

****Please take note of the following legal requirements when filing a garnishment action.****

Effective May 12, 2016, the Garnishment Chapter of the Official Code of Georgia Annotated was completely rewritten and amended. You must comply with the new laws. Contact your attorney should you have any legal questions.

Please note: Clerks may give legal information but NOT legal advice.

**SHOULD YOU FAIL TO MEET THE PROPER REQUIREMENTS YOUR PAPERWORK MAY BE MAILED
BACK TO YOU.**

DOUGHERTY COUNTY MAGISTRATE COURT
CONTINUING WAGES GARNISHMENT

Please refrain from using staples in packets.

Please provide the following when filing a Continuing Garnishment:

- Affidavit of Continuing Garnishment. This may be handwritten in black ink but must be legible. This affidavit must be NOTARIZED if you are mailing your packet to the Court.
- Summons of Continuing Garnishment. This may be handwritten in black ink but must be legible
- Attachment for Summons of Continuing Garnishment. This form is optional but can be useful to the garnishee/ employer in confirming that the defendant is or is not their employee. The Court will NOT keep a record of this form. It is strictly used for assisting with locating and/or identifying the correct defendant by the garnishee/ employer.
- Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property
- Defendant's Claim Form
 - The above two (2) forms are to be served upon the Defendant by both the Plaintiff and the garnishee/employer.

IN ADDITION TO THIS PACKET, YOU MUST PROVIDE THE FOLLOWING AT TIME OF FILING:

- A copy of the signed judgment (with Judge's signature) or copy of FiFa
 - Before a garnishment is issued on a CONSENT JUDGMENT, we must have a copy of a letter addressed to the defendant informing them that more than five (5) days have passed since the required payment because due and that the plaintiff now intends to enforce the collection of the judgment by any lawful means.
 - This court charges \$1.00 per page for copies of Judgments or a FiFa that was entered by this Court.
- Two (2) self-addressed, postage paid envelopes. The first envelope will be used to return a copy of the Affidavit of Continuing Garnishment and Summons of Continuing Garnishment to you once they have been entered into the Court and assigned a case number. The second envelope will be used to send a copy of the Sheriff's Entry of Service to you showing on what date the garnishee/employer was served.
- \$108.00 filing fee. This court currently accepts exact cash, checks or money orders made payable to Dougherty County Magistrate Court. We DO NOT accept credit and/or debit cards.

IN THE MAGISTRATE COURT OF DOUGHERTY COUNTY, GEORGIA

Plaintiff's Contact Info:

Name

Street Address

City State ZIP Code

Phone Number/ E-mail Address

Defendant:

Name

Street Address

City State ZIP Code

Garnishee:

Name

Street Address

City State ZIP Code

Garnishment Case No. _____

Attorney for Plaintiff:

Name

Street Address/P.O. Box

City State ZIP Code

Phone Number

Bar Number

AFFIDAVIT OF CONTINUING GARNISHMENT

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

Personally appeared _____, who on oath says:

1. I am the ___ Plaintiff ___ Attorney at Law for Plaintiff ___ Agent for Plaintiff (Mark one)
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____ Court of _____ County, _____, and no agreement (State) requires forbearance from the garnishment which is applied for currently.
3. \$ _____ is the balance due, which consists of the sum of \$ _____ Principal, \$ _____ Post-judgment interest, and \$ _____ Other (e.g., pre-judgment 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.
5. The Affiant believes that the Garnishee is an employer of the Defendant.

This ___ day of _____, 20__.

Sworn to and Subscribed before me this
____ day of _____ 20__.

Notary Public/Deputy Clerk

Affiant Signature

Print name of Affiant

IN THE MAGISTRATE COURT OF DOUGHERTY COUNTY, GEORGIA

Plaintiff

Garnishment Case No. _____

V.

Defendant

Garnishment Court Information:

Dougherty County Magistrate Court

Mailing: P.O. Box 1827

Albany, GA 31702

Physical: 225 Pine Avenue Rm 310-C

Albany, GA 31701

Garnishee

SUMMONS OF CONTINUING GARNISHMENT

TO THE ABOVE-NAMED GARNISHEE:

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

COURT OF JUDGMENT _____
JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 1,095 days. You are **FURTHER COMMANDED** to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last **answer to the time of the current answer**. YOU MUST FILE ADDITIONAL ANSWERS UNTIL THE SOONER OF: THE PAYMENT OF THE BALANCE SHOWN ON THE SUMMONS OF GARNISHMENT, THE EXPIRATION OF 1,095 DAYS, OR THE TERMINATION OF ANY RELATIONSHIP BETWEEN GARNISHEE AND DEFENDANT WHICH INCLUDES PERIODIC PAYMENT OBLIGATIONS FROM GARNISHEE TO DEFENDANT. Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be sent or delivered to the Court concurrently with each answer. Should you fail to file Garnishee Answers as required by this summons, a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Continuing Garnishment.

Witness the Honorable _____, Judge of said Court.

Approved: This _____ day of _____, 20_____.

Deputy Clerk, Magistrate Court

IN THE MAGISTRATE COURT OF DOUGHERTY COUNTY, GEORGIA

Plaintiff

Garnishment Case No. _____

V.

Defendant

Garnishment Court Information:

Dougherty County Magistrate Court

Mailing: P.O. Box 1827
Albany, GA 31702

Physical: 225 Pine Avenue Rm 310-C
Albany, GA 31701

Phone: 229-431-3216

Garnishee

ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT

****This pleading SHALL NOT be filed with the Court****

Other names the Defendant is or has been known by:

Current and past addresses of the Defendant:

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

****This pleading SHALL NOT be filed with the Court****

IN THE MAGISTRATE COURT OF DOUGHERTY COUNTY, GEORGIA

Plaintiff's Contact Info:

Name

Street Address

City State ZIP Code

Phone Number/ E-mail Address

Defendant:

Name

Street Address

City State ZIP Code

Garnishee:

Name

Street Address

City State ZIP Code

Garnishment Case No. _____

Attorney for Plaintiff:

Name

Street Address/P.O. Box

City State ZIP Code

Phone Number

Bar Number

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

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

State and federal law protects some money, including wages, from garnishment even if it is in a bank. Some common exemptions are benefits from social security, supplemental security income, unemployment, workers' compensation, the Veterans' Administration, state pension, retirement funds, and disability income. This list of exemptions does not include all possible exemptions. A more detailed list of exemptions is available at the Clerk of Court's office located on the website for the Attorney General (<https://law.georgia.gov/garnishment-exemption>).

Garnishment of your earnings from your employment is limited to the lesser of 25 percent of your disposable earnings for a week or the amount by which your disposable earnings for a week exceed \$217.00. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support or alimony or if a Chapter 13 bankruptcy allows a higher amount.

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

1. Complete the following Defendant's Claim Form; and
2. File the completed claim form with the Dougherty County Magistrate Court at the Albany-Dougherty Judicial Building located at 225 Pine Avenue, Room 310-C, Albany, GA 31701.

FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE. You may lose your right to claim an exemption if you do not file your claim form within 20 days after the Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim form to the Plaintiff and the Garnishee at the addresses listed on this notice. The Court will schedule a hearing within ten days from when it receives your claim form. The Court will mail you the time and date of the hearing at the address that you provide on your claim form. You may go to the hearing with or without an attorney. You will need to give the Court documents or other proof that your money is exempt. The Clerk of Court cannot give you legal advice. **IF YOU NEED LEGAL ASSISTANCE, YOU SHOULD SEE AN ATTORNEY.** If you cannot afford a private attorney, legal services may be available.

DEFENDANT'S CLAIM FORM

Case No. _____

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

- 1. Social security benefits.
- 2. Supplemental security income benefits.
- 3. Unemployment benefits.
- 4. Workers' compensation.
- 5. Veterans' benefits.
- 6. State pension benefits.
- 7. Disability income benefits.
- 8. Money that belongs to a joint account holder.
- 9. Child support or alimony.
- 10. Exempt wages, retirement, or pension benefits.
- 11. Exemptions for taxes due on income or earnings not subject to employer withholding.
- 12. Other exemptions as provided by law. Explain:

I further state: (check all that apply)

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

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

Address: _____

Phone Number: _____

Email Address: _____

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

_____, 20____

Defendant's signature

Date

Print name of Defendant

CERTIFICATE OF SERVICE

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

This ____ day of _____, 20__.

Defendant or Defendant's Attorney

After you receive a copy of your **AFFIDAVIT OF CONTINUING GARNISHMENT** and your **SUMMONS OF CONTINUING GARNISHMENT** in the mail (which should have a stamp showing they have been filed in the Magistrate Court and have the Clerks signature), make 2 copies of the **AFFIDAVIT OF CONTINUING GARNISHMENT**, 2 copies of the **SUMMONS OF CONTINUING GARNISHMENT**, 2 copies of the **NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY**, and 2 copies of the **DEFENDANT'S CLAIM FORM**. Once you have those copies made, send one copy of those documents to the Defendant by **regular mail**, and one copy of those documents to the Defendant by **certified mail**. Keep the other copies for your personal records.

This should be done within **3 business days** of the Garnishee being served with the Garnishment by the Sheriff's Deputy. (You should receive a copy of the Sheriff's Service in the mail showing you the day the Garnishee was served). If you would like a copy of your **AFFIDAVIT OF CONTINUING GARNISHMENT** and your **SUMMONS OF CONTINUING GARNISHMENT** e-mailed to you after they have been processed to ensure proper service upon the Defendant within due time, please include your e-mail on the Affidavit when filling it out.

Once you have sent the correct documents by certified mail and have received the green card back in the mail showing that the Defendant has been served (if you are sending the certified mail to the Defendant's work address, only the Defendant can sign for it) or once you have received the envelope back showing that the Defendant was not able to be served, make a copy of either and attach it to your completed **RETURN OF SERVICE UPON THE DEFENDANT** and return those documents to the Magistrate Court for filing.

If you have any questions regarding the requirements for filing a Continuing Garnishment in Magistrate Court, please contact the Clerk who processes them before mailing out your paperwork as to avoid your paperwork being returned to you.

Stephanie Powell
Accounting Clerk
229-302-3703

IN THE MAGISTRATE COURT OF DOUGHERTY COUNTY, GEORGIA

Garnishment Case No: _____

Plaintiff

v.

Defendant

Garnishee

RETURN OF SERVICE UPON THE DEFENDANT

As required by O.C.G.A. §18-4-64, this is to certify that I have served upon the Defendant copies of the foregoing documents.

- Affidavit of Continuing Garnishment
- Summons of Continuing Garnishment
- Notice to Defendant of Right Against Garnishment of Monday, Including Wages and Other Property and
- Defendant’s Claim Form

Once you have served the Defendant with these documents you are to file this “Return of Service upon the Defendant” with the Court along with the necessary attachments.

1. Service pursuant to O.C.G.A. §9-11-4 where the deputy serves the Defendant. \$50.00 service fee made payable to the Dougherty County Sheriff’s Department must be provided.
 - € I have attached the sheriff’s return of entry form to this pleading.
2. Service upon the Defendant at the Defendant’s last known address by Regular and Certified mail, Return Receipt requested (green card). Return receipt must indicate: Receipt by the Defendant (signature) OR the envelope bearing the official notification from the United States Postal Service of the Defendant’s refusal to accept delivery of such certified mail.
 - € I have attached a copy of the return receipt (green card) OR a copy of the envelope showing refusal to this pleading.
3. Service upon the Defendant personally by one of the following:
 - i. An individual who is not a party and is not younger than 18 years of age.
 - ii. An individual who has been appointed by the Court to serve process or is a permanent process server.
 - iii. A certified process service as provided in Code Section §9-11-4.1
 - € I have attached a certification by the person making the delivery to this pleading.
4. Service upon the Defendant by regular mail at the address at which the Defendant was served as shown on the return of service in the action resulting in the judgment when it shall appear by affidavit to the satisfaction of the clerk that the Defendant resides out of this state and cannot, after due diligence, be found within this state or has concealed his or her place of residence from the Plaintiff.
 - € I have attached an affidavit that states the above listed facts to this pleading.

This the ___ day of _____, 20__.

Sign Name

Print Name