent
341 of the amount paid into court, whichever is greater, not to exceed \$100.00, as reasonable
342 attorney's fees or expenses.

343 (b) If the garnishee can show that the garnishee's actual attorney's fees or expenses exceed
344 the amount provided for in subsection (a) of this Code section, the garnishee shall petition
345 the court for a hearing at the time of filing the garnishee's answer without deducting from
346 the amount paid into court. Upon hearing from the parties, the court may enter an order
347 for payment of actual attorney's fees or expenses proven by the garnishee to have been
348 incurred reasonably in preparing and filing the garnishee's answer.

349 (c) In the event the garnishee makes the deduction permitted in subsection (a) of this Code
350 section but the costs are later cast upon the garnishee, the garnishee shall forthwith refund
351 to the defendant the funds deducted; if the costs are later cast against the plaintiff, the court
352 shall enter judgment in favor of the defendant and against the plaintiff for the amount of
353 the deductions made by the garnishee.

354 (d) Nothing in this Code section shall limit the reimbursement of costs incurred by a
355 financial institution as provided in Code Section 7-1-237.

356 18-4-15.

357 (a) A garnishment proceeding is an action between the plaintiff and garnishee; provided,
358 however, that at any time before a judgment is entered or before money or other property
359 subject to garnishment is distributed, the defendant may become a party to the garnishment
360 by filing a claim with the clerk of court and may use the form set forth in Code Section
361 18-4-82.

362 (b) The defendant shall serve a copy of his or her claim upon the plaintiff and garnishee.
363 The clerk of court shall transmit a copy of the defendant's claim to the plaintiff and
364 garnishee.

365 (c) The defendant shall become a party to all proceedings by filing a claim pursuant to this
366 Code section.

367 (d) Upon the filing of the defendant's claim, a judge of the court in which the garnishment
368 is pending shall order a hearing to be held not more than ten days from the date the claim
369 is filed. The form for the order for such hearing is set forth in Code Section 18-4-83. Such
370 hearing shall be available to the defendant as a matter of right after filing his or her claim,
371 and no further summons of garnishment shall issue nor shall any money or other property
372 delivered to the court as subject to garnishment be disbursed until the hearing shall be held.

373 (e) The validity of the judgment upon which a garnishment is based shall only be
374 challenged in accordance with Chapter 11 of Title 9, and no such challenge shall be
375 entertained in the garnishment case. However, when the court finds that the defendant has

376 attacked the validity of the judgment upon which the garnishment is based in an
377 appropriate forum, the judge may order the garnishment be stayed until the validity of the
378 judgment has been determined in such forum.

379 (f) The filing of a claim by the defendant shall not relieve the garnishee of the duties of
380 filing a garnishee answer, of withholding money or other property subject to garnishment,
381 or of delivering to the court any money or other property subject to garnishment.

382 (g) A party's failure to include the civil action file number on a defendant's claim shall not
383 affect the validity of such claim.

384 18-4-16.

385 Within 20 days after the plaintiff has been served with the garnishee's answer, the plaintiff
386 may file a traverse stating that the garnishee's answer is untrue or legally insufficient. Such
387 statement places in issue all questions of law and fact concerning the garnishee's answer.
388 The form for a plaintiff's traverse is set forth in Code Section 18-4-87.

389 18-4-17.

390 At any time before judgment is entered on the garnishee's answer or money or other
391 property subject to garnishment is distributed, any person may file a third-party claim in
392 writing under oath stating that he or she has a claim superior to that of the plaintiff to the
393 money or other property in the hands of the garnishee subject to the process of
394 garnishment, and the third-party claimant shall be a party to all further proceedings upon
395 the garnishment. A third-party claimant shall serve his or her claim upon the plaintiff,
396 defendant, and garnishee. The form for a third-party claim is set forth in Code Section
397 18-4-88.

398 18-4-18.

399 When money or other property in court is subject to a third-party claim or to more than one
400 garnishment case, the party with the oldest entered judgment shall have priority to such
401 money or other property and any interested party to any one of the garnishment cases may
402 make a motion to the court where such money or other property has been deposited for the
403 distribution of such money or other property. Each party of interest in each case and the
404 clerk of court shall be served with a copy of the motion. Upon hearing the motion, the
405 court shall enter an order directing that the clerk be paid the court cost of each garnishment
406 proceeding first, and all remaining money or other property shall be distributed in
407 accordance with the laws governing the relative priority of claims, judgments, and liens.

408 18-4-19.

409 (a) After the garnishee's answer is filed, the defendant's claim shall be tried first, the
410 plaintiff's traverse shall be tried second, and third-party claims shall be tried last; provided,
411 however, that the court shall retain the money or other property subject to garnishment until
412 the completion of the trial of all claims and traverses which are filed under this chapter.
413 The court may consolidate or bifurcate such actions for trial in the court's discretion.

414 (b) If a claim or traverse has been filed, all parties of record may introduce evidence to
415 establish their respective interests in the money or other property in court, and the court
416 shall direct that such money or other property be distributed in accordance with the laws
417 governing the relative priority of claims, judgments, and liens.

418 (c) When the defendant prevails upon the trial of his or her claim:

419 (1) That the plaintiff does not have a judgment against the defendant or that the plaintiff's
420 affidavit of garnishment is untrue or is legally insufficient, the garnishment case shall be
421 dismissed by the court, and any money or other property belonging to the defendant in
422 the possession of the court shall be restored to the defendant unless another claim or
423 traverse thereto has been filed;

424 (2) That the amount shown to be due on the plaintiff's affidavit of garnishment is
425 incorrect, the court may allow the summons of garnishment to be amended to the amount
426 proven to be owed, and if such amount is less than the amount shown to be due by the
427 plaintiff, any money or other property belonging to the defendant in the possession of the
428 court in excess of the amount due shall be restored to the defendant unless another claim
429 or traverse thereto has been filed;

430 (3) That the money or other property belonging to the defendant in the possession of the
431 court is exempt from garnishment, such exempt money or other property shall be restored
432 directly to the defendant. The court shall order such restoration within 48 hours. If the
433 plaintiff appeals an order issued under this paragraph, the court shall require the plaintiff
434 to post a bond equal to twice the amount claimed due, and such bond shall be conditioned
435 upon paying the defendant all attorney's fees and expenses of litigation that the defendant
436 may sustain in the event that the trial court's decision is affirmed. Upon an unsuccessful
437 appeal by the plaintiff of a judgment in favor of the defendant, the trial court shall award
438 to the defendant reasonable expenses, including attorney's fees, unless the court finds that
439 the appeal was substantially justified or that other circumstances make an award unjust;
440 and

441 (4) Based on any legal or statutory defense, the court shall determine the disposition of
442 the money or other property belonging to the defendant in the possession of the court.

443 (d) On the trial of the plaintiff's traverse, if the court finds the garnishee has failed to
444 respond properly to the summons of garnishment, the court shall disallow any expenses

445 demanded by the garnishee and shall enter a judgment for any money or other property
446 delivered to the court with the garnishee's answer, plus any money or other property the
447 court finds subject to garnishment which the garnishee has failed to deliver to the court;
448 provided, however, that the total amount of such judgment shall not exceed the amount
449 shown to be due by the plaintiff, together with the costs of the garnishment proceeding.

450 18-4-20.

451 When no claim has been filed and no traverse has been filed within 20 days after the
452 garnishee's answer is filed:

453 (1) If money is delivered to the court by the garnishee, the clerk of the court shall pay the
454 money to the plaintiff or the plaintiff's attorney upon application, and the garnishee shall
455 be automatically discharged from further liability with respect to the summons of
456 garnishment so answered;

457 (2) If property is delivered to the court by the garnishee, the sheriff, marshal, constable,
458 or like officer of the court shall sell the property in the manner provided by law for the
459 sale of property levied under an execution, and the garnishee shall be automatically
460 discharged from further liability with respect to the summons of garnishment so
461 answered. The proceeds of such sale shall be delivered to the plaintiff or the plaintiff's
462 attorney upon application; or

463 (3) If money or other property admitted to be subject to the garnishment is not delivered
464 to the court, judgment shall be entered for the plaintiff and against the garnishee for such
465 money or other property and execution shall issue on the judgment.

466 18-4-21.

467 Except as provided in Code Section 18-4-22, when a garnishee fails or refuses to file a
468 garnishee answer by the forty-fifth day after service of the summons of garnishment, such
469 garnishee shall automatically be in default. The default may be opened as a matter of right
470 by the filing of a garnishee answer within 15 days of the day of default and payment of
471 costs. If the case is still in default after the expiration of the period of 15 days, judgment
472 by default may be entered at any time thereafter against such garnishee for the amount
473 remaining due on the judgment obtained against the defendant as shown in the plaintiff's
474 affidavit of garnishment.

475 18-4-22.

476 When a garnishee is a financial institution and fails or refuses to file a garnishee answer by
477 the tenth day after service of the summons of garnishment, such garnishee shall
478 automatically be in default. The default may be opened as a matter of right by the filing

479 of a garnishee answer within 15 days of the day of default and payment of costs. If the
 480 case is still in default after the expiration of the period of 15 days, judgment by default may
 481 be entered at any time thereafter against such garnishee for the amount remaining due on
 482 the judgment obtained against the defendant as shown in the plaintiff's affidavit of
 483 garnishment.

484 18-4-23.

485 (a) A garnishee may be relieved from liability for failure to file a garnishee answer if the
 486 plaintiff failed to provide the information required by paragraph (2) of subsection (b) of
 487 Code Section 18-4-7 that would reasonably enable the garnishee to respond properly to the
 488 summons of garnishment and a good faith effort to locate the requested property was made
 489 by the garnishee based on the information provided by the plaintiff. In determining
 490 whether a garnishee may be relieved of liability, the court shall consider and compare the
 491 accuracy and quantity of the information supplied by the plaintiff pursuant to paragraph (2)
 492 of subsection (b) of Code Section 18-4-7 with the manner in which such garnishee
 493 maintains and locates its records, the compliance by such garnishee with its own
 494 procedures, and the conformity of the record systems and procedures with reasonable
 495 commercial standards prevailing in the area in which such garnishee is located.

496 (b) A garnishee and a plaintiff shall not be subject to liability to any party or nonparty to
 497 the garnishment at issue arising from the attachment of a lien or the freezing, payment, or
 498 delivery into court of money or other property reasonably believed to be that of the
 499 defendant if such attachment, freezing, payment, or delivery is reasonably required by a
 500 good faith effort to comply with the summons of garnishment. In determining whether
 501 such compliance by a garnishee is reasonable, the court shall consider and compare the
 502 accuracy and quantity of the information supplied by the plaintiff pursuant to paragraph (2)
 503 of subsection (b) of Code Section 18-4-7 with the manner in which such garnishee
 504 maintains and locates its records, the compliance by such garnishee with its own
 505 procedures, and the conformity of the record systems and procedures with reasonable
 506 commercial standards prevailing in the area in which such garnishee is located.

507 (c)(1) As used in this subsection, the term:

508 (A) 'Association account' means any account or safe-deposit box or similar property
 509 maintained by a corporation, statutory close corporation, limited liability company,
 510 partnership, limited partnership, limited liability partnership, foundation, trust, national,
 511 state, or local government or quasi-government entity, or other incorporated or
 512 unincorporated association.

513 (B) 'Fiduciary account' means any account or safe-deposit box maintained by any party
 514 in a fiduciary capacity for any other party other than the defendant in garnishment.

515 Without limiting the foregoing, such term shall include any trust account as defined in
 516 Code Section 7-1-810, any account created pursuant to a transfer governed by Code
 517 Section 44-5-119, and any agency account or safe-deposit box governed by a power of
 518 attorney or other written designation of authority.

519 (2)(A) A garnishee shall not be liable for failure to deliver to the court money or other
 520 property in an association account that may be subject to garnishment by reason of the
 521 fact that a defendant is an authorized signer on such association account, unless the
 522 summons of garnishment alleges that the association account is being used by the
 523 defendant for an improper or unlawful purpose.

524 (B) A garnishee shall not be liable for failure to deliver to the court money or other
 525 property in a fiduciary account that may be subject to garnishment if such fiduciary
 526 account specifically is exempted from garnishment as set forth in Code Section 18-4-6.

527 (C) A garnishee shall not be liable for failure to deliver to the court money or other
 528 property in a fiduciary account that may be subject to garnishment by reason of the fact
 529 that a defendant is a fiduciary of the fiduciary account, unless the summons of
 530 garnishment is against the defendant in the defendant's capacity as a fiduciary of the
 531 fiduciary account or the summons of garnishment alleges that the fiduciary account is
 532 being used by the defendant for an improper or unlawful purpose.

533 18-4-24.

534 (a) When a default judgment is rendered against a garnishee under Code Section 18-4-21,
 535 18-4-22, or 18-4-43, the plaintiff shall serve the garnishee, as provided in Code Section
 536 9-11-4, with a copy of such default judgment. On a motion filed not later than 60 days
 537 from the date the garnishee was served with such default judgment, the garnishee may,
 538 upon payment of all accrued costs of court, have such default judgment modified so that
 539 the amount of such default judgment shall be reduced to an amount equal to the greater of
 540 \$50.00 or \$50.00 plus 100 percent of the amount by which the garnishee was indebted to
 541 the defendant from the time of service of the summons of garnishment through and
 542 including the last day on which a timely garnishee answer could have been made for all
 543 money or other property belonging to the defendant which came into the garnishee's hands
 544 from the time of service of the summons through and including the last day on which a
 545 timely answer could have been made and less any exemption allowed the defendant.

546 (b) On the trial of a motion to modify a default judgment, the burden of proof shall be
 547 upon any plaintiff who objects to the timeliness of the motion to establish that such motion
 548 was not filed within the time provided for by this Code section.

549 18-4-25.

550 (a) A release of a summons of garnishment:

551 (1) Shall relieve the garnishee from any obligation to file a garnishee answer to any
 552 summons of garnishment pending on the date of the release and shall authorize the
 553 garnishee to deliver to the defendant any money or other property in the garnishee's
 554 possession belonging to the defendant; and

555 (2) Shall not operate as a dismissal of the garnishment proceeding.

556 (b) It shall be the duty of the clerk of the court in which garnishment proceedings are
 557 pending to issue a release of garnishment if:

558 (1) The plaintiff or the plaintiff's attorney requests a release in writing;

559 (2) The amount shown to be due on the plaintiff's affidavit of garnishment together with
 560 the costs of the garnishment proceeding are paid into court;

561 (3) A judge enters an order, after a hearing required by this chapter, directing that the
 562 garnishment be released; or

563 (4) The garnishment is dismissed.

564 (c) The form for a release of garnishment is set forth in Code Section 18-4-89.

565 ARTICLE 2

566 18-4-40.

567 (a) In addition to garnishment proceedings otherwise available under this chapter, in all
 568 cases when a money judgment was obtained in a court of this state or a federal court or is
 569 being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the 'Uniform
 570 Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12 of Title 9,
 571 the 'Uniform Enforcement of Foreign Judgments Law,' a plaintiff shall be entitled to the
 572 process of continuing garnishment against any garnishee who is an employer of the
 573 defendant against whom the judgment has been obtained.

574 (b) Unless otherwise specifically provided in this article, Article 1 of this chapter shall
 575 apply to this article.

576 18-4-41.

577 (a) In addition to the information required by subsection (a) of Code Section 18-4-3, an
 578 affidavit of continuing garnishment shall state that the plaintiff believes that the garnishee
 579 is or may be an employer of the defendant and subject to continuing garnishment.

580 (b) Only one summons of continuing garnishment shall issue on one affidavit of
 581 continuing garnishment.

582 (c) The plaintiff shall serve a summons of continuing garnishment and provide notice of
583 exemptions in the same manner as provided for in Code Section 18-4-8.

584 (d) The form for an affidavit of continuing garnishment is set forth in Code Section
585 18-4-72. The form for a summons of continuing garnishment is set forth in Code Section
586 18-4-78, and the optional attachment thereto is set forth in Code Section 18-4-79.

587 18-4-42.

588 (a) As used in this Code section, the term 'previous garnishee answer date' means the date
589 upon which the immediately preceding garnishee answer was filed.

590 (b) If the garnishee owes the defendant any sum for wages earned as the garnishee's
591 employee, the garnishee answer shall state specifically when the wages were earned by the
592 defendant, whether the wages were earned on a daily, weekly, or monthly basis, the rate
593 of pay and hours worked, and the basis for computation of earnings.

594 (c) The summons of continuing garnishment shall be directed to the garnishee,
595 commanding the garnishee:

596 (1) To file a first garnishee answer with the court issuing such summons not sooner than
597 30 days and not later than 45 days after service of the summons of continuing
598 garnishment, for the period of time from the date of service through and including the day
599 of the first garnishee answer;

600 (2) To file subsequent garnishee answers with such court for the remaining period
601 covered by the summons of continuing garnishment; and

602 (3) To accompany all such garnishee answers with any money subject to continuing
603 garnishment.

604 (d)(1) Subsequent garnishee answers shall be filed not later than 45 days after the
605 previous garnishee answer date stating what money of the defendant is subject to
606 continuing garnishment from the previous garnishee answer date through and including
607 the date on which the next garnishee answer is filed.

608 (2) Subsequent garnishee answers shall not be required on a summons of continuing
609 garnishment if the preceding garnishee answer filed states what money of the defendant
610 is subject to continuing garnishment from the previous garnishee answer date to and
611 including the one hundred seventy-ninth day after service of the summons of continuing
612 garnishment.

613 (3) Notwithstanding the other provisions of this subsection, the last garnishee answer
614 shall be filed not later than the one hundred ninety-fifth day after service of the summons
615 of continuing garnishment.

616 (e) The summons of continuing garnishment shall state that if the garnishee fails to file a
617 garnishee's answer to such summons in a timely manner, a judgment by default shall be

618 entered against the garnishee for the amount remaining due on a judgment as shown in the
619 plaintiff's affidavit of continuing garnishment.

620 (f)(1) If the employment relationship between the garnishee and the defendant does not
621 exist at the time of service of the summons of continuing garnishment, the garnishee shall
622 state in the garnishee answer that such relationship does not exist and may immediately
623 file the garnishee's answer; provided, however, that such garnishee's answer shall be filed
624 not later than 45 days after service of the summons of continuing garnishment.

625 (2) When the defendant has been an employee of the garnishee, and if the defendant is
626 no longer employed by the garnishee, the garnishee may immediately file the garnishee's
627 answer; provided, however, that such garnishee's answer shall be filed not later than 45
628 days after service of the summons of continuing garnishment.

629 (3) If the employment relationship between the garnishee and the defendant terminates
630 on or after service of the summons of continuing garnishment, the garnishee shall state
631 in the garnishee answer that such relationship has been terminated, giving the date of
632 termination, and may immediately file the garnishee's answer; provided, however, that
633 such garnishee's answer shall be filed not later than 45 days after service of the summons
634 of continuing garnishment.

635 (4) Upon the termination of employment of the defendant by the garnishee, the garnishee
636 shall be required to file a final garnishee answer stating the date of the defendant's
637 termination.

638 (g) When a garnishee answer is made pursuant to subsection (f) of this Code section, no
639 claim has been filed, and no traverse has been filed within 20 days after such garnishee
640 answer is filed, the garnishee shall be discharged from further liability and obligation in the
641 same manner as set forth under Code Section 18-4-20 for that summons with respect to the
642 period of continuing garnishment remaining after the employment relationship is
643 terminated.

644 (h) The form for a garnishee's answer to a continuing garnishment is set forth in Code
645 Section 18-4-86.

646 18-4-43.

647 (a) When a garnishee fails or refuses to file a garnishee answer at least once every 45 days,
648 such garnishee shall automatically be in default. The default may be opened as provided
649 in Code Section 18-4-21. If the case is still in default after the expiration of the period of
650 15 days, judgment by default may be entered at any time thereafter against such garnishee
651 for the amount remaining due on the judgment obtained against the defendant as shown in
652 the plaintiff's affidavit of continuing garnishment.

653 (b) A garnishee may obtain relief from a default judgment upon the same conditions as
 654 provided in Code Section 18-4-24.

655 ARTICLE 3

656 18-4-50.

657 As used in this article, the term:

658 (1) 'Earnings' shall have the same meaning as set forth in Code Section 18-4-1 and shall
 659 include disability or retirement benefits that are received from the Social Security
 660 Administration pursuant to Title II of the federal Social Security Act, disability benefits
 661 that are received pursuant to the federal Veterans' Benefits Act of 2010, 38 U.S.C.
 662 Section 101, et seq., workers' compensation benefits, whether temporary or permanent,
 663 and unemployment insurance benefits.

664 (2) 'Judgment' means an order for periodic support obtained:

665 (A) In a court of this state;

666 (B) In a court of another state which has been registered pursuant to Code Section
 667 19-11-77 under the 'Uniform Reciprocal Enforcement of Support Act' or as provided
 668 in Article 3 of Chapter 11 of Title 19, the 'Uniform Interstate Family Support Act,' or
 669 Article 6 of Chapter 12 of Title 9, the 'Uniform Enforcement of Foreign Judgments
 670 Law';

671 (C) By a final administrative order for support issued by the Department of Human
 672 Services; or

673 (D) By a final administrative order issued by a governmental agency of another state.

674 (3) 'Periodic support' means money required to be paid regularly on a daily, weekly,
 675 monthly, or other similar specified frequency for the support of a minor child of the
 676 defendant or a spouse or former spouse of the defendant.

677 18-4-51.

678 (a) In addition to garnishment proceedings otherwise available under this chapter, in all
 679 cases when a judgment was obtained or is being enforced, a plaintiff shall be entitled to the
 680 process of continuing garnishment for support against any garnishee who is an employer
 681 of the defendant against whom the judgment has been obtained.

682 (b) Unless otherwise specifically provided in this article, Articles 1 and 2 of this chapter
 683 shall apply to this article.

684 18-4-52.

685 (a) In addition to the information required by subsection (a) of Code Sections 18-4-3 and
686 18-4-41, the plaintiff shall attach a certified copy of the judgment to be enforced to the
687 affidavit of continuing garnishment for support and shall state the following in such
688 affidavit:

689 (1) That the defendant is in arrears on the obligation of support in an amount equal to or
690 in excess of one month's obligation as decreed in such judgment;

691 (2) The amount of arrearage which exists under such judgment as of the date of the
692 execution of the affidavit;

693 (3) The amount of support due under the judgment for each obligee named therein,
694 taking into account the possible attainment of majority or emancipation or death of any
695 minor child named in such judgment; and

696 (4) The date of the termination of the obligation of support of each obligee named in the
697 judgment, based upon the terms of such judgment, or, as to any obligee who is a minor
698 child, the date each such obligee shall attain the age of 18 years.

699 (b) Such affidavit may be amended from time to time by subsequent affidavits of any party
700 showing a modification or other amendment to the original judgment being enforced. Such
701 amended or subsequent affidavits shall include a certified copy of any such modification
702 or amendment and shall contain the information required by paragraphs (1) through (4) of
703 subsection (a) of this Code section.

704 (c) The plaintiff shall serve the summons of continuing garnishment for support and
705 provide notice of exemptions in the same manner as provided for in Code Section 18-4-8.

706 (d) The form for an affidavit of continuing garnishment for support is set forth in Code
707 Section 18-4-73.

708 18-4-53.

709 (a) A summons of continuing garnishment for support shall contain a notice to the
710 garnishee that such garnishment is based on a judgment governed by this article. The form
711 for a summons of continuing garnishment for support is set forth in Code Section 18-4-80,
712 and the optional attachment thereto is set forth in Code Section 18-4-81.

713 (b) Subject to the limitations set forth in Code Section 18-4-6, the maximum part of
714 disposable earnings for any work week which shall be subject to continuing garnishment
715 for support shall not exceed 50 percent of the defendant's disposable earnings for that week.

716 (c) Funds or benefits from an individual retirement account or from a pension or retirement
717 program shall not be exempt from the process of continuing garnishment for support only
718 to the extent provided in subsection (b) of this Code section for other disposable earnings,
719 unless a greater exemption is otherwise provided by law.

720 18-4-54.

721 (a) The money paid into court with the initial garnishee answer, after deduction for costs,
722 shall be first applied to the support payment required to be paid on a periodic basis that has
723 accrued on a daily basis, by converting the periodic amount to an annual amount and
724 dividing by 365, from the date of the plaintiff's affidavit of continuing garnishment for
725 support to the date of the initial garnishee answer. All sums in excess of such payment
726 shall be applied to the original arrearage. As used in this subsection, the term 'original
727 arrears' means the sum of arrears existing as of the date of the making of the plaintiff's
728 affidavit of continuing garnishment for support, plus any amounts includable pursuant to
729 subsection (c) of this Code section.

730 (b) If the amount claimed as original arrearage as of the date of the making of the
731 plaintiff's affidavit of continuing garnishment for support is not satisfied by the money
732 payable into court under the initial garnishee answer, after application of the funds as set
733 forth in subsection (a) of this Code section, the garnishee shall file further garnishee
734 answers no later than 45 days after the previous garnishee answer date, stating the earnings
735 accrued and the basis of their accrual and tendering such money accruing in such period.
736 The amounts paid into court pursuant to subsequent garnishee answers, over and above the
737 periodic payment accruing within such period, shall be applied to the original arrearage
738 until the same is retired.

739 (c) If the money paid into court pursuant to any garnishee answer is less than the sums due
740 under the support requirement accruing over the same period of time, after allowance for
741 any costs deductible from same, the resulting difference shall be added to the amount due
742 as original arrearage until the same is retired by subsequent payments.

743 (d) The garnishee shall file additional garnishee answers until the original arrearage is
744 retired and all support payments are current.

745 (e) Upon the termination of employment of the defendant by the garnishee, the garnishee
746 shall be required to file a final garnishee answer stating the date of the defendant's
747 termination.

748 18-4-55.

749 The continuing garnishment for support described in this article shall attach for so long as
750 the defendant is employed by the garnishee and shall not terminate until the original
751 arrears is retired and all support payments are current. The garnishee may rely upon the
752 information as to the termination date of the duty of support of any individual claimed in
753 the affidavit of continuing garnishment for support, the amount of the duty of support to
754 be paid, any sums paid by the defendant between the date of the filing of such affidavit and
755 the date of the initial garnishee answer, and the amount of the original arrearage existing

756 as of the date of such affidavit, unless the defendant files a claim against such affidavit or
757 the garnishee's answer and the court enters any finding otherwise.

758 ARTICLE 4

759 18-4-70.

760 (a) For the purpose of this chapter, the forms contained in this article shall be required to
761 be used; provided, however, that a party may use its own format so long as it contains all
762 of the information in the form. A defendant may use the form provided in Code Section
763 18-4-82 to file a claim or may use the defendant's own pleading. When a case involves
764 more than one plaintiff or defendant or necessitates the inclusion of additional information,
765 the form may be expanded to allow for the information pertaining to all parties and such
766 additional information to be displayed.

767 (b) The certificates of service provided within the forms in this article are included as
768 examples. A party may modify a certificate of service in accordance with the
769 circumstances of the case, including, but not limited to, transmission by e-mail as provided
770 in subsection (b) of Code Section 9-11-5 or by court rule.

771 (c) A court may combine multiple forms.

772 18-4-71.

773 IN THE COURT OF COUNTY
774 STATE OF GEORGIA

775)

776 **Plaintiff:**)

777 _____)

778 Name)

779)

780 **Plaintiff's contact information:**)

781 _____)

782 Name)

783 _____)

784 Street Address)

785 _____)

786 City State ZIP Code)

787 _____)

788 E-mail Address)

789 _____)

790 Phone Number)

Civil Action File No. _____

791 _____)
 792 Bar Number)
 793)
 794 **v.**)
 795)
 796 **Defendant:**)
 797 _____)
 798 Name)
 799 _____)
 800 Street Address)
 801 _____)
 802 City State ZIP Code)
 803)
 804 **Garnishee:**)
 805 _____)
 806 Name)
 807 _____)
 808 Street Address)
 809 _____)
 810 City State ZIP Code)

AFFIDAVIT OF GARNISHMENT

Check this box if the Garnishee is a financial institution.

Check this box if garnishment is for the collection of child support or alimony. See O.C.G.A. § 18-4-50, et seq.

Personally appeared _____, who on oath says:
(Print name)

1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

2. The Plaintiff obtained a judgment against the Defendant in Case Number _____
in the _____ Court of _____ County, _____,
State

and no agreement requires forbearance from the garnishment which is applied for
currently.

3. \$ _____ is the balance due, which consists of the sum of \$ _____
Principal, \$ _____ Postjudgment interest, and \$ _____ Other (e.g.,
prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).

4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

827 This _____ day of _____, 20____.

828 _____
829 Affiant

830 _____
831 Print name of Affiant

832 Sworn to and subscribed before me this _____ day
833 of _____, 20____.

834 _____
835 Notary Public or Deputy Clerk of Court'

836 18-4-72.

837 'IN THE _____ COURT OF _____ COUNTY

838 STATE OF GEORGIA

839 _____)

840 **Plaintiff:**)

841 _____)

842 Name)

843 _____)

844 **Plaintiff's contact information:**)

845 _____)

846 Name)

847 _____) **Civil Action File No.** _____

848 Street Address)

849 _____)

850 City State ZIP Code)

851 _____)

852 E-mail Address)

853 _____)

854 Phone Number)

855 _____)

856 Bar Number)

857 _____)

858 v.)

859 _____)

860 **Defendant:**)

861 _____)

862 Name)

863 _____)

864 Street Address)

865 _____)
 866 City State ZIP Code)
 867 _____)
 868 **Garnishee:**)
 869 _____)
 870 Name)
 871 _____)
 872 Street Address)
 873 _____)
 874 City State ZIP Code)

875 **AFFIDAVIT OF CONTINUING GARNISHMENT**

876 **DO NOT USE THIS FORM FOR A CONTINUING GARNISHMENT FOR CHILD**
877 **SUPPORT OR ALIMONY. SEE O.C.G.A. § 18-4-73.**

878 Personally appeared _____, who on oath says:
879 (Print name)

880 1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

881 2. The Plaintiff obtained a judgment against the Defendant in Case Number _____
882 in the _____ Court of _____ County, _____
883 _____ State

884 and no agreement requires forbearance from the garnishment which is applied for
885 currently.

886 3. \$ _____ is the balance due, which consists of the sum of \$ _____
887 Principal, \$ _____ Postjudgment interest, and \$ _____ Other (e.g.,
888 prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).

889 4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

890 5. The Affiant believes that the Garnishee is an employer of the Defendant.

891 This _____ day of _____, 20_____.

892 _____
 893 Affiant
 894 _____
 895 Print name of Affiant

896 Sworn to and subscribed before me this _____ day
897 of _____, 20_____.

898 _____
899 Notary Public or Deputy Clerk of Court'

900 18-4-73.

901 'IN THE COURT OF COUNTY
902 STATE OF GEORGIA

903 _____)

904 **Plaintiff:**)

905 _____)

906 Name)

907 _____)

908 **Plaintiff's contact information:**)

909 _____)

910 Name)

911 _____) **Civil Action File No.** _____

912 Street Address)

913 _____)

914 City State ZIP Code)

915 _____)

916 E-mail Address)

917 _____)

918 Phone Number)

919 _____)

920 Bar Number)

921 _____)

922 **v.**)

923 _____)

924 **Defendant:**)

925 _____)

926 Name)

927 _____)

928 Street Address)

929 _____)

930 City State ZIP Code)

931 _____)

932 **Garnishee:**)

933 _____)

934 Name)

935 _____)

936 Street Address)

937 _____)

938 City State ZIP Code)

939 **AFFIDAVIT OF CONTINUING GARNISHMENT FOR SUPPORT**

940 Personally appeared _____, who on oath says:
941 (Print name)

942 1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

943 2. The Plaintiff obtained a judgment against the Defendant in Case Number _____
944 in the _____ Court of _____ County, _____
945 State

946 and no agreement requires forbearance from the garnishment which is applied for
947 currently.

948 3. The Affiant states that the Defendant is in arrears on the obligation for support in an
949 amount equal to or in excess of one month's obligation as decreed in the judgment for
950 support and provides the following information:

951 \$ _____ is the amount of arrearage which exists under the judgment as of the
952 execution of this affidavit.

953 **Check one of the boxes below and complete the requested information:**

954 A. Periodic support is owed for one obligee, or the judgment sets forth a total
955 amount of periodic support for multiple obligees as follows:

956 \$ _____ is the total amount of periodic support due for _____,
957 Name of obligee
958 _____, and _____ . Such periodic
959 Name of obligee Name of obligee
960 support is payable on a _____ basis.
961 E.g., weekly, monthly

962 The termination date of the obligation for periodic support is _____.
963 Date

964 B. Periodic support is owed for multiple obligees, and the judgment sets forth a
965 different amount of periodic support for each obligee as follows:

966 \$ _____ is the total amount of periodic support due for _____,
967 Name of obligee
968 payable on a _____ basis, and the termination date of such
969 E.g., weekly, monthly
970 obligation is _____.
971 Date

972 \$ _____ is the total amount of periodic support due for _____,
973 Name of obligee
974 payable on a _____ basis, and the termination date of such
975 E.g., weekly, monthly
976 obligation is _____.
977 Date

978 \$ _____ is the total amount of periodic support due for _____,
 979 _____ Name of obligee
 980 payable on a _____ basis, and the termination date of such
 981 E.g., weekly, monthly
 982 obligation is _____.
 983 Date

- 984 4. Check this box and attach a certified copy of the judgment for support hereto.
 985 5. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
 986 6. The Affiant believes that the Garnishee is an employer of the Defendant.

987 This _____ day of _____, 20 _____.

988 _____
 989 Affiant
 990 _____
 991 Print name of Affiant

992 Sworn to and subscribed before me this _____ day
 993 of _____, 20 _____.
 994 _____
 995 Notary Public or Deputy Clerk of Court'

996 18-4-74.

997 **'IN THE COURT OF COUNTY**
 998 **STATE OF GEORGIA**

999)
 1000 **Plaintiff:**)
 1001 _____)
 1002 Name)
 1003)
 1004 **Plaintiff's contact information:**)
 1005 _____)
 1006 Name)
 1007 _____) **Civil Action File No.** _____
 1008 Street Address)
 1009 _____)
 1010 City State ZIP Code)
 1011 _____)
 1012 E-mail Address)
 1013 _____)
 1014 Phone Number)

1015	_____)	
1016	<u>Bar Number</u>)	
1017)	
1018	<u>v.</u>)	
1019)	
1020	<u>Defendant:</u>)	<u>Garnishment Court information:</u>
1021	_____)	_____
1022	<u>Name</u>)	<u>Street Address</u>
1023	_____)	_____, Georgia
1024	<u>Street Address</u>)	<u>City</u> <u>ZIP Code</u>
1025	_____)	_____
1026	<u>City</u> <u>State</u> <u>ZIP Code</u>)	<u>Phone Number</u>
1027)	
1028	<u>Garnishee:</u>)	
1029	_____)	
1030	<u>Name</u>)	
1031	_____)	
1032	<u>Street Address</u>)	
1033	_____)	
1034	<u>City</u> <u>State</u> <u>ZIP Code</u>)	

1035 **SUMMONS OF GARNISHMENT**

1036 **Check this box if this is a garnishment for child support or alimony. If this is**
1037 **intended to be a continuing garnishment for support, use the form set forth in**
1038 **O.C.G.A. § 18-4-80.**

1039 **TO THE ABOVE-NAMED GARNISHEE:**

1040	<u>Total amount claimed due by the Plaintiff</u>	\$ _____
1041	<u>Plus court costs due on this summons</u>	\$ _____
1042	<u>Total garnishment claim</u>	\$ _____

1043 **COURT OF JUDGMENT** _____

1044 **JUDGMENT CASE NO.** _____

1045 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,
1046 and other property, except what is exempt, including property in safe-deposit boxes or
1047 similar property that you hold, belonging to the Defendant or obligations owed to the
1048 Defendant named above beginning on the day of service of this summons and including the

1049 next 29 days. You are **FURTHER COMMANDED** to file your answer, in writing, not
 1050 sooner than 30 days and not later than 45 days from the date you were served with this
 1051 summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff
 1052 or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's
 1053 Attorney, if known, at the time of making such answer. Your answer shall state what
 1054 money, including wages, or other property, except what is exempt, belonging to the
 1055 Defendant or obligations owed to the Defendant you hold beginning on the day of service
 1056 of this summons and including the next 29 days. Money, including wages, or other
 1057 property admitted in an answer to be subject to garnishment must be delivered to the Court
 1058 with your answer.

1059 If, in answering this summons, you state that the property of the Defendant includes
 1060 property in a safe-deposit box or similar property, you shall answer to the Court issuing this
 1061 summons as to the existence of such safe-deposit box or similar property and shall restrict
 1062 access to any contents of such safe-deposit box or similar property until further order of
 1063 such Court regarding the disposition of such contents or 120 days from the date of filing
 1064 your answer to this summons unless such time has been extended by the Court, whichever
 1065 is sooner.

1066 Should you fail to file a Garnishee Answer as required by this summons, a judgment by
 1067 default will be rendered against you for the amount remaining due on a judgment as shown
 1068 in the Plaintiff's Affidavit of Garnishment.

1069 WITNESS, the Honorable _____, Judge of said Court.
 1070 This _____ day of _____, 20_____.

1071 _____, Clerk of Court
 1072 By: _____
 1073 Deputy Clerk, _____ Court'

1074 18-4-75.

1075 'IN THE _____ COURT OF _____ COUNTY
 1076 STATE OF GEORGIA

1077 _____)
 1078 _____)
 1079 Plaintiff)
 1080 _____)

1081 **v.**) **Civil Action File No.** _____
 1082)
 1083)
 1084 **Defendant**)
 1085)
 1086)
 1087 **Garnishee**)

1088 **ATTACHMENT FOR SUMMONS OF GARNISHMENT**

1089 Other known names of the Defendant:
 1090 _____
 1091 _____
 1092 _____

1093 Current and past addresses of the Defendant:
 1094 _____
 1095 _____
 1096 _____

1097 Social security number or federal tax identification number of the Defendant:
 1098 _____
 1099 _____
 1100 _____

1101 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1102 18-4-76.
 1103 **IN THE COURT OF COUNTY**
 1104 **STATE OF GEORGIA**
 1105)
 1106 **Plaintiff:**)
 1107)
 1108 Name)
 1109)
 1110 **Plaintiff's contact information:**)
 1111)
 1112 Name)
 1113) **Civil Action File No.** _____
 1114 Street Address)

1115 _____)
 1116 City State ZIP Code)
 1117 _____)
 1118 E-mail Address)
 1119 _____)
 1120 Phone Number)
 1121 _____)
 1122 Bar Number)
 1123 _____)
 1124 **v.**)
 1125 _____)
 1126 **Defendant:**)
 1127 _____)
 1128 Name)
 1129 _____)
 1130 Street Address)
 1131 _____)
 1132 City State ZIP Code)
 1133 _____)
 1134 **Garnishee:**)
 1135 _____)
 1136 Name)
 1137 _____)
 1138 Street Address)
 1139 _____)
 1140 City State ZIP Code)

Garnishment Court information:

_____)
Street Address
 _____, Georgia)
City ZIP Code
 _____)
Phone Number

1141 **SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION**

1142 **Check this box if other allegations are made against a nonjudgment Defendant**
1143 **pursuant to O.C.G.A. § 18-4-23.**

1144 **Check this box if this is a garnishment for child support or alimony.**

1145 **TO THE ABOVE-NAMED GARNISHEE:**

1146 Total amount claimed due by the Plaintiff \$ _____
 1147 Plus court costs due on this summons \$ _____
 1148 Total garnishment claim \$ _____

1149 **COURT OF JUDGMENT**

1150 JUDGMENT CASE NO.

1151 YOU ARE HEREBY COMMANDED to immediately hold all money, including wages,
 1152 and other property, except what is exempt, including property in safe-deposit boxes or
 1153 similar property that you hold, belonging to the Defendant named above beginning on the
 1154 day of service of this summons and including the next 24 hours. You are FURTHER
 1155 COMMANDED to file your answer, in writing, not sooner than one day and not later than
 1156 ten days from the date you were served with this summons, with the Clerk of this Court and
 1157 serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the
 1158 Defendant named above, or the Defendant's Attorney, if known, at the time of making such
 1159 answer. Your answer shall state what money, including wages, or other property, except
 1160 what is exempt, belonging to the Defendant you hold beginning on the day of service of
 1161 this summons and including the next 24 hours. Money, including wages, or other property
 1162 admitted in an answer to be subject to garnishment must be delivered to the Court with
 1163 your answer.

1164 If, in answering this summons, you state that the property of the Defendant includes
 1165 property in a safe-deposit box or similar property, you shall answer to the Court issuing this
 1166 summons as to the existence of such safe-deposit box or similar property and shall restrict
 1167 access to any contents of such safe-deposit box or similar property until further order of
 1168 such Court regarding the disposition of such contents or 120 days from the date of filing
 1169 your answer to this summons unless such time has been extended by the Court, whichever
 1170 is sooner.

1171 Should you fail to file a Garnishee Answer as required by this summons, a judgment by
 1172 default will be rendered against you for the amount remaining due on the judgment as
 1173 shown in the Plaintiff's Affidavit of Garnishment.

1174 WITNESS, the Honorable _____, Judge of said Court.
 1175 This _____ day of _____, 20_____.

1176 _____, Clerk of Court

1177 By: _____

1178 Deputy Clerk, _____ Court'

1179 18-4-77.

1180 'IN THE COURT OF COUNTY

1181 STATE OF GEORGIA

1182)

1183)

1184 Plaintiff)

1185)

1186 v.) Civil Action File No.

1187)

1188)

1189 Defendant)

1190)

1191)

1192 Garnishee)

1193 ATTACHMENT FOR SUMMONS OF GARNISHMENT

1194 ON A FINANCIAL INSTITUTION

1195 Other known names of the Defendant:

1196 _____

1197 _____

1198 _____

1199 Current and past addresses of the Defendant:

1200 _____

1201 _____

1202 _____

1203 Social security number or federal tax identification number of the Defendant:

1204 _____

1205 _____

1206 _____

1207 Account or identification numbers of accounts of the Defendant used by the Garnishee:

1208 _____

1209 _____

1210 _____

1211 Other allegations pursuant to O.C.G.A. § 18-4-23:

1212 _____

1213 _____

1214 _____

1215 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1216 18-4-78.

1217 **'IN THE COURT OF COUNTY**

1218 **STATE OF GEORGIA**

1219)

1220 **Plaintiff:**)

1221 _____)

1222 Name)

1223)

1224 **Plaintiff's contact information:**)

1225 _____)

1226 Name)

1227 _____) **Civil Action File No.** _____

1228 Street Address)

1229 _____)

1230 City State ZIP Code)

1231 _____)

1232 E-mail Address)

1233 _____)

1234 Phone Number)

1235 _____)

1236 Bar Number)

1237)

1238 **v.**)

1239)

1240 **Defendant:**) **Garnishment Court information:**

1241 _____) _____

1242 Name) Street Address

1243 _____) _____, Georgia

1244 Street Address) City ZIP Code

1245 _____) _____

1246 City State ZIP Code) Phone Number

1247)

1248 **Garnishee:**)

1249 _____)

1250 Name)

1251 _____)

1252 Street Address)

1253 _____)

1254 City State ZIP Code)

1255 SUMMONS OF CONTINUING GARNISHMENT

1256 TO THE ABOVE-NAMED GARNISHEE:

1257 Total amount claimed due by the Plaintiff \$ _____

1258 Plus court costs due on this summons \$ _____

1259 Total garnishment claim \$ _____

1260 COURT OF JUDGMENT

1261 JUDGMENT CASE NO.

1262 YOU ARE HEREBY COMMANDED to immediately hold all money, including wages,
1263 and other property, except what is exempt, belonging to the Defendant or obligations owed
1264 to the Defendant named above beginning on the day of service of this summons and
1265 including the next 179 days. You are FURTHER COMMANDED to file your answer,
1266 in writing, not later than 45 days from the date you were served with this summons, with
1267 the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's
1268 Attorney named above and the Defendant named above, or the Defendant's Attorney, if
1269 known, at the time of making such answer. Your answer shall state what money, including
1270 wages, or other property, except what is exempt, belonging to the Defendant or obligations
1271 owed to the Defendant you hold or owe beginning on the day of service of this summons
1272 and between the time of such service and the time of making your first answer. Thereafter,
1273 you are required to file further answers no later than 45 days after your last answer. Every
1274 further answer shall state what money, including wages, and other property, except what
1275 is exempt, belonging to the Defendant or obligations owed to the Defendant you hold or
1276 owe at and from the time of the last answer to the time of the current answer. The last
1277 answer required by this summons shall be filed no later than the 195th day after you
1278 receive this summons. Money, including wages, or other property admitted in an answer
1279 to be subject to continuing garnishment must be delivered to the Court with each answer.

1280 Should you fail to file Garnishee Answers as required by this summons, a judgment by
1281 default will be rendered against you for the amount remaining due on a judgment as shown
1282 in the Plaintiff's Affidavit of Continuing Garnishment.

1283 WITNESS, the Honorable _____, Judge of said Court.

1284 This _____ day of _____, 20_____.

1285 _____, Clerk of Court

1286 By: _____

1287 Deputy Clerk, _____ Court'

1288 18-4-79.

1289 **'IN THE COURT OF COUNTY**

1290 **STATE OF GEORGIA**

1291 _____)

1292 _____)

1293 **Plaintiff**)

1294 _____)

1295 **v.**) **Civil Action File No.** _____

1296 _____)

1297 _____)

1298 **Defendant**)

1299 _____)

1300 _____)

1301 **Garnishee**)

1302 **ATTACHMENT FOR SUMMONS**

1303 **OF CONTINUING GARNISHMENT**

1304 Other known names of the Defendant:

1305 _____

1306 _____

1307 _____

1308 Current and past addresses of the Defendant:

1309 _____

1310 _____

1311 _____

1312 Social security number or federal tax identification number of the Defendant:

1313 _____

1314 _____

1315 _____

1316 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1317 18-4-80.

1318 'IN THE COURT OF COUNTY

1319 STATE OF GEORGIA

1320)

1321 **Plaintiff:**)

1322 _____)

1323 Name)

1324)

1325 **Plaintiff's contact information:**)

1326 _____)

1327 Name)

1328 _____) **Civil Action File No.** _____

1329 Street Address)

1330 _____)

1331 City State ZIP Code)

1332 _____)

1333 E-mail Address)

1334 _____)

1335 Phone Number)

1336 _____)

1337 Bar Number)

1338)

1339 v.)

1340)

1341 **Defendant:**) **Garnishment Court information:**

1342 _____) _____

1343 Name) Street Address

1344 _____) _____, Georgia

1345 Street Address) City ZIP Code

1346 _____) _____

1347 City State ZIP Code) Phone Number

1348)

1349 **Garnishee:**)

1350 _____)

1351 Name)

1352 _____)

1353 Street Address)

1354 _____)

1355 City State ZIP Code)

1356 **SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT**
1357 **GOVERNED BY ARTICLE 3 OF CHAPTER 4 OF TITLE 18**

1358 **TO THE ABOVE-NAMED GARNISHEE:**

1359 Total amount claimed due by the Plaintiff \$ _____
1360 Plus court costs due on this summons \$ _____
1361 Total garnishment claim \$ _____

1362 **COURT OF JUDGMENT**

1363 **JUDGMENT CASE NO.**

1364 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,
1365 and other property, except what is exempt, belonging to the Defendant or obligations owed
1366 to the Defendant named above beginning on the day of service of this summons until the
1367 original arrearage is retired and all periodic support payments are current or until the
1368 termination of the garnishment. You are **FURTHER COMMANDED** to file your answer,
1369 in writing, not later than 45 days from the date you were served with this summons, with
1370 the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's
1371 Attorney named above and the Defendant named above, or the Defendant's Attorney, if
1372 known, at the time of making such answer. Your answer shall state what money, including
1373 wages, or other property, except what is exempt, belonging to the Defendant or obligations
1374 owed to the Defendant you hold or owe beginning on the day of service of this summons
1375 and between the time of such service and the time of making your first answer. Thereafter,
1376 you are required to file further answers no later than 45 days after your last answer. Every
1377 further answer shall state what money, including wages, and other property, except what
1378 is exempt, belonging to the Defendant or obligations owed to the Defendant you hold or
1379 owe at and from the time of the last answer to the time of the current answer. **YOU MUST**
1380 **FILE ADDITIONAL ANSWERS UNTIL THE ORIGINAL ARREARAGE IS RETIRED**
1381 **AND ALL PERIODIC SUPPORT PAYMENTS ARE CURRENT.** Money, including
1382 wages, or other property admitted in an answer to be subject to continuing garnishment
1383 must be delivered to the Court with each answer. The Plaintiff and the Defendant are
1384 required by law to serve you with a copy of any amendment or modification to the original
1385 judgment.

1386 Should you fail to file Garnishee Answers as required by this summons, a judgment by
1387 default will be rendered against you for the amount remaining due on a judgment as shown
1388 in the Plaintiff's Affidavit of Continuing Garnishment.

1389 WITNESS, the Honorable _____, Judge of said Court.

1390 This _____ day of _____, 20 _____.

1391 _____, Clerk of Court

1392 By: _____

1393 Deputy Clerk, _____ Court'

1394 18-4-81.

1395 'IN THE COURT OF COUNTY

1396 STATE OF GEORGIA

1397 _____)

1398 _____)

1399 Plaintiff)

1400 _____)

1401 v.) Civil Action File No. _____

1402 _____)

1403 _____)

1404 Defendant)

1405 _____)

1406 _____)

1407 Garnishee)

1408 ATTACHMENT FOR SUMMONS OF

1409 CONTINUING GARNISHMENT FOR SUPPORT

1410 Other known names of the Defendant:

1411 _____

1412 _____

1413 _____

1414 Current and past addresses of the Defendant:

1415 _____

1416 _____

1417 _____

1418 Social security number or federal tax identification number of the Defendant:

1419 _____

1420 _____

1421 _____

1422 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1423 18-4-82.

1424 **'IN THE COURT OF COUNTY**

1425 **STATE OF GEORGIA**

1426)

1427 **Plaintiff:**)

1428 _____)

1429 Name)

1430)

1431 **Plaintiff's contact information:**)

1432 _____)

1433 Name)

1434 _____) **Civil Action File No.** _____

1435 Street Address)

1436 _____)

1437 City State ZIP Code)

1438 _____)

1439 E-mail Address)

1440 _____)

1441 Phone Number)

1442 _____)

1443 Bar Number)

1444)

1445 **v.**)

1446)

1447 **Defendant:**)

1448 _____)

1449 Name)

1450 _____)

1451 Street Address)

1452 _____)

1453 City State ZIP Code)

1454)

1455 **Garnishee:**)

1456 _____)

1457 Name)

1458 _____)

1459 Street Address)

1460 _____)

1461 City State ZIP Code)

1462 **NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT**
 1463 **OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY**

1464 You received this notice because money, including wages, and other property belonging
 1465 to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY
 1466 BE ABLE TO KEEP YOUR MONEY, INCLUDING WAGES, OR OTHER PROPERTY.
 1467 **READ THIS NOTICE CAREFULLY.**

1468 State and federal law protects some money, including wages, from garnishment even if it
 1469 is in a bank. Some common exemptions are benefits from social security, supplemental
 1470 security income, unemployment, workers' compensation, the Veterans' Administration,
 1471 state pension, retirement funds, and disability income. This list of exemptions does not
 1472 include all possible exemptions. A more detailed list of exemptions is available at the
 1473 Clerk of Court's office located at _____ (Name of Court),
 1474 _____ (Address), _____ (City), Georgia
 1475 _____ (ZIP Code), and on the website for the Attorney General (www.law.ga.gov).

1476 Garnishment of your earnings from your employment is limited to the lesser of 25 percent
 1477 of your disposable earnings for a week or the amount by which your disposable earnings
 1478 for a week exceed 30 times the minimum wage established by federal law. More than 25
 1479 percent of your disposable earnings may be taken from your earnings for the payment of
 1480 child support or alimony or if a Chapter 13 bankruptcy allows a higher amount.

1481 **TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY**
 1482 **FROM BEING GARNISHED, YOU MUST:**

- 1483 1. Complete the Defendant's Claim Form as set forth below; and
- 1484 2. File this completed claim form with the Clerk of Court's office located at
 1485 _____ (Name of Court), _____ (Address),
 1486 _____ (City), Georgia _____ (ZIP Code).

1487 **FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE.** You may lose
 1488 your right to claim an exemption if you do not file your claim form within 20 days after the
 1489 Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim
 1490 form to the Plaintiff and the Garnishee at the addresses listed on this notice.

1491 The Court will schedule a hearing within ten days from when it receives your claim form.
 1492 The Court will mail you the time and date of the hearing at the address that you provide on

1493 your claim form. You may go to the hearing with or without an attorney. You will need
 1494 to give the Court documents or other proof that your money is exempt.

1495 The Clerk of Court cannot give you legal advice. IF YOU NEED LEGAL ASSISTANCE,
 1496 YOU SHOULD SEE AN ATTORNEY. If you cannot afford a private attorney, legal
 1497 services may be available.

1498 **DEFENDANT'S CLAIM FORM**

1499 **I CLAIM EXEMPTION from garnishment. Some of my money or property held by**
 1500 **the garnishee is exempt because it is: (check all that apply)**

- 1501 1. Social security benefits.
- 1502 2. Supplemental security income benefits.
- 1503 3. Unemployment benefits.
- 1504 4. Workers' compensation.
- 1505 5. Veterans' benefits.
- 1506 6. State pension benefits.
- 1507 7. Disability income benefits.
- 1508 8. Money that belongs to a joint account holder.
- 1509 9. Child support or alimony.
- 1510 10. Exempt wages, retirement, or pension benefits.
- 1511 11. Other exemptions as provided by law.

1512 Explain: _____
 1513 _____

1514 **I further state: (check all that apply)**

- 1515 1. The Plaintiff does not have a judgment against me.
- 1516 2. The amount shown due on the Plaintiff's Affidavit of Garnishment is incorrect.
- 1517 3. The Plaintiff's Affidavit of Garnishment is untrue or legally insufficient.

1518 **Send the notice of the hearing on my claim to me at:**

1519 Address: _____

1520 Phone Number: _____

1521 E-mail Address: _____

1522 **The statements made in this claim form are true to the best of my knowledge and belief.**

1523 _____, 20
 1524 Defendant's signature Date
 1525 _____
 1526 Print name of Defendant

1527 **CERTIFICATE OF SERVICE**

1528 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the
 1529 Garnishee in the foregoing matter with a copy of this pleading by depositing it in the
 1530 United States Mail in a properly addressed envelope with adequate postage thereon.

1531 This _____ day of _____, 20 .

1532 _____
 1533 Defendant or Defendant's Attorney'

1534 18-4-83.

1535 **'IN THE COURT OF COUNTY**
 1536 **STATE OF GEORGIA**

1537)
 1538 _____)
 1539 **Plaintiff**)
 1540)
 1541 **v.**) **Civil Action File No.** _____
 1542)
 1543 _____)
 1544 **Defendant**)
 1545)
 1546 _____)
 1547 **Garnishee**)

1548 **ORDER FOR HEARING ON DEFENDANT'S CLAIM**

1549 It is hereby ordered that a hearing be held upon the Defendant's claim before this court on
 1550 the _____ day of _____, 20 , at _____ : _____ M., and that the Clerk of Court shall
 1551 transmit a copy of the Defendant's Claim Form and this order to the Plaintiff, the
 1552 Defendant, and the Garnishee.

1553 This _____ day of _____, 20__ .

1554 _____
1555 _____ Judge,

1556 _____ Court of _____ County

1557 **CERTIFICATE OF SERVICE**

1558 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the
1559 Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by
1560 depositing it in the United States Mail in a properly addressed envelope with adequate
1561 postage thereon.

1562 This _____ day of _____, 20__ .

1563 _____
1564 Deputy Clerk of Court'

1565 18-4-84.

1566 **IN THE COURT OF _____ COUNTY**

1567 **STATE OF GEORGIA**

1568 _____)

1569 _____)

1570 **Plaintiff**)

1571 _____)

1572 **v.**) **Civil Action File No.** _____

1573 _____)

1574 _____)

1575 **Defendant**)

1576 _____)

1577 _____)

1578 **Garnishee**)

1579 **GARNISHEE ANSWER**

1580 1. At the time of service or from the time of service to the time of this Garnishee
1581 Answer, the Garnishee had in its possession the following described property of the
1582 Defendant:

1583 _____

1584 _____
 1585 _____
 1586 2. At the time of service or from the time of service to the time of this Garnishee
 1587 Answer, all obligations accruing from the Garnishee to the Defendant are in the amount
 1588 of \$ _____.
 1589 3. \$ _____ is the amount herewith paid into court.
 1590 4. The Garnishee further states: _____.

1591 _____
 1592 Garnishee,
 1593 Garnishee's Attorney, or
 1594 officer or employee of an entity Garnishee

1595 **CERTIFICATE OF SERVICE**

1596 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the
 1597 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by
 1598 depositing it in the United States Mail in a properly addressed envelope with adequate
 1599 postage thereon.

1600 This _____ day of _____, 20 _____.

1601 _____
 1602 Garnishee,
 1603 Garnishee's Attorney, or
 1604 officer or employee of an entity Garnishee'

1605 18-4-85.

1606 **'IN THE COURT OF _____ COUNTY**
 1607 **STATE OF GEORGIA**

1608)
 1609)
 1610 Plaintiff)
 1611)
 1612 v.) **Civil Action File No. _____**
 1613)
 1614)
 1615 Defendant)
 1616)

1617 _____)
1618 **Garnishee**

1619 **FINANCIAL INSTITUTION GARNISHEE ANSWER**

1620 1. At the time of service of the Summons of Garnishment on a Financial Institution and
1621 including the next 24 hours, the Garnishee had in its possession the following described
1622 money and property of the Defendant:

1623 _____
1624 _____
1625 _____

1626 2. \$ _____ is the amount herewith paid into court.

1627 3. **Check this box if the Defendant is not presently an account holder of the**
1628 **Garnishee.**

1629 4. The Garnishee further states: _____.

1630 _____
1631 Garnishee,
1632 Garnishee's Attorney, or
1633 officer or employee of an entity Garnishee

1634 **CERTIFICATE OF SERVICE**

1635 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the
1636 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by
1637 depositing it in the United States Mail in a properly addressed envelope with adequate
1638 postage thereon.

1639 This _____ day of _____, 20 _____.

1640 _____
1641 Garnishee,
1642 Garnishee's Attorney, or
1643 officer or employee of an entity Garnishee'

1644 18-4-86.

1645 'IN THE COURT OF COUNTY

1646 STATE OF GEORGIA

1647)

1648)

1649 Plaintiff)

1650)

1651 v.) Civil Action File No.

1652)

1653)

1654 Defendant)

1655)

1656)

1657 Garnishee)

1658 GARNISHEE ANSWER TO CONTINUING GARNISHMENT

1659 1. From the time of service of the Summons of Continuing Garnishment, if this is the
1660 first Garnishee Answer to such summons, otherwise from the time of the last Garnishee
1661 Answer to the Summons of Continuing Garnishment until the time of this Garnishee
1662 Answer, the Garnishee had in the Garnishee's possession the following described property
1663 of the Defendant:

1664 _____
1665 _____
1666 _____

1667 2. From the time of service of the Summons of Continuing Garnishment, if this is the
1668 first Garnishee Answer to such summons, otherwise from the time of the last Garnishee
1669 Answer to the Summons of Continuing Garnishment until the time of this Garnishee
1670 Answer, all obligations accruing from the Garnishee to the Defendant are in the amount
1671 of \$ _____.

1672 3. \$ _____ of the amount named in paragraph 2 were wages earned at the rate of
1673 \$ _____ per _____ for the period beginning _____, 20 _____,
1674 _____ Date

1675 through the time of making this Garnishee Answer. The amount of wages which is
1676 subject to this garnishment is computed as follows:

1677 \$ _____ Gross earnings

1678 \$ _____ Total social security and withholding tax and other mandatory deductions
1679 required by law

1680 \$ _____ Total disposable earnings
 1681 \$ _____ Amount of wages subject to garnishment.
 1682 4. \$ _____ is the amount herewith paid into court.
 1683 **5. Check this box if the Defendant is not presently employed by the Garnishee.**
 1684 **6. Check this box if the Defendant was employed by the Garnishee on or after**
 1685 **service of the Summons of Continuing Garnishment but was terminated as of**
 1686 _____, 20____.
 1687 **Date**
 1688 **7. Check this box if this is the last Garnishee Answer this Garnishee is required**
 1689 **to file to the presently pending Summons of Garnishment in the above-styled case.**
 1690 8. The Garnishee further states: _____.

1691 _____
 1692 Garnishee,
 1693 Garnishee's Attorney, or
 1694 officer or employee of an entity Garnishee

1695 **CERTIFICATE OF SERVICE**

1696 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the
 1697 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by
 1698 depositing it in the United States Mail in a properly addressed envelope with adequate
 1699 postage thereon.

1700 This _____ day of _____, 20____.

1701 _____
 1702 Garnishee,
 1703 Garnishee's Attorney, or
 1704 officer or employee of an entity Garnishee'

1705 18-4-87.

1706 **'IN THE COURT OF COUNTY**
 1707 **STATE OF GEORGIA**

1708)
 1709)
 1710 Plaintiff)
 1711)
 1712 **v.**) **Civil Action File No.** _____
 1713)

1714 _____)
 1715 **Defendant**)
 1716)
 1717 _____)
 1718 **Garnishee**)

1719 **PLAINTIFF'S TRAVERSE**

1720 Now comes the Plaintiff in the above-styled case and traverses the Garnishee Answer by
 1721 saying the same is untrue or legally insufficient. The Plaintiff further states:

1722 _____
 1723 _____.

1724 _____
 1725 Plaintiff or Plaintiff's Attorney

1726 **CERTIFICATE OF SERVICE**

1727 This is to certify that I have this day served the Defendant and the Garnishee in the
 1728 foregoing matter with a copy of this pleading by depositing it in the United States Mail in
 1729 a properly addressed envelope with adequate postage thereon.

1730 This _____ day of _____, 20__.

1731 _____
 1732 Plaintiff or Plaintiff's Attorney'

1733 18-4-88.

1734 **'IN THE COURT OF COUNTY**
 1735 **STATE OF GEORGIA**

1736 _____)
 1737 _____)
 1738 **Plaintiff**)
 1739 _____)
 1740 **v.**) **Civil Action File No.** _____
 1741 _____)
 1742 _____)
 1743 **Defendant**)
 1744 _____)

1745 _____)
1746 Garnishee)

1747 **THIRD-PARTY CLAIM**

1748 Personally appeared _____, who on oath says that he or she
1749 (Print name)

1750 has a claim superior to that of the Plaintiff to the money or other property in the hands of
1751 the Garnishee subject to the process of garnishment.

1752 The Affiant further states: (check applicable box and complete the information requested)

1753 The Affiant obtained a judgment against the Defendant in the _____ Court of
1754 _____ County, _____, in Case Number _____
1755 _____ State

1756 on _____, and the unpaid balance of such judgment is in the amount of
1757 Date

1758 \$ _____.

1759 _____ or

1760 The basis of the Affiant's claim is _____
1761 _____.

1762 This _____ day of _____, 20 _____.

1763 _____
1764 _____ Affiant

1765 _____
1766 _____ Print name of Affiant

1767 Sworn to and subscribed before me this _____ day

1768 of _____, 20 _____.

1769 _____
1770 Notary Public or Deputy Clerk of Court

1771 **CERTIFICATE OF SERVICE**

1772 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the
1773 Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by
1774 depositing it in the United States Mail in a properly addressed envelope with adequate
1775 postage thereon.

1776 This _____ day of _____, 20 _____.

1777
1778

Third-party Claimant or Third-party Claimant's Attorney'

1779 18-4-89.

1780 'IN THE COURT OF COUNTY
1781 STATE OF GEORGIA

1782)

1783)

1784 Plaintiff)

1785)

1786 v.) Civil Action File No.

1787)

1788)

1789 Defendant)

1790)

1791)

1792 Garnishee)

1793 RELEASE OF GARNISHMENT

1794 To: _____
1795 Garnishee

1796 This is to notify you that you have been released from filing a Garnishee Answer to any
1797 and all Summons of Garnishment or Summons of Continuing Garnishment pending as of
1798 this date in the above-styled case.

1799 This release authorizes you to deliver to the Defendant in garnishment any money or other
1800 property in your possession belonging to the Defendant.

1801 This release does not terminate the garnishment proceedings, nor does this release relieve
1802 you of any obligation placed on you by the service of a Summons of Garnishment
1803 subsequent to this date.

1804 This day of _____, 20 .

1805 _____
1806 Clerk,
1807 _____
Court of _____ County

1808

CERTIFICATE OF SERVICE

1809 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the
 1810 Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by
 1811 depositing it in the United States Mail in a properly addressed envelope with adequate
 1812 postage thereon.

1813 This _____ day of _____, 20__.

1814

1815

Deputy Clerk of Court"

1816

SECTION 3.

1817 Code Section 44-7-50 of the Official Code of Georgia Annotated, relating to demand for
 1818 possession, is amended by revising subsection (a) as follows:

1819 "(a) In all cases where a tenant holds possession of lands or tenements over and beyond
 1820 the term for which they were rented or leased to the tenant or fails to pay the rent when it
 1821 becomes due and in all cases where lands or tenements are held and occupied by any tenant
 1822 at will or sufferance, whether under contract of rent or not, when the owner of the lands or
 1823 tenements desires possession of the lands or tenements, the owner may, individually or by
 1824 an agent, attorney in fact, or attorney at law, demand the possession of the property so
 1825 rented, leased, held, or occupied. If the tenant refuses or fails to deliver possession when
 1826 so demanded, the owner or the agent, attorney at law, or attorney in fact of the owner may
 1827 immediately go before the judge of the superior court, the judge of the state court, or the
 1828 clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk of any other
 1829 court with jurisdiction over the subject matter, or a magistrate in the district where the land
 1830 lies and make an affidavit under oath to the facts. The affidavit may likewise be made
 1831 before a notary public, subject to the same requirements for judicial approval specified in
 1832 Code Section ~~18-4-61, relating to garnishment affidavits~~ 18-4-3."

1833

SECTION 4.

1834 Code Section 53-12-80 of the Official Code of Georgia Annotated, relating to spendthrift
 1835 provisions, is amended by revising subsection (d) as follows:

1836 "(d) A spendthrift provision shall not be valid as to the following claims against a
 1837 beneficiary's right to a current distribution to the extent the distribution would be subject
 1838 to garnishment under Article ~~2~~ 1 of Chapter 4 of Title 18 if the distribution were disposable
 1839 earnings:

- 1840 (1) Alimony or child support;
1841 (2) Taxes or other governmental claims;
1842 (3) Tort judgments;
1843 (4) Judgments or orders for restitution as a result of a criminal conviction of the
1844 beneficiary; or
1845 (5) Judgments for necessities.
1846 The ability of a creditor or assignee to reach a beneficiary's interest under this subsection
1847 shall not apply to the extent that it would disqualify the trust as a special needs trust
1848 established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C)."

1849 **SECTION 5.**

1850 All laws and parts of laws in conflict with this Act are repealed.