FILED IN OFFICE
MAR 08 2021
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA

In Re: Garnishment Actions
Filed on or after January 1, 2021

File No. 2021-Ex.000625

STANDING ORDER ON GARNISHMENT ACTIONS FILED ON OR AFTER JANUARY 1, 2021

Pursuant to Uniform Rules of Magistrate Court Rule 1.2(C), the Court ORDERS that the following standing order and internal operating procedures shall apply to any garnishment action filed on or after January 1, 2021:

The Court ORDERS that any Plaintiff wishing to obtain (1) any money or other property paid or delivered to the Court by the Garnishee or (2) any judgment against Garnishee, shall first file a request, proposed order, and documentation sufficient to show compliance with O.C.G.A. 18-4-8.

Once a Magistrate Judge has reviewed Plaintiff's request to disburse and is satisfied that notice to the Defendant has met all legal requirements, and service on the Garnishee is perfected, the judge may authorize the Clerk to disburse to Plaintiff funds that are currently in the Court's Registry and subsequently paid into the Court's Registry provided that such funds have been on deposit 21 days and:

(1) No traverse or claim is pending by the plaintiff, defendant or third party;

(2) No bankruptcy notice is filed or given; or

(3) No motion to intervene is filed.

Nothing in this Order precludes the Clerk from seeking Court guidance on a request for disbursement.

In continuing garnishment cases, funds shall be accepted from Garnishee through the 1,095th day of service of the summons of garnishment on Garnishee. If no Motion for Disbursement has been filed by the 1,095th day of service of the summons of garnishment on Garnishee, the Clerk shall be directed to close the file and return funds to the Garnishee and any excess filing fees to the Plaintiff.

Further, in garnishment cases other than continuing garnishment or continuing garnishment for support, no new summons of garnishment on the same affidavit of garnishment shall be issued after two years from the date of filing of such affidavit. After two years from such original filing date and provided that no unadjudicated claims, traverses, appeals, motions or other pleadings remain before the court, the garnishment proceeding, other than a continuing garnishment or continuing garnishment for support, shall stand dismissed unless there are funds remaining in the registry of the court or a new summons of garnishment has been issued in the preceding 30 days.

A continuing garnishment for support shall not terminate without a Court Order.

No Court action is required if Plaintiff requests funds to be returned to Defendant or Garnishee.

This Standing Order impacts only garnishment actions *filed on or after January 1, 2021*. The Court's August 2, 2019 Standing Order on Disbursement of Garnishment Actions continues to apply to cases filed before January 1, 2021.

A copy of this Order shall be filed with the Standing Orders of the Court.

SO ORDERED, this 8 day of March, 2021.

Cassandra Kirk

Cassandra Kirk, Chief Magistrate Judge
Magistrate Court of Fulton County