

Senate Bill 443

By: Senators Stone of the 23rd, Anderson of the 24th and Mullis of the 53rd

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to  
2 garnishment proceedings, so as to revise procedures for garnishment proceedings; to provide  
3 for uniform procedures for garnishment actions; to provide definitions; to limit the maximum  
4 part of disposable earnings subject to garnishment in relation to certain educational or student  
5 loans; to provide a fixed time for continuous garnishments; to provide for voluntary  
6 reductions of payments; to provide for litigation procedures for parties to garnishment  
7 actions; to provide procedures for default judgments; to provide for the disbursement of  
8 funds; to provide procedural forms for garnishment; to amend Article 7 of Chapter 3 of  
9 Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and  
10 grants, so as to provide for cross-references; to provide for related matters; to repeal  
11 conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment  
15 proceedings, is amended by adding a new paragraph to Code Section 18-4-1, relating to  
16 definitions, to read as follows:

17 "(7) 'Statutory overnight delivery' shall have the same meaning as defined in Code  
18 Section 9-10-12."

19 **SECTION 2.**

20 Said chapter is further amended by revising subsections (c) and (d) of Code Section 18-4-2,  
21 relating to uniform procedures for garnishment, entitlement to procedures, application of the  
22 Civil Practice Act, and amendment, as follows:

23 "(c) Except as otherwise provided in this chapter, Chapter 11 of Title 9 shall apply in  
24 garnishment proceedings in the state courts and superior courts of this state.

25 (d) Any affidavit, garnishee answer, or pleading required or permitted by this chapter shall  
 26 be amendable at any time before judgment is entered or before money or other property  
 27 subject to garnishment is distributed by the court; however, no person or entity not named  
 28 as garnishee in the original affidavit of garnishment filed in an action may be added as a  
 29 garnishee by any amendment in such action absent a showing that any such amendment is  
 30 done to correct or clarify the identity of an originally named garnishee."

31 **SECTION 3.**

32 Said chapter is further amended by adding a new subsection to Code Section 18-4-3, relating  
 33 to affidavit and requirements and summons of garnishment, to read as follows:

34 "(e) The amount remaining due on a judgment may include, at the election of the plaintiff,  
 35 any and all unrecovered filing and service fees paid to a court of this state, or to any sheriff,  
 36 marshal, constable, or other such person authorized by law to serve process, for previous  
 37 garnishment actions based on such judgment."

38 **SECTION 4.**

39 Said chapter is further amended by revising subsections (b) and (c) Code Section 18-4-4,  
 40 relating to process of garnishment and period of garnishment, as follows:

41 "(b) All money or other property of the defendant in the possession or control of the  
 42 garnishee at the time of service of the summons of garnishment upon the garnishee or  
 43 coming into the possession or control of the garnishee throughout the garnishment period  
 44 shall be subject to the process of garnishment, provided that, in the case of collateral  
 45 securities in the hands of a creditor, such securities shall not be subject to garnishment so  
 46 long as there is an amount owed, even if not then due, on the debt for which the securities  
 47 were given as collateral.

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

50 (1) A continuing garnishment, shall include the next ~~179~~ 1,095 days;

51 (2) Garnishments, other than a continuing garnishment or continuing garnishment for  
 52 support, served on a financial institution, shall include the next five days;

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

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

57

**SECTION 5.**

58 Said chapter is further amended by revising Code Section 18-4-5, relating to maximum part  
59 of disposable earnings subject to garnishment and adverse employment action prohibited, as  
60 follows:

61 "18-4-5.

62 (a)(1) For purposes of this subsection, a "private student loan" shall be defined as an  
63 educational or student loan for postsecondary educational expenses but not a loan  
64 guaranteed under 20 U.S.C. Section 1070, et seq.

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

68 (A) Twenty-five percent of the defendant's disposable earnings for that week or, if the  
69 judgment upon which the garnishment is based arose from a private student loan, then  
70 15 percent of the defendant's disposable earnings for that week; or

71 (B) The amount by which the defendant's disposable earnings for that week exceed  
72 \$217.50.

73 ~~(2)~~(3) In case of earnings for a period other than a week, the proportionate fraction or  
74 multiple of 30 hours per week at \$7.25 per hour shall be used.

75 (4) A garnishee in a garnishment action in which the defendant is not an employee of  
76 such garnishee subject to federal and state income tax withholding by said garnishee shall  
77 be considered to have no knowledge of, nor any obligation to determine, the disposable  
78 earnings for such defendant and may, without liability to any party or nonparty, answer  
79 the summons without regard for any potential exemptions based on disposable earnings  
80 until such garnishee is served with, or consents to, a court order or a filed modification  
81 form as described in subsection (d) of this Code section in the pending garnishment  
82 action containing an alternative and enabling basis for determining the amount subject  
83 to garnishment.

84 (5) A garnishee shall only be deemed to have knowledge that the judgment upon which  
85 a garnishment is based arose from a private student loan, and shall only be responsible  
86 to adjust any calculation of the amount subject to garnishment accordingly, if the  
87 summons of garnishment served by the plaintiff on such garnishee states such  
88 information conspicuously on its face or upon service on such garnishee of a court order  
89 in the pending garnishment action stating such information.

90 (b) The limitation on garnishment set forth in subsection (a) of this Code section shall  
91 apply although the garnishee may receive a summons of garnishment in more than one  
92 garnishment case naming the same defendant unless the garnishee has received a summons  
93 of continuing garnishment for support as provided in Article 3 of this chapter.

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

98 (d) The amount to be paid by the garnishee in a continuing garnishment may be voluntarily  
 99 modified to a lesser amount if the plaintiff and the defendant execute the form provided in  
 100 Code Section 18-4-90. The form shall be effective only upon:

101 (1) Filing the fully executed and attested form or a copy thereof in the garnishment court;  
 102 and

103 (2) Serving the filed form upon the garnishee as provided in Code Section 9-11-4, or,  
 104 when the garnishment is filed in a magistrate court, by serving the garnishee by using the  
 105 constable of the magistrate court in the manner set forth in Code Section 9-11-4, or  
 106 obtaining a written acknowledgment of receipt of service of the form by the garnishee,  
 107 which may be by, but is not limited to, electronic mail, if the responding representative  
 108 of the garnishee confirms authority to make such acknowledgment or is an officer or  
 109 attorney of the garnishee."

110 **SECTION 6.**

111 Said chapter is further amended by revising Code Section 18-4-8, relating to required  
 112 documents and service thereof, as follows:

113 "18-4-8.

114 (a) The plaintiff shall serve the garnishee, as provided in Code Section 9-11-4, or, when  
 115 the garnishment is filed in a magistrate court, the plaintiff may serve the garnishee by using  
 116 the constable of the magistrate court in the manner set forth in Code Section 9-11-4, with  
 117 a copy of the affidavit of garnishment, summons of garnishment, Notice to Defendant of  
 118 Right Against Garnishment of Money, Including Wages, and Other Property, and  
 119 Defendant's Claim Form. The plaintiff shall fill in the style of the case, except for the civil  
 120 action file number, and the garnishment court information on such notice and claim form.  
 121 Such notice and claim form are set forth in Code Section 18-4-82.

122 (b)(1) At any time after filing of an affidavit of garnishment but not ~~Not~~ more than three  
 123 business days after service of the summons of garnishment on the garnishee, the plaintiff  
 124 shall cause a copy of the affidavit of garnishment, a copy of the summons of garnishment,  
 125 a copy of the Notice to Defendant of Right Against Garnishment of Money, Including  
 126 Wages, and Other Property, and a copy of the Defendant's Claim Form as described in  
 127 subsection (a) of this Code section, using one of the following methods:

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

129 (I) Regular mail; and

130 (II) Registered or certified mail or statutory overnight delivery, ~~return receipt~~  
 131 ~~requested.~~

132 (ii) A certificate of service or any other proof of the sending of the above documents  
 133 to the defendant, which may include but is not limited to copies of ~~The return receipt~~  
 134 indicating receipt by the defendant, the envelope bearing the official notification from  
 135 the United States Postal Service of the ~~defendant's refusal to accept attempted or~~  
 136 actual delivery of such registered or certified mail, the envelope bearing the official  
 137 notification from a commercial firm of the ~~defendant's refusal to accept attempted or~~  
 138 actual delivery of such statutory overnight delivery, or ~~an official~~ a written notice  
 139 from the United States Postal Service or a commercial firm, including but not limited  
 140 to printings or reproductions from the website of the United States Postal Service or  
 141 such commercial firm, of the ~~defendant's refusal to accept attempted or actual~~ delivery  
 142 of such registered or certified mail or statutory overnight delivery, shall be filed with  
 143 the clerk of the court in which the garnishment is pending.

144 (iii) The defendant's actual timely notice of the garnishment or the ~~The~~ defendant's  
 145 refusal to accept or failure to claim such registered or certified mail or statutory  
 146 overnight delivery addressed to such defendant shall ~~be deemed notice to such~~  
 147 defendant satisfy all other requirements for service of notice in this Code section;

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

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

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

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

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

155 (V) The constable of the magistrate court, when the garnishment is filed in a  
 156 magistrate court, or by the constable's deputy; or

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

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

160 (C)(i) When the plaintiff, or plaintiff's attorney, states under oath that the defendant  
 161 resides out of this state, has departed this state, or after due diligence cannot be found  
 162 within this state, or has concealed his or her place of residence from the plaintiff, to  
 163 ~~To~~ be sent to the defendant by regular mail at the address at which the defendant:

164 (I) Accepted service in the action resulting in the judgment;

165 (II) Identified as his or her residence in any pleading in the action resulting in the  
 166 judgment; or

167 (III) Was served as shown on the return of service in the action resulting in the  
 168 judgment ~~when it shall appear by affidavit that the defendant resides out of this~~  
 169 ~~state, has departed this state, cannot, after due diligence, be found within this state,~~  
 170 ~~or has concealed his or her place of residence from the plaintiff.~~

171 (ii) A certificate of such mailing shall be filed with the clerk of the court in which the  
 172 garnishment is pending by the person mailing such notice.

173 (2) The methods of notification specified in this subsection shall be cumulative and may  
 174 be used in any sequence or combination. When it appears that a plaintiff has reasonably,  
 175 diligently, and in good faith attempted to use one method, another method thereafter may  
 176 be utilized; for the time during which the attempt was being made, the time limit shall be  
 177 tolled for the subsequent method.

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

180 (A) Ten days have elapsed from the date of filing a certificate of compliance with at  
 181 least one method of notification provided by this subsection; and

182 (B) If a garnishee answer was filed:

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

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

188 **SECTION 7.**

189 Said chapter is further amended by revising Code Section 18-4-9, relating to periodic  
 190 summonses and original filing date limiting extension, as follows:

191 "18-4-9.

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

194 (b) Except in a continuing garnishment or continuing garnishment for support, no ~~No~~ new  
 195 summons of garnishment on the same affidavit of garnishment shall be issued after two  
 196 years from the date of the original filing of such affidavit. After two years from such  
 197 original filing date and provided that no unadjudicated claims, traverses, appeals, motions,  
 198 or other pleadings remain before the court, the garnishment proceeding, other than a  
 199 continuing garnishment or continuing garnishment for support, based on such affidavit  
 200 shall automatically stand dismissed unless there are funds remaining in the registry of the  
 201 court or a new summons of garnishment has been issued in the preceding 30 days. In the  
 202 event funds remain in the registry at such time and the plaintiff has filed its certificate of

203 compliance pursuant to subparagraph (b)(3)(A) of Code Section 18-4-8 and has made its  
 204 application for disbursement, all such funds will be deemed abandoned by the defendant  
 205 and disbursed to the plaintiff, notwithstanding any other provision of this Code section."

206

**SECTION 8.**

207 Said chapter is further amended by revising subsection (b) of and by adding a new subsection  
 208 to Code Section 18-4-10, relating to responses by garnishee and judgment by default, as  
 209 follows:

210 "(b) The summons of garnishment shall be directed to the garnishee, commanding the  
 211 garnishee to respond and state what money or other property is subject to garnishment.  
 212 Except as provided in subsection (c) of this Code section and Articles 2 and 3 of this  
 213 chapter, the garnishee's answer shall be filed with the court issuing the summons not sooner  
 214 than 30 days and not later than 45 days after service of the summons, and the money or  
 215 other property subject to garnishment shall be ~~paid~~ sent to or delivered to the court  
 216 concurrently with the sending or filing of such garnishee's answer."

217 "(d) When the garnishee is a financial institution and the garnishment is pursuant to  
 218 Article 2 or 3 of this chapter, any accounts of the defendant shall be subject to the process  
 219 of garnishment only for the garnishment period described in paragraph (2) of subsection  
 220 (c) of Code Section 18-4-4, and any funds due to be paid to the garnishment court through  
 221 such garnishment period may be held and delivered with the first garnishee answer  
 222 pursuant to Code Section 18-4-42."

223

**SECTION 9.**

224 Said chapter is further amended by revising subsection (a) of and by adding a new subsection  
 225 to Code Section 18-4-11, relating to garnishee answer and property located in area with  
 226 restricted access, as follows:

227 "(a) Within the time prescribed by Code Section 18-4-10, the garnishee shall file a  
 228 garnishee answer. ~~Concurrently Along~~ with the garnishee's answer, the garnishee shall ~~pay~~  
 229 send or deliver to the court the money or other property admitted in the garnishee's answer  
 230 to be subject to garnishment except, when the conditions of subsection (d) of Code  
 231 Section 18-4-5 have been satisfied, the specified amounts of money in each answer shall,  
 232 instead, be paid directly to the plaintiff."

233 "(f) A garnishee may elect to file, and a court shall not reject, a physical answer or answers  
 234 of garnishment even in courts otherwise subject to electronic filing requirements."

235

**SECTION 10.**

236 Said chapter is further amended by revising Code Section 18-4-12, relating to entity as  
237 garnishee, as follows:

238 "18-4-12.

239 (a) When a garnishment proceeding is filed in a court under any provision of this chapter  
240 involving an entity as garnishee, the execution and filing of a garnishee answer may be  
241 done by an entity's authorized officer, ~~or employee,~~ or any individual or entity engaged by  
242 such garnishee for the purpose of processing payrolls or accounts payable and shall not  
243 constitute the practice of law. If a claim or traverse is filed to such entity's garnishee  
244 answer in a court of record, an attorney shall be required to represent such entity in further  
245 garnishment proceedings.

246 (b) An entity's payment into court of any money or other property of the defendant, or  
247 money or other property which is admitted to be subject to garnishment, may be done by  
248 an entity's authorized officer, ~~or employee,~~ or any individual or entity engaged by such  
249 garnishee for the purpose of processing payrolls or accounts payable and shall not  
250 constitute the practice of law."

251

**SECTION 11.**

252 Said chapter is further amended by revising subsection (d) of Code Section 18-4-14, relating  
253 to recovery of reasonable expenses, recovery of actual expenses, and refunds, as follows:

254 "(d) Nothing in this Code section shall limit the reimbursement of costs incurred by a  
255 financial institution as provided in Code Section 7-1-237, nor interfere with, exclude, or  
256 supplant any contractual arrangement for a garnishee to reimburse itself for costs or fees  
257 of legal processing due to a garnishment."

258

**SECTION 12.**

259 Said chapter is further amended by revising subsections (a) and (d) of and by adding a new  
260 subsection to Code Section 18-4-15, relating to parties to garnishment, basis for exemption,  
261 form, and challenge to garnishment, as follows:

262 "(a) A garnishment proceeding is an action between the plaintiff and garnishee; provided,  
263 however, that at any time before a judgment is entered, an order to disburse funds is issued,  
264 ~~or before~~ money or other property subject to garnishment is distributed by the court,  
265 whichever occurs first, the defendant may become a party to the garnishment by filing a  
266 claim with the clerk of court and may use the form set forth in Code Section 18-4-82. A  
267 defendant's claim shall assert the basis upon which he or she claims that his or her money  
268 or other property is exempt from garnishment. Money or other property may be exempt  
269 from garnishment for a variety of reasons, including, but not limited to, the limitations on

270 garnishment as provided in Code Sections 18-4-5 and 18-4-53, exemptions as provided in  
 271 Code Section 18-4-6, the plaintiff not having a judgment against the defendant, the amount  
 272 claimed due by the plaintiff being erroneous, such money or other property being subject  
 273 to a claim held by a third party that is superior to the judgment described in the affidavit  
 274 of garnishment, or other legal or statutory defenses. Even when earnings are held at a  
 275 financial institution, such money may be exempt from garnishment due to the limitations  
 276 on garnishment as provided in Code Sections 18-4-5 and 18-4-53, exemptions as provided  
 277 in Code Section 18-4-6, or other reasons."

278 "(d) Except as provided in subsection (h) of this Code section, upon ~~Upon~~ the filing of the  
 279 defendant's claim, a judge of the court in which the garnishment is pending shall order a  
 280 hearing to be held not more than ten days from the date the claim is filed. The form for the  
 281 order for such hearing is set forth in Code Section 18-4-83. Such hearing shall be available  
 282 to the defendant as a matter of right after filing his or her claim, and no further summons  
 283 of garnishment shall issue nor shall any money or other property paid or delivered to the  
 284 court as subject to garnishment be disbursed until the hearing shall be held."

285 "(h) A court may decline to order a hearing upon, and may issue a denial of, any  
 286 defendant's claim which is filed after the dismissal of a garnishment action against such  
 287 defendant. Except in a continuing garnishment or continuing garnishment for support, a  
 288 court may decline to order a hearing upon, and may issue a denial of, any claim filed by a  
 289 defendant which comes after a judgment is entered, an order to disburse funds is issued,  
 290 or money or other property subject to garnishment is distributed by the court. No claim  
 291 may succeed upon any basis which was already raised and adjudicated, or which was  
 292 capable of being raised and adjudicated, in any claim previously made in the same  
 293 garnishment action by the same defendant."

294 **SECTION 13.**

295 Said chapter is further amended by revising Code Section 18-4-16, relating to plaintiff filing  
 296 traverse, to read as follows:

297 "18-4-16.

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

302 (b) The plaintiff may also file a traverse within 30 days after the plaintiff has been served  
 303 with a garnishee's motion to modify default judgment pursuant to Code Section 18-4-24  
 304 or 18-4-43, stating that the motion is untrue or legally insufficient, and by doing so bears  
 305 the burden of proving that the motion to modify default was not timely, that the costs to

306 accompany such motion were not paid or were paid in an incorrect amount, or that the total  
 307 of money or property identified in and paid with garnishee's motion to modify as belonging  
 308 or being owed to the defendant was not correct. The timeliness of the motion to modify,  
 309 the payment of costs to accompany such motion, and the amount due from garnishee as  
 310 belonging or being owed to the defendant during the applicable period are the only issues  
 311 for trial on a traverse pursuant to this subsection. If a garnishee's motion to modify is  
 312 found to be true and legally sufficient but for payment of costs in an incorrect amount, the  
 313 court shall allow the garnishee to pay the remaining unpaid cost amount within a time not  
 314 less than 30 days, shall consider the motion modified accordingly, and upon such payment  
 315 shall grant the modification sought in said motion."

316

**SECTION 14.**

317

Reserved.

318

**SECTION 15.**

319 Said chapter is further amended by revising subsections (c) and (d) of Code Section 18-4-19,  
 320 relating to order of trial, introduction of evidence, and expenses, as follows:

321 "(c) When the defendant, garnishee, or third-party claimant prevails upon the trial of his  
 322 or her claim:

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

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

334 (3) That the money or other property belonging to the defendant in the possession of the  
 335 court is exempt from garnishment, such exempt money or other property shall be restored  
 336 directly to the defendant. The court shall order such restoration within 48 hours; and

337 (4) Based on any legal or statutory defense or that money or other property in the  
 338 possession of the court may be subject to a claim held by a third party that is superior to  
 339 the judgment described in the affidavit of garnishment, the court shall determine the

340 disposition of the money or other property belonging to the defendant in the possession  
341 of the court.

342 (d) On the trial of the plaintiff's traverse, if the court finds ~~the~~:

343 (1) The garnishee has failed to respond properly to the summons of garnishment, the  
344 court shall disallow any expenses demanded by the garnishee and shall enter a judgment  
345 for any money or other property the court finds subject to garnishment which the  
346 garnishee has failed to pay or deliver to the court or to the plaintiff; provided, however,  
347 that the total amount of such judgment shall not exceed the amount shown to be due by  
348 the plaintiff, together with the costs of the garnishment proceeding; or

349 (2) The plaintiff's traverse lacked reasonable justification, the court shall award the  
350 garnishee a judgment against the plaintiff for its attorney's fees incurred in connection  
351 with the traverse."

352 **SECTION 16.**

353 Said chapter is further amended by revising Code Section 18-4-20, relating to failure to file  
354 claim or traverse in timely manner, as follows:

355 "18-4-20.

356 (a) When no claim has been filed and no traverse has been filed within 20 days after the  
357 garnishee's answer is filed:

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

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

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

371 (b) The application described under paragraphs (1) and (2) of subsection (a) of this Code  
372 section may be made at any time concurrent with, or following the filing of the  
373 garnishment action, and need only be made once in any such action regardless of the  
374 number of answers filed."

375

**SECTION 17.**

376 Said chapter is further amended by revising Code Section 18-4-23, relating to grounds for  
377 relief from liability, as follows:

378 "18-4-23.

379 (a) A garnishee may be relieved from liability for failure to file a garnishee answer if the  
380 plaintiff failed to provide the information required by paragraph (2) of subsection (b) of  
381 Code Section 18-4-7 that would reasonably enable the garnishee to respond properly to the  
382 summons of garnishment and a good faith effort to locate the requested property was made  
383 by the garnishee based on the information provided by the plaintiff. In determining  
384 whether a garnishee may be relieved of liability, the court shall consider any information  
385 or circumstances, including but not limited to ~~and compare the~~ accuracy and quantity of  
386 the information supplied by the plaintiff pursuant to paragraph (2) of subsection (b) of  
387 Code Section 18-4-7, ~~with~~ the manner in which such garnishee maintains and locates its  
388 records, the compliance by such garnishee with its own procedures, and the conformity of  
389 the record systems and procedures with reasonable commercial standards prevailing in the  
390 area in which such garnishee is located.

391 (b) A garnishee ~~and a plaintiff~~ shall not be subject to liability to any party or nonparty to  
392 the garnishment at issue arising from the attachment of a lien or the freezing, payment, or  
393 delivery into court of money or other property reasonably believed to be that of the  
394 defendant if such attachment, freezing, payment, or delivery is reasonably required by a  
395 good faith effort to comply with the summons of garnishment or with a modification of  
396 continuing garnishment by use of the form in Code Section 18-4-90. In determining  
397 whether such compliance by a garnishee is reasonable, the court shall consider any  
398 information or circumstances, including but not limited to ~~and compare~~ the accuracy and  
399 quantity of the information supplied by the plaintiff pursuant to paragraph (2) of  
400 subsection (b) of Code Section 18-4-7, ~~with~~ the manner in which such garnishee maintains  
401 and locates its records, the compliance by such garnishee with its own procedures, and the  
402 conformity of the record systems and procedures with reasonable commercial standards  
403 prevailing in the area in which such garnishee is located.

404 (c) A plaintiff shall not be subject to liability to any party or nonparty to the garnishment  
405 at issue arising from the attachment of a lien or the freezing, payment, or delivery into  
406 court of money or other property by a garnishee where the plaintiff's summons of  
407 garnishment and any attachments thereto include identifying information reasonably  
408 believed to be that of the defendant or defendants in the judgment upon which the  
409 garnishment is based.

410 (d) A garnishee shall not be liable to any party or nonparty to the garnishment at issue  
411 arising from the attachment of a lien or the freezing, payment, or delivery into court of

412 money or other property where such liability is based on any allegation disputing, or  
 413 subsequent determination denying, the validity of such garnishment as described in  
 414 subsection (d) of Code Section 18-4-7.

415 ~~(e)~~(e)(1) As used in this subsection, the term:

416 (A) 'Association account' means any account or safe-deposit box or similar property  
 417 maintained by a corporation, statutory close corporation, limited liability company,  
 418 partnership, limited partnership, limited liability partnership, foundation, trust, national,  
 419 state, or local government or quasi-government entity, or other incorporated or  
 420 unincorporated association.

421 (B) 'Fiduciary account' means any account or safe-deposit box maintained by any party  
 422 in a fiduciary capacity for any other party other than the defendant in garnishment.  
 423 Without limiting the foregoing, such term shall include any trust account as defined in  
 424 Code Section 7-1-810, any account created pursuant to a transfer governed by Code  
 425 Section 44-5-119, and any agency account or safe-deposit box governed by a power of  
 426 attorney or other written designation of authority.

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

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

436 (C) A garnishee shall not be liable for failure to pay or deliver to the court money or  
 437 other property in a fiduciary account that may be subject to garnishment by reason of  
 438 the fact that a defendant is a fiduciary of the fiduciary account, unless the summons of  
 439 garnishment is against the defendant in the defendant's capacity as a fiduciary of the  
 440 fiduciary account or the summons of garnishment alleges that the fiduciary account is  
 441 being used by the defendant for an improper or unlawful purpose."

442 **SECTION 18.**

443 Said chapter is further amended by revising Code Section 18-4-24, relating to modification  
 444 of default judgment, and burden of proof, as follows:

445 "18-4-24.

446 (a) When a default judgment is rendered against a garnishee under Code Section 18-4-21,  
 447 18-4-22, or 18-4-43, the plaintiff shall serve the garnishee, as provided in Code

448 Section 9-11-4, or, when the garnishment is filed in a magistrate court, the plaintiff may  
 449 serve the garnishee by using the constable of the magistrate court in the manner set forth  
 450 in Code Section 9-11-4, with a copy of such default judgment. On a motion filed not later  
 451 than 90 days from the date the garnishee was served with such default judgment, the  
 452 garnishee may, upon payment of ~~all accrued costs of court~~ any costs paid by the plaintiff  
 453 to the clerk of court for the initiation of the action, and service on the garnishee, have such  
 454 default judgment modified so that the amount of such default judgment shall be reduced  
 455 to an amount equal to ~~the greater of \$50.00 or \$50.00 plus 100 percent of the amount by~~  
 456 ~~which the garnishee was indebted to the defendant from the time of service of the summons~~  
 457 ~~of garnishment, including all money or other property belonging to the defendant which~~  
 458 came into the garnishee's hands:

459 (1) For garnishments pursuant to Article 1 of this chapter, from the time of service of the  
 460 summons of garnishment through and including the last day of the applicable  
 461 garnishment period, less any exemption allowed the defendant and any funds paid by the  
 462 garnishee into the court or to the plaintiff during the time for which an answer was due  
 463 and not filed; or

464 (2) For garnishments pursuant to Articles 2 and 3 of this chapter, from the time of service  
 465 of the summons of garnishment or from the last timely answer, whichever is later,  
 466 through and including the last day on which a timely garnishee answer could have been  
 467 made for all money or other property belonging to the defendant which came into the  
 468 garnishee's hands from the time of service of the summons through and including the last  
 469 day on which a timely answer could have been made and filed, less any exemption  
 470 allowed the defendant and any funds paid by the garnishee into the court or to the  
 471 plaintiff during the time for which an answer was due and not filed.

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

475

### **SECTION 19.**

476 Said chapter is further amended by revising Code Section 18-4-40, relating to the right to  
 477 continuing garnishment process and applicable provisions, as follows:

478 "18-4-40.

479 (a) In addition to garnishment proceedings otherwise available under this chapter, in all  
 480 cases when a money judgment was obtained in a court of this state or a federal court or is  
 481 being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the 'Uniform  
 482 Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12 of Title 9,  
 483 the 'Uniform Enforcement of Foreign Judgments Law,' a plaintiff shall be entitled to the

484 process of continuing garnishment against any garnishee who is an employer of or under  
 485 periodic obligations for payment to the defendant against whom the judgment has been  
 486 obtained.

487 (b) Unless otherwise specifically provided in this article, Article 1 of this chapter shall  
 488 apply to this article."

489 **SECTION 20.**

490 Said chapter is further amended by revising subsection (a) of Code Section 18-4-41, relating  
 491 to affidavit of continuing garnishment, summons, notice of exemptions, and form, as follows:

492 "(a) In addition to the information required by subsection (a) of Code Section 18-4-3, an  
 493 affidavit of continuing garnishment shall state that the plaintiff believes that the garnishee  
 494 is or may be an employer of or under periodic obligations for payment to the defendant and  
 495 subject to continuing garnishment."

496 **SECTION 21.**

497 Said chapter is further amended by revising Code Section 18-4-42, relating to filing and  
 498 contents of summons of continuing garnishment and filing of subsequent answers, as  
 499 follows:

500 "18-4-42.

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

503 (b) If the garnishee owes the defendant any sum for wages earned as the garnishee's  
 504 employee or any sum for goods or services periodically provided to the garnishee, the  
 505 garnishee answer shall state specifically when the ~~wages were~~ sum was earned by the  
 506 defendant, whether the ~~wages were~~ sum was earned on a daily, weekly, or monthly basis,  
 507 ~~the~~ any rate of pay and hours worked, and the basis for computation of earnings.

508 (c) The summons of continuing garnishment shall be directed to the garnishee,  
 509 commanding and obligating the garnishee:

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

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

516 (3) To ~~accompany all such garnishee answers with~~ send any money subject to continuing  
 517 garnishment concurrently with each garnishee answer.

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

522 ~~(2) Subsequent garnishee answers shall not be required on a summons of continuing~~  
 523 ~~garnishment if the preceding garnishee answer filed states what money of the defendant~~  
 524 ~~is subject to continuing garnishment from the previous garnishee answer date to and~~  
 525 ~~including the one hundred seventy-ninth day after service of the summons of continuing~~  
 526 ~~garnishment.~~

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

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

534 (f)(1) If the employment relationship or obligation for periodic payment between the  
 535 garnishee and the defendant does not exist at the time of service of the summons of  
 536 continuing garnishment, the garnishee shall state in the garnishee answer that such  
 537 relationship does not exist and may immediately file the garnishee's answer; provided,  
 538 however, that such garnishee's answer shall be filed not later than 45 days after service  
 539 of the summons of continuing garnishment.

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

544 ~~(3) If the employment relationship or obligation for periodic payment between the~~  
 545 ~~garnishee and the defendant terminates on or after service of the summons of continuing~~  
 546 ~~garnishment, the garnishee shall state in the garnishee answer that such relationship has~~  
 547 ~~been terminated, giving the date of termination, and may immediately file the garnishee's~~  
 548 ~~answer; provided, however, that such garnishee's answer shall be filed not later than 45~~  
 549 ~~days after service of the summons of continuing garnishment or 45 days after the~~  
 550 ~~previous garnishee answer date, whichever is later.~~

551 (3) If, on or after service of the summons of continuing garnishment, the most recent two  
 552 preceding garnishee answers filed at least 30 days apart advise that no payments are owed  
 553 the defendant, the garnishee may elect to file a final garnishee answer, identified as such;  
 554 provided, however, that such garnishee's answer shall be filed not later than 45 days after

555 service of the summons of continuing garnishment or 45 days after the previous garnishee  
 556 answer date, whichever is later.

557 ~~(4) Upon the termination of employment of the defendant by the garnishee, the garnishee~~  
 558 ~~shall be required to file a final garnishee answer stating the date of the defendant's~~  
 559 ~~termination.~~

560 (g) When a garnishee answer is made pursuant to subsection (f) of this Code section, no  
 561 claim has been filed, and no traverse has been filed within 20 days after such garnishee  
 562 answer is ~~filed~~ served on the plaintiff, the garnishee shall be discharged from further  
 563 liability and obligation in the same manner as set forth under Code Section 18-4-20 for that  
 564 summons with respect to the period of continuing garnishment remaining after the  
 565 employment or periodic payment relationship is terminated, or a final garnishee answer is  
 566 filed.

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

569 **SECTION 22.**

570 Said chapter is further amended by revising subsection (e) of Code Section 18-4-54, relating  
 571 to application of money paid into court, additional garnishee answers, and termination, as  
 572 follows:

573 "(e) Upon the termination of employment of or periodic obligations for payment to the  
 574 defendant by the garnishee, the garnishee shall be required to file a final garnishee answer  
 575 stating the date of the defendant's termination. After any two preceding, timely garnishee  
 576 answers filed at least 30 days apart advise that no payments are owed the defendant, the  
 577 garnishee may elect to file a final garnishee answer, identified as such; provided, however,  
 578 that such garnishee's answer shall be filed not later than 45 days after service of the  
 579 summons of continuing garnishment or 45 days after the previous garnishee answer date,  
 580 whichever is later."

581 **SECTION 23.**

582 Said chapter is further amended by revising Code Section 18-4-55, relating to termination  
 583 of continuing garnishment for support and garnishee's reliance upon information in affidavit,  
 584 as follows:

585 "18-4-55.

586 The continuing garnishment for support described in this article shall attach for so long as  
 587 the defendant is employed by or owed periodic payments from the garnishee or a final  
 588 garnishee answer is served on the plaintiff and not traversed within 20 days and shall not  
 589 terminate until the original arrearage is retired and all support payments are current. The

590 garnishee may rely upon the information as to the termination date of the duty of support  
 591 of any individual claimed in the affidavit of continuing garnishment for support, the  
 592 amount of the duty of support to be paid, any sums paid by the defendant between the date  
 593 of the filing of such affidavit and the date of the initial garnishee answer, and the amount  
 594 of the original arrearage existing as of the date of such affidavit, unless the defendant files  
 595 a claim against such affidavit or the garnishee's answer and the court enters any finding  
 596 otherwise."

597 **SECTION 24.**

598 Said chapter is further amended by revising subsection (a) of Code Section 18-4-70, relating  
 599 to the required use of forms, as follows:

600 "(a) For the purpose of this chapter, the forms contained in this article shall be required to  
 601 be used; provided, however, that a party may use its own format so long as it contains all  
 602 of the information in the form. A defendant may use the form provided in Code  
 603 Section 18-4-82 to file a claim or may use the defendant's own pleading. When a case  
 604 involves more than one plaintiff, ~~or defendant,~~ or garnishee, or necessitates the inclusion  
 605 of additional information, the form may be expanded to allow for the information  
 606 pertaining to all parties and such additional information to be displayed. Each summons  
 607 of garnishment issued in an action shall display in the caption the name of the garnishee  
 608 on whom that summons is to be served."

609 **SECTION 25.**

610 Said chapter is further amended by revising Code Section 18-4-72, relating to affidavit of  
 611 continuing garnishment, as follows:

612 "18-4-72.

613 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**  
 614 **STATE OF GEORGIA**

615 \_\_\_\_\_ )

616 **Plaintiff:** )

617 \_\_\_\_\_ )

618 Name )

619 \_\_\_\_\_ )

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

621 \_\_\_\_\_ )

622 Name )

623 \_\_\_\_\_ ) **Civil Action File No.**

624 Street Address ) \_\_\_\_\_

625 \_\_\_\_\_ )  
 626 City State ZIP Code )  
 627 \_\_\_\_\_ )  
 628 E-mail Address )  
 629 \_\_\_\_\_ )  
 630 Phone Number )  
 631 \_\_\_\_\_ )  
 632 Bar Number )  
 633 \_\_\_\_\_ )  
 634 v. )  
 635 \_\_\_\_\_ )  
 636 **Defendant:** )  
 637 \_\_\_\_\_ )  
 638 Name )  
 639 \_\_\_\_\_ )  
 640 Street Address )  
 641 \_\_\_\_\_ )  
 642 City State ZIP Code )  
 643 \_\_\_\_\_ )  
 644 **Garnishee:** )  
 645 \_\_\_\_\_ )  
 646 Name )  
 647 \_\_\_\_\_ )  
 648 Street Address )  
 649 \_\_\_\_\_ )  
 650 City State ZIP Code )

651 **AFFIDAVIT OF CONTINUING GARNISHMENT**

652 **DO NOT USE THIS FORM FOR A CONTINUING**  
653 **GARNISHMENT**

654 **FOR CHILD SUPPORT OR ALIMONY.**

655 **SEE O.C.G.A. § 18-4-73.**

656 Personally appeared \_\_\_\_\_, who on oath says:

657 (Print name)

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

659 2. The Plaintiff obtained a judgment against the Defendant in Case Number \_\_\_\_\_  
 660 in the \_\_\_\_\_ Court of \_\_\_\_\_ County, \_\_\_\_\_,  
 661 \_\_\_\_\_ State

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

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

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

668 5. The Affiant believes that the Garnishee is an employer of or under periodic obligations  
 669 for payment of funds to the Defendant.

670 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

671 \_\_\_\_\_  
 672 Affiant  
 673 \_\_\_\_\_  
 674 Print name of Affiant

675 Sworn to and subscribed before me this \_\_\_\_\_ day  
 676 of \_\_\_\_\_, 20\_\_\_\_.  
 677 \_\_\_\_\_  
 678 Notary Public or Deputy Clerk of Court"

679 **SECTION 26.**

680 Said chapter is further amended by revising Code Section 18-4-73, relating to affidavit of  
 681 continuing garnishment for support, as follows:

682 "18-4-73.

683 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**  
 684 **STATE OF GEORGIA**

685 )  
 686 **Plaintiff:** )  
 687 \_\_\_\_\_ )  
 688 Name )  
 689 )  
 690 **Plaintiff's contact information:** )

691 \_\_\_\_\_ )  
 692 Name )  
 693 \_\_\_\_\_ ) **Civil Action File No.**  
 694 Street Address ) \_\_\_\_\_  
 695 \_\_\_\_\_ )  
 696 City State ZIP Code )  
 697 \_\_\_\_\_ )  
 698 E-mail Address )  
 699 \_\_\_\_\_ )  
 700 Phone Number )  
 701 \_\_\_\_\_ )  
 702 Bar Number )  
 703 \_\_\_\_\_ )  
 704 v. )  
 705 \_\_\_\_\_ )  
 706 **Defendant:** )  
 707 \_\_\_\_\_ )  
 708 Name )  
 709 \_\_\_\_\_ )  
 710 Street Address )  
 711 \_\_\_\_\_ )  
 712 City State ZIP Code )  
 713 \_\_\_\_\_ )  
 714 **Garnishee:** )  
 715 \_\_\_\_\_ )  
 716 Name )  
 717 \_\_\_\_\_ )  
 718 Street Address )  
 719 \_\_\_\_\_ )  
 720 City State ZIP Code )

721 **AFFIDAVIT OF CONTINUING GARNISHMENT FOR SUPPORT**

722 Personally appeared \_\_\_\_\_, who on oath says:  
723 (Print name)

- 724 1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]
- 725 2. The Plaintiff obtained a judgment against the Defendant in Case Number \_\_\_\_\_

726 in the \_\_\_\_\_ Court of \_\_\_\_\_ County, \_\_\_\_\_,  
727 State

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

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

733 \$\_\_\_\_\_ is the amount of arrearage which exists under the judgment as of the  
734 execution of this affidavit.

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

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

738 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
739 Name of obligee

740 \_\_\_\_\_, and \_\_\_\_\_. Such periodic  
741 Name of obligee Name of obligee

742 support is payable on a \_\_\_\_\_ basis.

743 E.g., weekly, monthly

744 The termination date of the obligation for periodic support is \_\_\_\_\_.  
745 Date

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

748 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
749 Name of obligee

750 payable on a \_\_\_\_\_ basis, and the termination date of such  
751 E.g., weekly, monthly

752 obligation is \_\_\_\_\_.  
753 Date

754 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
755 Name of obligee

756 payable on a \_\_\_\_\_ basis, and the termination date of such  
757 E.g., weekly, monthly

758 obligation is \_\_\_\_\_.  
759 Date

760 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
761 Name of obligee

762 payable on a \_\_\_\_\_ basis, and the termination date of such  
 763 E.g., weekly, monthly  
 764 obligation is \_\_\_\_\_.

765 Date

766 4.  Check this box and attach a certified copy of the judgment for support hereto.

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

768 6. The Affiant believes that the Garnishee is an employer of or under periodic obligations  
 769 for payment of funds to the Defendant.

770 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

771 \_\_\_\_\_  
 772 Affiant

773 \_\_\_\_\_  
 774 Print name of Affiant

775 Sworn to and subscribed before me this \_\_\_\_\_ day  
 776 of \_\_\_\_\_, 20\_\_\_\_.

777 \_\_\_\_\_

778 Notary Public or Deputy Clerk of Court"

779 **SECTION 27.**

780 Said chapter is further amended by revising Code Section 18-4-74, relating to summons of  
 781 garnishment, as follows:

782 "18-4-74.

783 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**  
 784 **STATE OF GEORGIA**

785 )

786 **Plaintiff:** )

787 \_\_\_\_\_ )

788 Name )

789 )

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

791 \_\_\_\_\_ )

792 Name )

793 \_\_\_\_\_ ) **Civil Action File No.**

794 Street Address ) \_\_\_\_\_

795 \_\_\_\_\_ )  
796 City State ZIP Code )  
797 \_\_\_\_\_ )  
798 E-mail Address )  
799 \_\_\_\_\_ )  
800 Phone Number )  
801 \_\_\_\_\_ )  
802 Bar Number )  
803 \_\_\_\_\_ )  
804 v. )  
805 \_\_\_\_\_ )  
806 **Defendant:** ) **Garnishment Court information:**  
807 \_\_\_\_\_ ) \_\_\_\_\_  
808 Name ) Street Address  
809 \_\_\_\_\_ ) \_\_\_\_\_, Georgia \_\_\_\_\_  
810 Street Address ) City ZIP Code  
811 \_\_\_\_\_ ) \_\_\_\_\_  
812 City State ZIP Code ) Phone Number  
813 \_\_\_\_\_ )  
814 **Garnishee:** )  
815 \_\_\_\_\_ )  
816 Name )  
817 \_\_\_\_\_ )  
818 Street Address )  
819 \_\_\_\_\_ )  
820 City State ZIP Code )

821 **SUMMONS OF GARNISHMENT**

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

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

826 Total amount claimed due by the Plaintiff ..... \$ \_\_\_\_\_  
827 Plus court costs due on this summons ..... \$ \_\_\_\_\_  
828 Total garnishment claim ..... \$ \_\_\_\_\_

829 **COURT OF JUDGMENT** \_\_\_\_\_

830 **JUDGMENT CASE NO.** \_\_\_\_\_

831 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,  
 832 and other property, except what is known to be exempt, including property in safe-deposit  
 833 boxes or similar property that you hold, belonging to the Defendant or obligations owed  
 834 to the Defendant named above beginning on the day of service of this summons and  
 835 including the next 29 days. You are **FURTHER COMMANDED** to file your answer, in  
 836 writing, not sooner than 30 days and not later than 45 days from the date you were served  
 837 with this summons, with the Clerk of this Court and serve a copy of your answer upon the  
 838 Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the  
 839 Defendant's Attorney, if known, at the time of making such answer. Your answer shall  
 840 state what money, including wages, or other property, except what is known to be exempt,  
 841 belonging to the Defendant or obligations owed to the Defendant you hold beginning on  
 842 the day of service of this summons and including the next 29 days. Money, including  
 843 wages, or other property admitted in an answer to be subject to garnishment must be **paid**  
 844 sent or delivered to the Court concurrently with your answer.

845 If, in answering this summons, you state that the property of the Defendant includes  
 846 property in a safe-deposit box or similar property, you shall answer to the Court issuing this  
 847 summons as to the existence of such safe-deposit box or similar property and shall restrict  
 848 access to any contents of such safe-deposit box or similar property until further order of  
 849 such Court regarding the disposition of such contents or 120 days from the date of filing  
 850 your answer to this summons unless such time has been extended by the Court, whichever  
 851 is sooner.

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

855 **WITNESS**, the Honorable \_\_\_\_\_, Judge of said Court.

856 This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

857 \_\_\_\_\_, Clerk of Court

858 By: \_\_\_\_\_

859 Deputy Clerk, \_\_\_\_\_ Court"

**SECTION 28.**

860  
861 Said chapter is further amended by revising Code Section 18-4-76, relating to summons of  
862 garnishment on financial institutions, as follows:

863 "18-4-76.

864 'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
865 STATE OF GEORGIA

866 )

867 **Plaintiff:** )

868 \_\_\_\_\_ )

869 Name )

870 )

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

872 \_\_\_\_\_ )

873 Name )

874 \_\_\_\_\_ ) **Civil Action File No.**

875 Street Address ) \_\_\_\_\_

876 \_\_\_\_\_ )

877 City State ZIP Code )

878 \_\_\_\_\_ )

879 E-mail Address )

880 \_\_\_\_\_ )

881 Phone Number )

882 \_\_\_\_\_ )

883 Bar Number )

884 )

885 v. )

886 )

887 **Defendant:** ) **Garnishment Court information:**

888 \_\_\_\_\_ ) \_\_\_\_\_

889 Name ) Street Address

890 \_\_\_\_\_ ) \_\_\_\_\_, Georgia \_\_\_\_\_

891 Street Address ) City ZIP Code

892 \_\_\_\_\_ ) \_\_\_\_\_

893 City State ZIP Code ) Phone Number

894 )

895 **Garnishee:** )

896 \_\_\_\_\_ )  
 897 Name )  
 898 \_\_\_\_\_ )  
 899 Street Address )  
 900 \_\_\_\_\_ )  
 901 City State ZIP Code )

**SUMMONS OF GARNISHMENT ON A FINANCIAL  
 INSTITUTION**

**DO NOT USE THIS FORM IF THIS IS A CONTINUING  
 GARNISHMENT  
 (SEE O.C.G.A. §§ 18-4-72 and 18-4-78) OR CONTINUING  
 GARNISHMENT FOR CHILD SUPPORT OR  
 ALIMONY (SEE O.C.G.A. §§ 18-4-73 and 18-4-80).**

- 909  **Check this box if other allegations are made against a nonjudgment Defendant**  
 910 **pursuant to O.C.G.A. § 18-4-23.**  
 911  **Check this box if this is a garnishment for child support or alimony.**

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

913 Total amount claimed due by the Plaintiff ..... \$ \_\_\_\_\_  
 914 Plus court costs due on this summons ..... \$ \_\_\_\_\_  
 915 Total garnishment claim ..... \$ \_\_\_\_\_

916 **COURT OF JUDGMENT** \_\_\_\_\_  
 917 **JUDGMENT CASE NO.** \_\_\_\_\_

918 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,  
 919 and other property, except what is known to be exempt, including property in safe-deposit  
 920 boxes or similar property that you hold, belonging to the Defendant named above  
 921 beginning on the day of service of this summons and including the next five days. You are  
 922 **FURTHER COMMANDED** to file your answer, in writing, not sooner than five days and  
 923 not later than 15 days after the date you were served with this summons, with the Clerk of  
 924 this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named  
 925 above and the Defendant named above, or the Defendant's Attorney, if known, at the time  
 926 of making such answer. Your answer shall state what money, including wages, or other

927 property, except what is known to be exempt, belonging to the Defendant you hold  
928 beginning on the day of service of this summons and including the next five days. Money,  
929 including wages, or other property admitted in an answer to be subject to garnishment must  
930 be paid sent or delivered to the Court concurrently with your answer.

931 If, in answering this summons, you state that the property of the Defendant includes  
932 property in a safe-deposit box or similar property, you shall answer to the Court issuing this  
933 summons as to the existence of such safe-deposit box or similar property and shall restrict  
934 access to any contents of such safe-deposit box or similar property until further order of  
935 such Court regarding the disposition of such contents or 120 days from the date of filing  
936 your answer to this summons unless such time has been extended by the Court, whichever  
937 is sooner.

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

941 **WITNESS**, the Honorable \_\_\_\_\_, Judge of said Court.

942 This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

943 \_\_\_\_\_, Clerk of Court

944 By: \_\_\_\_\_

945 Deputy Clerk, \_\_\_\_\_ Court"

946 **SECTION 29.**

947 Said chapter is further amended by revising Code Section 18-4-78, relating to summons of  
948 continuing garnishment, as follows:

949 "18-4-78.

950 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

951 **STATE OF GEORGIA**

952 )

953 **Plaintiff:** )

954 \_\_\_\_\_ )

955 Name )

956 )

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

958 \_\_\_\_\_ )  
 959 Name )  
 960 \_\_\_\_\_ ) **Civil Action File No.**  
 961 Street Address ) \_\_\_\_\_  
 962 \_\_\_\_\_ )  
 963 City State ZIP Code )  
 964 \_\_\_\_\_ )  
 965 E-mail Address )  
 966 \_\_\_\_\_ )  
 967 Phone Number )  
 968 \_\_\_\_\_ )  
 969 Bar Number )  
 970 \_\_\_\_\_ )  
 971 v. )  
 972 \_\_\_\_\_ )  
 973 **Defendant:** ) **Garnishment Court information:**  
 974 \_\_\_\_\_ ) \_\_\_\_\_  
 975 Name ) Street Address  
 976 \_\_\_\_\_ ) \_\_\_\_\_, Georgia \_\_\_\_\_  
 977 Street Address ) City ZIP Code  
 978 \_\_\_\_\_ ) \_\_\_\_\_  
 979 City State ZIP Code ) Phone Number  
 980 \_\_\_\_\_ )  
 981 **Garnishee:** )  
 982 \_\_\_\_\_ )  
 983 Name )  
 984 \_\_\_\_\_ )  
 985 Street Address )  
 986 \_\_\_\_\_ )  
 987 City State ZIP Code )

988 **SUMMONS OF CONTINUING GARNISHMENT**

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

990 Total amount claimed due by the Plaintiff ..... \$ \_\_\_\_\_  
 991 Plus court costs due on this summons ..... \$ \_\_\_\_\_  
 992 Total garnishment claim ..... \$ \_\_\_\_\_

993 **COURT OF JUDGMENT** \_\_\_\_\_

994 **JUDGMENT CASE NO.** \_\_\_\_\_

995 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,  
 996 and other property, except what is known to be exempt, belonging to the Defendant or  
 997 obligations owed to the Defendant named above beginning on the day of service of this  
 998 summons and including the next ~~179~~ 1,095 days. You are **FURTHER COMMANDED**  
 999 to file your answer, in writing, not later than 45 days from the date you were served with  
 1000 this summons, with the Clerk of this Court and serve a copy of your answer upon the  
 1001 Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the  
 1002 Defendant's Attorney, if known, at the time of making such answer. Your answer shall  
 1003 state what money, including wages, or other property, except what is known to be exempt,  
 1004 belonging to the Defendant or obligations owed to the Defendant you hold or owe  
 1005 beginning on the day of service of this summons and between the time of such service and  
 1006 the time of making your first answer. Thereafter, you are required to file further answers  
 1007 no later than 45 days after your last answer. Every further answer shall state what money,  
 1008 including wages, and other property, except what is known to be exempt, belonging to the  
 1009 Defendant or obligations owed to the Defendant you hold or owe at and from the time of  
 1010 the last answer to the time of the current answer. ~~The last answer required by this~~  
 1011 ~~summons shall be filed no later than the 195th day after you receive this summons.~~ YOU  
 1012 MUST FILE ADDITIONAL ANSWERS UNTIL THE SOONER OF: THE PAYMENT  
 1013 OF THE BALANCE SHOWN ON THE SUMMONS OF GARNISHMENT, THE  
 1014 EXPIRATION OF 1,095 DAYS, OR THE TERMINATION OF ANY RELATIONSHIP  
 1015 BETWEEN GARNISHEE AND DEFENDANT WHICH INCLUDES PERIODIC  
 1016 PAYMENT OBLIGATIONS FROM GARNISHEE TO DEFENDANT. Money, including  
 1017 wages, or other property admitted in an answer to be subject to continuing garnishment  
 1018 must be ~~paid~~ sent or delivered to the Court concurrently with each answer.

1019 Should you fail to file Garnishee Answers as required by this summons, a judgment by  
 1020 default will be rendered against you for the amount remaining due on a judgment as shown  
 1021 in the Plaintiff's Affidavit of Continuing Garnishment.

1022 **WITNESS**, the Honorable \_\_\_\_\_, Judge of said Court.

1023

1024 This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1025 \_\_\_\_\_, Clerk of Court

1026 By: \_\_\_\_\_

1027 Deputy Clerk, \_\_\_\_\_ Court"

1028 **SECTION 30.**

1029 Said chapter is further amended by revising Code Section 18-4-80, relating to summons of  
1030 continuing garnishment for support, as follows:

1031 "18-4-80.

1032 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

1033 **STATE OF GEORGIA**

1034 \_\_\_\_\_ )

1035 **Plaintiff:** )

1036 \_\_\_\_\_ )

1037 Name )

1038 \_\_\_\_\_ )

1039 **Plaintiff's contact information:** )

1040 \_\_\_\_\_ )

1041 Name )

1042 \_\_\_\_\_ ) **Civil Action File No.**

1043 Street Address ) \_\_\_\_\_

1044 \_\_\_\_\_ )

1045 City State ZIP Code )

1046 \_\_\_\_\_ )

1047 E-mail Address )

1048 \_\_\_\_\_ )

1049 Phone Number )

1050 \_\_\_\_\_ )

1051 Bar Number )

1052 \_\_\_\_\_ )

1053 **v.** )

1054 \_\_\_\_\_ )

1055 **Defendant:** ) **Garnishment Court information:**

1056 \_\_\_\_\_ ) \_\_\_\_\_

1057 Name ) Street Address

1058 \_\_\_\_\_ ) \_\_\_\_\_, Georgia \_\_\_\_\_

1059 Street Address ) City ZIP Code

1060 \_\_\_\_\_ ) \_\_\_\_\_

1061 City State ZIP Code ) Phone Number

1062 )  
 1063 **Garnishee:** )  
 1064 \_\_\_\_\_ )  
 1065 Name )  
 1066 \_\_\_\_\_ )  
 1067 Street Address )  
 1068 \_\_\_\_\_ )  
 1069 City State ZIP Code )

1070 **SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT**  
 1071 **GOVERNED BY ARTICLE 3 OF CHAPTER 4 OF TITLE 18**

1072 **TO THE ABOVE-NAMED GARNISHEE:**

1073 Total amount claimed due by the Plaintiff ..... \$ \_\_\_\_\_  
 1074 Plus court costs due on this summons ..... \$ \_\_\_\_\_  
 1075 Total garnishment claim ..... \$ \_\_\_\_\_

1076 **COURT OF JUDGMENT** \_\_\_\_\_  
 1077 **JUDGMENT CASE NO.** \_\_\_\_\_

1078 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,  
 1079 and other property, except what is known to be exempt, belonging to the Defendant or  
 1080 obligations owed to the Defendant named above beginning on the day of service of this  
 1081 summons until the original arrearage is retired and all periodic support payments are  
 1082 current or until the termination of the garnishment. You are **FURTHER COMMANDED**  
 1083 to file your answer, in writing, not later than 45 days from the date you were served with  
 1084 this summons, with the Clerk of this Court and serve a copy of your answer upon the  
 1085 Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the  
 1086 Defendant's Attorney, if known, at the time of making such answer. Your answer shall  
 1087 state what money, including wages, or other property, except what is known to be exempt,  
 1088 belonging to the Defendant or obligations owed to the Defendant you hold or owe  
 1089 beginning on the day of service of this summons and between the time of such service and  
 1090 the time of making your first answer. Thereafter, you are required to file further answers  
 1091 no later than 45 days after your last answer. Every further answer shall state what money,  
 1092 including wages, and other property, except what is known to be exempt, belonging to the  
 1093 Defendant or obligations owed to the Defendant you hold or owe at and from the time of  
 1094 the last answer to the time of the current answer. **YOU MUST FILE ADDITIONAL**

1095 ANSWERS UNTIL THE ORIGINAL ARREARAGE IS RETIRED AND ALL PERIODIC  
 1096 SUPPORT PAYMENTS ARE CURRENT. Money, including wages, or other property  
 1097 admitted in an answer to be subject to continuing garnishment must be paid sent or  
 1098 delivered to the Court concurrently with each answer. The Plaintiff and the Defendant are  
 1099 required by law to serve you with a copy of any amendment or modification to the original  
 1100 judgment.

1101 Should you fail to file Garnishee Answers as required by this summons, a judgment by  
 1102 default will be rendered against you for the amount remaining due on a judgment as shown  
 1103 in the Plaintiff's Affidavit of Continuing Garnishment.

1104 **WITNESS**, the Honorable \_\_\_\_\_, Judge of said Court.

1105 This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1106 \_\_\_\_\_, Clerk of Court

1107 By: \_\_\_\_\_

1108 Deputy Clerk, \_\_\_\_\_ Court''

1109 **SECTION 30A.**

1110 Said chapter is further amended by revising Code Section 18-4-82, relating to notice to  
 1111 defendant of right against garnishment of money, including wages, and other property, as  
 1112 follows:

1113 18-4-82.

1114 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

1115 **STATE OF GEORGIA**

1116 )

1117 **Plaintiff:** )

1118 \_\_\_\_\_ )

1119 Name )

1120 )

1121 **Plaintiff's contact information:** )

1122 \_\_\_\_\_ )

1123 Name )

1124 \_\_\_\_\_ ) **Civil Action File No.**

1125 Street Address )

1126 \_\_\_\_\_ ) \_\_\_\_\_

1127 City State ZIP Code )

1128 \_\_\_\_\_ )  
 1129 Email ~~E-mail~~ Address )  
 1130 \_\_\_\_\_ )  
 1131 Phone Number )  
 1132 \_\_\_\_\_ )  
 1133 Bar Number )  
 1134 )  
 1135 v. )  
 1136 )  
 1137 **Defendant:** )  
 1138 \_\_\_\_\_ )  
 1139 Name )  
 1140 \_\_\_\_\_ )  
 1141 Street Address )  
 1142 )  
 1143 **Garnishee:** )  
 1144 \_\_\_\_\_ )  
 1145 Name )  
 1146 \_\_\_\_\_ )  
 1147 Street Address )  
 1148 \_\_\_\_\_ )  
 1149 City State ZIP Code )

1150 **NOTICE TO DEFENDANT OF RIGHT AGAINST**  
 1151 **GARNISHMENT OF MONEY, INCLUDING WAGES, AND**  
 1152 **OTHER PROPERTY**

1153 You received this notice because money, including wages, and other property belonging  
 1154 to you have been garnished to pay a court judgment against you. HOWEVER, YOU  
 1155 MAY BE ABLE TO KEEP YOUR MONEY, INCLUDING WAGES, OR OTHER  
 1156 PROPERTY.

1157 **READ THIS NOTICE CAREFULLY.**

1158 State and federal law protects some money, including wages, from garnishment even if  
 1159 it is in a bank. Some common exemptions are benefits from social security, supplemental  
 1160 security income, unemployment, workers' compensation, the Veterans' Administration,

1161 state pension, retirement funds, and disability income. This list of exemptions does not  
 1162 include all possible exemptions. A more detailed list of exemptions is available at the  
 1163 Clerk of Court's office located at \_\_\_\_\_ (Name of Court),  
 1164 \_\_\_\_\_ (Address), \_\_\_\_\_ (City), Georgia  
 1165 \_\_\_\_\_ (ZIP Code), and on the website for the Attorney General (www.law.ga.gov).

1166 Garnishment of your earnings from your employment is limited to the lesser of 25 percent  
 1167 of your disposable earnings for a week or the amount by which your disposable earnings  
 1168 for a week exceed \$217.50. More than 25 percent of your disposable earnings may be  
 1169 taken from your earnings for the payment of child support or alimony or if a Chapter 13  
 1170 bankruptcy allows a higher amount.

1171 **TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY**  
 1172 **FROM BEING GARNISHED, YOU MUST:**

- 1173 1. Complete the Defendant's Claim Form as set forth below; and
- 1174 2. File this completed claim form with the Clerk of Court's office located at  
 1175 \_\_\_\_\_ (Name of Court), \_\_\_\_\_ (Address),  
 1176 \_\_\_\_\_ (City), Georgia \_\_\_\_\_ (ZIP Code).

1177 **FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE.** You may lose  
 1178 your right to claim an exemption if you do not file your claim form within 20 days after the  
 1179 Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim  
 1180 form to the Plaintiff and the Garnishee at the addresses listed on this notice.

1181 The Court will schedule a hearing within ten days from when it receives your claim form.  
 1182 The Court will mail you the time and date of the hearing at the address that you provide on  
 1183 your claim form. You may go to the hearing with or without an attorney. You will need  
 1184 to give the Court documents or other proof that your money is exempt.

1185 The Clerk of Court cannot give you legal advice. **IF YOU NEED LEGAL ASSISTANCE,**  
 1186 **YOU SHOULD SEE AN ATTORNEY.** If you cannot afford a private attorney, legal  
 1187 services may be available.

1188 **DEFENDANT'S CLAIM FORM**

1189 **I CLAIM EXEMPTION from garnishment. Some of my money or property held by**  
 1190 **the garnishee is exempt because it is: (check all that apply)**

- 1191  1. Social security benefits.
- 1192  2. Supplemental security income benefits.
- 1193  3. Unemployment benefits.
- 1194  4. Workers' compensation.
- 1195  5. Veterans' benefits.
- 1196  6. State pension benefits.
- 1197  7. Disability income benefits.
- 1198  8. Money that belongs to a joint account holder.
- 1199  9. Child support or alimony.
- 1200  10. Exempt wages, retirement, or pension benefits.
- 1201  11. Exemptions for taxes due on income or earnings not subject to employer
- 1202 withholding.
- 1203  12. Other exemptions as provided by law.

1204 Explain: \_\_\_\_\_

1205 \_\_\_\_\_

1206 I further state: (check all that apply)

- 1207  1. The Plaintiff does not have a judgment against me.
- 1208  2. The amount shown due on the Plaintiff's Affidavit of Garnishment is incorrect.
- 1209  3. The Plaintiff's Affidavit of Garnishment is untrue or legally insufficient.

1210 Send the notice of the hearing on my claim to me at:

1211 Address: \_\_\_\_\_

1212 Phone Number: \_\_\_\_\_

1213 Email E-mail Address: \_\_\_\_\_

1214 The statements made in this claim form are true to the best of my knowledge and belief.

1215 \_\_\_\_\_, 20\_\_\_\_

1216 Defendant's signature Date

1217 \_\_\_\_\_

1218 Print name of Defendant

1219

**CERTIFICATE OF SERVICE**

1220 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the  
1221 Garnishee in the foregoing matter with a copy of this pleading by depositing it in the  
1222 United States Mail in a properly addressed envelope with adequate postage thereon.

1223 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

1224

\_\_\_\_\_

1225

Defendant or Defendant's Attorney'

1226

**SECTION 31.**

1227 Said chapter is further amended by revising Code Section 18-4-84, relating to garnishee  
1228 answer, as follows:

1229 "18-4-84.

1230

**'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

1231

**STATE OF GEORGIA**

1232

)

1233

\_\_\_\_\_

)

1234

**Plaintiff**

)

1235

)

1236

**v.**

)

**Civil Action File No.**

1237

)

\_\_\_\_\_

1238

\_\_\_\_\_

)

1239

**Defendant**

)

1240

)

1241

\_\_\_\_\_

)

1242

**Garnishee**

)

1243

**GARNISHEE ANSWER OF \_\_\_\_\_ (GARNISHEE)**

1244

1. At the time of service or from the time of service to the time of this Garnishee

1245

Answer, the Garnishee had in its possession the following described property of the

1246

Defendant:

1247

\_\_\_\_\_

1248

\_\_\_\_\_

1249

\_\_\_\_\_

1250 2. At the time of service or from the time of service to the time of this Garnishee  
1251 Answer, all obligations accruing from the Garnishee to the Defendant are in the amount  
1252 of \$\_\_\_\_\_.

1253 3. \$ \_\_\_\_\_ is the amount herewith paid into court.

1254 4. The Garnishee further states: \_\_\_\_\_.

1255 \_\_\_\_\_  
1256 Garnishee,  
1257 Garnishee's Attorney, or  
1258 officer or employee of an entity Garnishee

1259 **CERTIFICATE OF SERVICE**

1260 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the  
1261 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by  
1262 depositing it in the United States Mail in a properly addressed envelope with adequate  
1263 postage thereon.

1264 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

1265 \_\_\_\_\_  
1266 Garnishee,  
1267 Garnishee's Attorney, or  
1268 officer or employee of an entity Garnishee"

1269 **SECTION 32.**

1270 Said chapter is further amended by revising Code Section 18-4-85, relating to financial  
1271 institution garnishee answer, as follows:

1272 "18-4-85.

1273 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

1274 **STATE OF GEORGIA**

1275 )  
1276 \_\_\_\_\_ )  
1277 **Plaintiff** )  
1278 )



1308 \_\_\_\_\_  
 1309 Garnishee,  
 1310 Garnishee's Attorney, or  
 1311 officer or employee of an entity Garnishee"

1312 **SECTION 33.**

1313 Said chapter is further amended by revising Code Section 18-4-86, relating to garnishee  
1314 answer to continuing garnishment, as follows:

1315 "18-4-86.

1316 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

1317 **STATE OF GEORGIA**

1318 )  
 1319 \_\_\_\_\_ )  
 1320 **Plaintiff** )  
 1321 )  
 1322 **v.** ) **Civil Action File No.**  
 1323 ) \_\_\_\_\_  
 1324 \_\_\_\_\_ )  
 1325 **Defendant** )  
 1326 )  
 1327 \_\_\_\_\_ )  
 1328 **Garnishee** )

1329 **GARNISHEE ANSWER OF \_\_\_\_\_ (GARNISHEE) TO CONTINUING**  
1330 **GARNISHMENT**

1331 1. From the time of service of the Summons of Continuing Garnishment, if this is the  
1332 first Garnishee Answer to such summons, otherwise from the time of the last Garnishee  
1333 Answer to the Summons of Continuing Garnishment until the time of this Garnishee  
1334 Answer, the Garnishee had in the Garnishee's possession the following described property  
1335 of the Defendant:

1336 \_\_\_\_\_  
 1337 \_\_\_\_\_  
 1338 \_\_\_\_\_

1339 2. From the time of service of the Summons of Continuing Garnishment, if this is the  
1340 first Garnishee Answer to such summons, otherwise from the time of the last Garnishee

1341 Answer to the Summons of Continuing Garnishment until the time of this Garnishee  
 1342 Answer, all obligations accruing from the Garnishee to the Defendant are in the amount  
 1343 of \$\_\_\_\_\_.

1344 3. \$\_\_\_\_\_ of the amount named in paragraph 2 were wages earned at the rate of  
 1345 \$\_\_\_\_\_ per \_\_\_\_\_ for the period beginning \_\_\_\_\_, 20\_\_\_\_,  
 1346 Date

1347 through the time of making this Garnishee Answer. The amount of wages which is  
 1348 subject to this garnishment is computed as follows:

- 1349 \$ \_\_\_\_\_ Gross earnings
- 1350 \$ \_\_\_\_\_ Total social security and withholding tax and other mandatory deductions
- 1351 required by law
- 1352 \$ \_\_\_\_\_ Total disposable earnings
- 1353 \$ \_\_\_\_\_ Amount of wages subject to garnishment.

1354 4. \$ \_\_\_\_\_ is the amount herewith paid into court.

1355 **5.  Check this box if the Defendant is not presently employed by or owed periodic**  
 1356 **payments by the Garnishee.**

1357 **6.  Check this box if the Defendant was employed by or owed periodic payments**  
 1358 **by the Garnishee on or after service of the Summons of Continuing Garnishment**  
 1359 **but was terminated as of \_\_\_\_\_, 20\_\_\_\_\_.**  
 1360 **Date**

1361 **7.  Check this box if this is the last Garnishee Answer this Garnishee is required**  
 1362 **to file to the presently pending Summons of Garnishment in the above-styled case.**

1363 8. The Garnishee further states: \_\_\_\_\_.

1364 \_\_\_\_\_  
 1365 Garnishee,  
 1366 Garnishee's Attorney, or  
 1367 officer or employee of an entity Garnishee

1368

**CERTIFICATE OF SERVICE**

1369 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the  
1370 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by  
1371 depositing it in the United States Mail in a properly addressed envelope with adequate  
1372 postage thereon.

1373 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

1374 \_\_\_\_\_  
1375 Garnishee,  
1376 Garnishee's Attorney, or  
1377 officer or employee of an entity Garnishee"

1378 **SECTION 34.**

1379 Said chapter is further amended by revising Code Section 18-4-87, relating to plaintiff's  
1380 traverse, as follows:

1381 "18-4-87.

1382 **'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY**

1383 **STATE OF GEORGIA**

1384 )  
1385 \_\_\_\_\_ )  
1386 **Plaintiff** )  
1387 )  
1388 **v.** ) **Civil Action File No.**  
1389 ) \_\_\_\_\_  
1390 \_\_\_\_\_ )  
1391 **Defendant** )  
1392 )  
1393 \_\_\_\_\_ )  
1394 **Garnishee** )

1395 **PLAINTIFF'S TRAVERSE**

1396 Now comes the Plaintiff in the above-styled case and traverses the Garnishee Answer or  
1397 Motion to Modify Default Judgment by saying the same is untrue or legally insufficient. The  
1398 Plaintiff further states:

1399 \_\_\_\_\_  
1400 \_\_\_\_\_.

1401 \_\_\_\_\_  
1402 Plaintiff or Plaintiff's Attorney

1403 **CERTIFICATE OF SERVICE**

1404 This is to certify that I have this day served the Defendant and the Garnishee in the  
1405 foregoing matter with a copy of this pleading by depositing it in the United States Mail in  
1406 a properly addressed envelope with adequate postage thereon.

1407 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

1408 \_\_\_\_\_  
1409 Plaintiff or Plaintiff's Attorney"

1410 **SECTION 35.**

1411 Said chapter is further amended by adding a new Code section to read as follows:

1412 "18-4-90.

1413 **IN THE COURT OF COUNTY**  
1414 **STATE OF GEORGIA**

1415 )  
1416 \_\_\_\_\_ )  
1417 **Plaintiff** )  
1418 )  
1419 **v.** ) **Civil Action File No.**  
1420 ) \_\_\_\_\_  
1421 \_\_\_\_\_ )  
1422 **Defendant** )  
1423 )  
1424 \_\_\_\_\_ )  
1425 **Garnishee** )

1426 MODIFICATION OF CONTINUING GARNISHMENT

1427 To: \_\_\_\_\_

1428 Garnishee

1429 This is to notify you that the undersigned Plaintiff and Defendant have agreed to a  
1430 modification of the above-styled garnishment action. Upon receipt of service of a legible  
1431 copy of this document, stamped by the garnishment court, with the signatures of both  
1432 Plaintiff and Defendant affixed and fully notarized, the Summons of Garnishment served  
1433 upon you in this action is superseded as follows: you are commanded instead to make the  
1434 following deduction from all obligations owed to the Defendant during the remaining  
1435 garnishment period of the above-styled garnishment action:

- 1436 1) The sum of \$ \_\_\_\_\_ per week/two weeks/month/paycheck (circle one);
- 1437 2) \_\_\_\_\_ % of the disposable income of Defendant; or
- 1438 3) \_\_\_\_\_ % of the gross amount due the Defendant for \_\_\_\_\_ (state payment
- 1439 basis, e.g., invoice, monthly draw, all goods and services, etc.).

1440 You are authorized and instructed to deliver such amount(s) to Plaintiff directly, by any  
1441 electronic or other mechanism provided to you by Plaintiff if acceptable to you, or payable  
1442 and addressed to:

1443 \_\_\_\_\_ (Plaintiff or attorney/firm name)

1444 \_\_\_\_\_ (Plaintiff or attorney street address)

1445 \_\_\_\_\_ (Plaintiff or attorney city, state, ZIP Code)

1446 This Modification does not terminate the garnishment action, nor does it relieve you of the  
1447 obligation to file answers of garnishment with the garnishment court and to serve such  
1448 answers on the Plaintiff and Defendant within the times and in the manner prescribed by law.

1449 This Modification is effective only upon service on you of a file-stamped copy of same.

1450 Agreed to by:

1451 Sign: \_\_\_\_\_ Sign: \_\_\_\_\_

1452 Print: \_\_\_\_\_ Print: \_\_\_\_\_

1453 Title (if any) \_\_\_\_\_ Title (if any) \_\_\_\_\_

1454	<u>Plaintiff</u>	<u>Defendant or Representative/Attorney</u>
1455	Executed before me by _____, this	Executed before me by _____, this
1456	_____ day of _____, 20	_____ day of _____, 20
1457	<u>Notary Public/Clerk</u>	<u>Notary Public/Clerk"</u>

1458

**SECTION 36.**

1459 Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
 1460 scholarships, loans, and grants, is amended by revising subsection (c) of Code Section  
 1461 20-3-236, relating to powers and duties of commission, board of commissioners, and officers,  
 1462 confidentiality, and repayments and refunds, as follows:

1463 "(c) Except as prohibited by federal or state law and as limited by paragraph (1) of  
 1464 subsection (a) of Code Section 18-4-5, individuals who owe any amount to the commission  
 1465 relating to any scholarship or grant made by the commission, including repayments and  
 1466 refunds, are, without judicial action, subject to garnishment of their pay, loss of a  
 1467 professional license, offset of lottery winnings, and offset of a state tax refund in  
 1468 accordance with rules and regulations promulgated by the commission. As used in this  
 1469 subsection, the term 'refund' means scholarship and grant amounts paid to or on behalf of  
 1470 individuals, in accordance with rules and regulations promulgated by the commission,  
 1471 subsequently determined to be ineligible to receive such scholarship and grant amounts.  
 1472 The remedies set forth in this subsection shall be in addition to all other remedies available  
 1473 at law and in equity."

1474

**SECTION 37.**

1475 Said article is further amended by revising subsection (c) of Code Section 20-3-316, relating  
 1476 to powers and duties of authority, employees' functions, servicing of educational loans,  
 1477 registration with Selective Service System, conflicts with federal or other state law, and  
 1478 confidentiality, as follows:

1479 "(c) Except as prohibited by federal or state law and as limited by paragraph (1) of  
 1480 subsection (a) of Code Section 18-4-5, individuals who owe any amount to the authority  
 1481 relating to any loan, scholarship, or grant made by the authority, including loan repayments  
 1482 and refunds, are, without judicial action, subject to garnishment of their pay, loss of a  
 1483 professional license, offset of lottery winnings, and offset of a state tax refund in  
 1484 accordance with rules and regulations promulgated by the authority. As used in this  
 1485 subsection, the term 'refund' means scholarship and grant amounts paid to or on behalf of  
 1486 individuals, in accordance with rules and regulations promulgated by the authority,  
 1487 subsequently determined to be ineligible to receive such scholarship and grant amounts.

1488 The remedies set forth in this subsection shall be in addition to all other remedies available  
1489 at law and in equity."

1490

**SECTION 38.**

1491 All laws and parts of laws in conflict with this Act are repealed.