

MAGISTRATE COURT OF FULTON COUNTY, GEORGIA

185 Central Avenue, SW, Suite TG-100, Atlanta, GA 30303

Case No. _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number
VS.

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

AFFIDAVIT OF GARNISHMENT

() Check if the Garnishee is a financial institution.

() Check if garnishment is for the collection of child support or alimony. See OCGA. § 18-4-50. et seq.

Personally appeared (Print Name) _____ who on oath says:

1. I am the (Plaintiff) (Attorney for Plaintiff) (Agent for Plaintiff). [Circle one]
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____, in the _____, Court of _____, County, _____ State, and no agreement requires forbearance from 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., prejudgment interest, attorney's fees, costs exclusive of the cost of this action)
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
This ____ day of _____, 20__.

Affiant

Print name of Affiant

Sworn to and subscribed before me

this _____ day of _____, 20__.

Approved

Notary Public/Deputy Clerk of Court

Judge of Magistrate Court

MAGISTRATE COURT OF FULTON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff:
Name

GARNISHMENT

Plaintiff's Contact Information

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number

vs.

Defendant(s) Name, Address

Garnishee Name, Address

Garnishment Court information:

185 Central Avenue

Street Address

Atlanta, Georgia 30303

City, Zip Code

404-613-536-

Phone Number

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).**

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

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, including property in safe-deposit boxes or similar property that you hold, belonging to the Defendant named above beginning on the day of service of this summons and including the next five days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than five days and not later than 15 days after 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 you hold beginning on the day of service of this summons and including the next five days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be sent or delivered to the Court concurrently with your answer.

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

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

WITNESS, the Honorable _____, Judge of said Court.

This ____ day of _____, 20____.

_____, Clerk of Court

By: _____

Deputy Clerk, _____ Court

**Important Instructions for Garnishees:
For All 2016 and Newer Garnishment Cases
Filed in Fulton County Magistrate Court:**

1. If the Defendant is not presently employed by you or Defendant's employment is terminated after service of this summons, then state that under this section "Garnishee Further States" on the answer form.
2. It is your responsibility to make extra copies of the answer as we only furnish you with one (1), and you will need seven (7).
3. You must fill in all blanks on the answer form.

Mail your Answer and payment to:

**Fulton County Clerk of Magistrate Court
P.O. Box 101490
Atlanta, GA. 30392-1490**

To avoid your check being returned and marked untimely, make sure each check has the garnishment case number listed.

4. If you are not familiar with Georgia Law applying to garnishment cases, consult an attorney before paying the Defendant any sum after you have been served with this Summons of Garnishment.
5. Garnishee must serve a copy of the Garnishment Answer with a copy of the Georgia Garnishment Exemptions upon the Defendant.

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA

PLAINTIFF'S NAME/ADDRESS/TEL.

CASE NUMBER

DEFENDANT'S NAME/ADDRESS/TEL.

**RULE 31 DESIGNATION OF
AGENT FOR BUSINESS
ENTITY**

Pursuant to Uniform Magistrate Court Rule 31, I certify that I am an **officer or full time employee** of a business entity (corporation, limited liability company, sole partnership, partnership, unincorporated association, or other business entity) that is a party in the above-styled litigation.

I further certify that I have been designated by the business entity to represent it in this litigation. As such, I have the authority to act on the business entity's behalf and to bind it in the same manner as myself to any and all matters related to this case.

Under penalty of perjury, signed this _____ day of _____, 2016.

Signature

Printed Name

Company Represented

Address

Telephone Number

E-mail address

Sworn to and signed before me
on this _____ day of _____, 2015.

[Notary Public]

My commission expires:

MAGISTRATE COURT OF FULTON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

SERVICE COPY

ATTACHMENT FOR SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION

Other known names of the Defendant:

Current and past addresses of the Defendant:

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

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

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

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

MAGISTRATE COURT OF FULTON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff:

Plaintiff's Contact Information:

Name

Street Address

City State Zip Code

E-mail Address

Phone Number

Bar number

vs

SERVICE COPY

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

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 at _____
(Name of Court), _____ (Address), _____ (City),
Georgia _____ (ZIP Code), and on the website for the Attorney General (www.law.ga.gov).

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

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

MAGISTRATE COURT OF FULTON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

FINANCIAL INSTITUTION GARNISHEE ANSWER OF _____ (GARNISHEE)

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

_____.

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

3. () Check if the Defendant is not presently an account holder of the Garnishee.

4. The Garnishee further states: _____.

Garnishee,
Garnishee's Attorney, or
Officer or Employee of Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney 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__.

Garnishee (Attorney) (Officer/Employee)



GEORGIA GARNISHMENT EXEMPTIONS

RETIREMENT:

- (1) 42 U.S.C. § 407: Social security retirement benefits, social security disability insurance benefits, supplemental security income benefits, or social security survivor benefits;
- (2) 29 U.S.C. § 1002(2)(A) and O.C.G.A. § 18-4-22: Funds or benefits from a pension or retirement program as defined or funds or benefits from an individual retirement account as defined in Section 408 or 408A of the United States Internal Revenue Code of 1986;
- (3) O.C.G.A. § 47-2-332: State pension - state or local government employees under the Employees' Retirement System of Georgia;
- (4) O.C.G.A. § 47-3-28: State pension - Teachers Retirement System of Georgia;
- (5) O.C.G.A. § 47-4-120: State pension - public school employees;
- (6) O.C.G.A. § 47-5-71: State pension - municipal employees under the Georgia Municipal Employees Benefit System;
- (7) O.C.G.A. § 47-6-100: State pension - members of the Georgia Legislative Retirement System;
- (8) O.C.G.A. § 47-7-122: State pension - Georgia Firefighters' Pension Fund;
- (9) O.C.G.A. § 47-11-91: State pension - Judges of the Probate Courts Retirement Fund of Georgia;
- (10) O.C.G.A. § 47-12-101: State pension - District Attorneys Retirement Fund of Georgia;
- (11) O.C.G.A. § 47-14-91: pension - Superior Court Clerks' Retirement Fund of Georgia;
- (12) O.C.G.A. § 47-16-122: State pension - Sheriffs' Retirement Fund of Georgia as provided in Code Section 47-16-122;
- (13) O.C.G.A. § 47-17-103: State pension - Peace Officers' Annuity and Benefit Fund;
- (14) O.C.G.A. § 47-20-10.1: State pension - Other post-employment benefits;
- (15) O.C.G.A. § 47-23-121: State pension - Georgia Judicial Retirement System;
- (16) O.C.G.A. § 47-25-101: State pension - Magistrates Retirement Fund of Georgia.

MILITARY:

- (1) 38 U.S.C. § 5301: Veterans benefits, including military pensions, retirement pay, and disability payments;
- (2) 10 U.S.C. § 1450: Veterans survivor annuities;
- (3) 38 U.S.C. § 7297: Veterans Appeals Court Survivor Annuities;
- (4) O.C.G.A. § 16-17-9: Wages earned by members of the United States military or their spouses in connection with payday lenders.

WORKERS COMPENSATION:

- (1) 5 U.S.C. § 8130; O.C.G.A §§34-9-84 and 34-9-382: Workers' compensation benefits;

GOVERNMENT BENEFITS:

- (1) O.C.G.A. § 34-8-252: Unemployment benefits;
- (2) 42 U.S.C. § 407: Social security retirement benefits, social security disability insurance benefits, supplemental security income benefits, or social security survivor benefits;
- (3) O.C.G.A. § 49-4-147: Medicaid payments;
- (4) O.C.G.A. §49-4-35: Old-age assistance;
- (5) O.C.G.A. § 49-4-58: Aid to the blind;
- (6) O.C.G.A. § 49-4-84: Aid to the disabled;
- (7) 44 C.F.R. § 206.110(g): Federal Emergency Management Agency disaster assistance to individuals and households;

CERTAIN FINANCIAL ACCOUNTS:

- (1) O.C.G.A. § 7-1-812: Joint account holders, depending on the circumstances of such account;
- (2) 5 U.S.C. § 8437(e)(2): Federal Employee Thrift Savings Plan;
- (3) O.C.G.A. § 9-8-12: Money held by a receiver appointed by the court;
- (4) O.C.G.A. § 32-2-76: Certain escrow accounts held by the Department of Transportation;
- (5) O.C.G.A. § 43-40-20: Real estate brokerage escrow accounts.

FAMILY SUPPORT:

- (1) Child support payments *See Stewart v. Stewart*, 160 Ga. App. 463 (1981); *Richards v. Richards*, 281 Ga. 285, 286 (2006).

INSURANCE & ANNUITIES:

- (1) O.C.G.A. § 33-29-15: Accident, sickness, or disability insurance benefits, up to \$250.00 a month during such disability;
- (2) O.C.G.A. § 33-25-11: Cash value and benefits payable to a life insurance policy beneficiary;
- (3) 26 U.S.C. § 7448: Federal Judges Survivor Annuities;
- (4) 5 U.S.C. § 8346: Federal Civil Service Survivor Annuities;
- (5) O.C.G.A. § 34-7-4: Wages due to a deceased employee of the state, up to \$2,500.00;
- (6) O.C.G.A. § 33-28-7: Annuity, reversionary annuity, or pure endowment contracts;
- (7) O.C.G.A. § 33-37-56: An insurer's liquidation proceeding.

RAILROAD:

- (1) 45 U.S.C. § 231m: Railroad retirement, annuities, and disability benefits;
- (2) 45 U.S.C. § 1717: Railroad unemployment and sickness benefits.

MISCELLANEOUS:

- (1) O.C.G.A. § 17-15-8: Crime victim compensation funds;
- (2) O.C.G.A. § 33-15-62: Benefits, charity, relief, or aid from fraternal benefit societies;
- (3) 20 U.S.C. § 1095a : Federal student loans, grants, and work assistance;
- (4) 33 U.S.C. § 916: Longshore and Harbor Workers' Compensation Act benefits; (5) 46 U.S.C. § 11109: Merchant seamen wages and benefits;
- (6) 42 U.S.C. § 1717: Compensation for injury or death of United States contractor outside of the United States as provided in;
- (7) O.C.G.A. § 46-3-261: Property of members of electric membership corporations for the debt of an electric membership corporation.

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA

_____,
Plaintiff,

v.

_____,
Defendant.

_____,
Garnishee.

Case No. _____

**PLAINTIFF'S APPLICATION FOR DISBURSEMENT OF FUNDS AND
PROPOSED ORDER TO DISBURSE FUNDS**

Plaintiff files this Application for payment of all funds due Plaintiff paid by Garnishee and affirms by initialing below that each of these conditions has been met:

_____ Twenty (20) or more days have passed since Garnishee filed its last Answer.

_____ No claims or traverses have been filed.

_____ I have read O.C.G.A. §18-4-8 (effective 5/12/2016) and have filed proof with the Court that Garnishee and Defendant have been properly served as required by law.

_____ A copy of this request has been mailed to Defendant and Garnishee.

_____ Other (if applicable): _____

Is this the **first** request for funds filed in **this** garnishment case? (Check one) ☐ YES ☐ NO

This _____ day of _____, 20____.

Plaintiff or Plaintiff's Attorney

ORDER TO DISBURSE FUNDS

The Clerk is authorized to pay all funds currently being held in the Court's Registry as well as future funds paid into the Court's Registry, at the time permitted by law.

IT IS SO ORDERED, this _____ day of _____ 20____.

FULTON COUNTY MAGISTRATE COURT JUDGE

**IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA**

_____,
Plaintiff,

v.

_____,
Defendant.

_____,
Garnishee.

Case No. _____

PLAINTIFF'S CERTIFICATE OF SERVICE ON DEFENDANT

I certify that on _____ (date), I caused a copy of the (1) Affidavit of Garnishment, (2) Summons of Garnishment, (3) Notice to Defendant of Right against Garnishment of Money, Including Wages, and Other Property, and (4) Defendant's Claim Form to be delivered to the above-named Defendant at the following address:

by: [check one]

- ☐ Regular Mail ***and*** (circle one) Registered Mail / Certified Mail / Statutory Overnight Delivery Mail, return receipt requested. The signed receipt (green card), or returned envelope with official notation that defendant refused or did not claim the mail, is attached (or has been marked with this case number and filed with the Court).
- ☐ Personal Delivery by person authorized by law. The certification of the person making the delivery is attached (or has been marked with this case number and filed with the Court).
- ☐ A separately-filed affidavit provides specific facts showing that Defendant resides out of state, has departed the state, cannot after due diligence be found, or has concealed his/her/its place of residence from the Plaintiff, ***and*** the certificate of the person making the mailing (as required by O.C.G.A. §18-4-8) is attached (or has been marked with this case number and filed with the Court).

By signing below, I certify I have mailed a copy of this document and its attachments to Garnishee (or his/her/its attorney) and Defendant (or his/her/its attorney).

Today's Date: _____ Plaintiff's Signature: _____

Print Name: _____