

Senate Bill 255

By: Senators Stone of the 23rd, Bethel of the 54th, Millar of the 40th, Albers of the 56th, Ligon, Jr. of the 3rd and others

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 **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 "CHAPTER 4

22 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 arrearage' 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 arrearage 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 )



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 | <b>v.</b>                | )            |  |                 |
| 1019 |                          | )            |  |                 |
| 1020 | <b><u>Defendant:</u></b> | )            | <b><u>Garnishment Court information:</u></b> |                 |
| 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>                              | )               |
| 1027 |                          | )            | <u>Phone Number</u>                          |                 |
| 1028 | <b><u>Garnishee:</u></b> | )            |  |                 |
| 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> | <u>\$</u> | _____ |
| 1041 | <u>Plus court costs due on this summons .....</u>      | <u>\$</u> | _____ |
| 1042 | <u>Total garnishment claim .....</u>                   | <u>\$</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 \_\_\_\_\_ )





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.