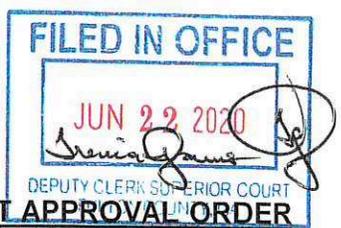


2020EX-000735

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA



SECOND AMENDED STANDING ORDER TO VACATE GARNISHMENT AFFIDAVIT APPROVAL ORDER
AND STAY GARNISHMENT PROCEEDINGS DURING STATEWIDE JUDICIAL EMERGENCY

Pursuant to Supreme Court Chief Justice Harold Melton's Order Declaring a Statewide Judicial Emergency, the Magistrate Court suspended all hearings and services on garnishment actions, tolling, suspending and granting relief from statutory time limits as of its issuance on March 14, 2020. Four hundred seventy-three (473) cases have been filed in this category since March 14, 2020 and the expected expiration date of the Order is July 14, 2020.

In consideration of efficient case management, judicial economy, and Court resources, the Court finds it is in the interest of the parties, the general public and the orderly conduct of its business to establish an automatic Standing Order to address Garnishment matters filed during the period of the Statewide Judicial Emergency, therefore:

It is **ORDERED** that the Clerk is directed to:

1. **PROHIBIT** the filing of any future Garnishment actions until the Statewide Judicial Emergency is lifted;
2. **ACCEPT** the filings of subsequent pleadings in all garnishment actions.
3. **VACATE** any and all garnishment affidavit approvals on active garnishment cases with a Presiding Judge signature affixed to them, unless authorized by the Presiding Judge;
4. **STAY** all further actions on garnishment cases filed on or after March 14, 2020, these matters being filed during the Statewide Judicial Emergency; The Clerk is **ORDERED** to mark these cases INACTIVE.
5. **RETURN** funds and answers associated with funds received on any garnishment action initially filed after March 14, 2020.
6. **RELEASE** garnishment summons if a case meets one of the following criteria:
 - a. The plaintiff or the plaintiff's attorney requests a release in writing;
 - b. The amount shown to be due on the plaintiff's affidavit of garnishment together with the costs of the garnishment proceeding are paid into court (for cases filed prior to March 14, 2020);
 - c. A judge enters an order, after a hearing required by the garnishment chapter, directing that the garnishment be released; or
 - d. The garnishment is dismissed; and
7. **DISBURSE** funds on cases where an order to release was issued on or before March 13, 2020 and/or an Order to Lift Judicial Emergency and Disburse Funds was issued after May 11, 2020.

This Order shall apply retroactively from the date this Order is signed to all pending Garnishment actions filed since March 14, 2020 until the Judicial Emergency is lifted and all applicable time limits have been restored.

SO ORDERED, this 22nd day of June, 2020



CASSANDRA KIRK, CHIEF MAGISTRATE JUDGE
FULTON COUNTY MAGISTRATE COURT