

SPECIAL INSTRUCTIONS FOR CONTINUING GARNISHMENT ANSWERS

**SUSAN CONNER, CLERK OF COURT
DOUGLAS COUNTY MAGISTRATE COURT
8700 Hospital Drive
Douglasville, Georgia 30134
(770) 920-7540**

1. You should consult your attorney in the event you have any questions.
2. An answer must be filed within forty-five (45) days after the date of service of the Summons of Garnishment.
3. You are required to file further answers no later than 45 days after your last answer. The last answer required by this Summons shall be filed no later than the 1,095th day after you receive this Summons.
4. File your answer at the Magistrate Clerk's office and mail a copy to the plaintiff or plaintiff's attorney and the Defendant or Defendant's Attorney.
5. Please send one check per Answer, per case. If you have multiple garnishment cases with the Magistrate Court, **do not** combine checks.
6. A reply by letter is insufficient, even though you do not employ the defendant. You should file all answers on the Garnishee Answer to Continuing Garnishment form.
7. **PLEASE NOTE: THE FULL AMOUNT TO BE PAID IS FOUND ON THE *SUMMONS OF
CONTINUING GARNISHMENT*.**
8. Checks are to be made payable to: **Clerk of Magistrate Court**.
9. The Clerk's address is:
Magistrate Court of Douglas County
8700 Hospital Drive
Douglasville, Georgia 30134
10. Should you fail to file answers as required by the Summons, a judgment could be rendered against you for the amount the plaintiff claims due by the defendant.
11. Plaintiff, or Plaintiff's attorney, are the only persons who can authorize the Court to issue a release and relieve you of filing an answer to the summons.

Susan Conner
Clerk of Court

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

Plaintiff

Street Address

City, State and Zip Code

Email Address

Phone Number

vs.

Civil Action File Number

Defendant

Street Address

Plaintiff's Attorney

City, State and Zip Code

Georgia Bar Number

Garnishee

Street Address

Street Address

City, State and Zip Code

City, State and Zip Code

Street Address

Email Address

City, State and Zip Code

Phone 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). [Circle one.]
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____ Court of _____ County, Georgia, and no agreement 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, \$ _____ pre-judgment interest, \$ _____ attorney's fees, and \$ _____ 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 or under periodic obligations for payment of funds to the Defendant.

This _____ day of _____, 20 ____.

Sworn to and subscribed before me

this _____ day of _____, 20 ____.

Affiant

Notary Public or Deputy Clerk of Court

Print name of Affiant

IN THE MAGISTRATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA
8700 Hospital Drive
Douglasville, Georgia 30134
(770) 920-7540

Plaintiff

Street Address

City, State and Zip Code

Civil Action File Number

Email Address

Phone Number

VS.

Defendant

Garnishee

Street Address

Street Address

City, State and Zip Code

City, State and Zip Code

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 NUMBER: _____

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 paid 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, Zaine D. Hedge, Judge of said Court.

This _____ day of _____, 20 _____.

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

Plaintiff

vs.

Civil Action File Number

Defendant

Garnishee

ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT

Other known names of the Defendant: _____

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

IMPORTANT INSTRUCTIONS—CONTINUING GARNISHMENT

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1. If the Defendant listed in this summons is not presently employed by the Garnishee or said Defendant's employment is terminated after service of this summons, then state this on the Garnishee Answer to Continuing Garnishment form.
2. File your Answer at the Magistrate Court of Douglas County, Douglas County Courthouse, 8700 Hospital Drive, Douglasville, Georgia 30134.
3. If you are not familiar with the Georgia law applying in garnishment cases, consult your attorney, or otherwise obtain correct information before paying the Defendant any sum after you have been served with this Summons of Garnishment.
4. A reply by letter is insufficient, even though you do not employ the Defendant. You must file an answer as provided by law.
5. Plaintiff, or Plaintiff's attorney, are the only persons who can authorize the Court to issue a release and relieve you of filing an Answer to this Summons. This authorization must be in writing and filed with the Clerk's office.
6. Failure to file an Answer may result in a default judgment being entered against Garnishee for the amount claimed by Plaintiff against Defendant, plus court cost.

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1. Defendant may file a Defendant's Claim Form if he/she believes there is money or property that is exempt from the garnishment.
2. If you are unfamiliar with the Georgia law applying to garnishments, consult an attorney, or otherwise obtain correct information before proceeding in this matter.
3. File your Defendant's Claim Form at the Magistrate Court of Douglas County, Douglas County Courthouse, 8700 Hospital Drive, Douglasville, Georgia 30134.
4. Failure to file a Defendant's Claim Form will result in a conclusive presumption that the garnishment was properly issued.
5. Garnishment against the property and credits of the Defendant has been or will be served on the Garnishee.

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

Plaintiff

Street Address

City, State and Zip Code

Civil Action File Number

Email Address

Phone Number

vs.

Defendant

Street Address

City, State and Zip Code

Garnishee

Street Address

City, State and Zip Code

**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 The Magistrate Court of Douglas County, 8700 Hospital Drive, Douglasville, Georgia 30134, 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 \$217.50. 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 The Magistrate Court of Douglas County, 8700 Hospital Drive, Douglasville, Georgia 30134.

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.

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

Plaintiff

vs.

Defendant

Garnishee

Civil Action File Number

DEFENDANT'S CLAIM FORM

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

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

I further state: (check all that apply and attach proof thereof)

<input type="checkbox"/> 1. The Plaintiff does not have a judgment against me.
<input type="checkbox"/> 2. The amount shown due on the Plaintiff's Affidavit of Garnishment is incorrect.
<input type="checkbox"/> 3. The Plaintiff's Affidavit of Garnishment is untrue or legally insufficient.

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

Street Address

Email Address

City, State and Zip Code

Phone Number

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

This _____ day of _____, 20 _____.

Print name of Defendant

Defendant's Signature

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's Signature

IN THE MAGISTRATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA
8700 Hospital Drive
Douglasville, Georgia 30134
(770) 920-7540

Plaintiff _____

vs. _____

Civil Action File Number _____

Defendant _____

Garnishee _____

GARNISHEE ANSWER TO CONTINUING GARNISMENT

1. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, the Garnishee had in the Garnishee's possession the following described property of the Defendant: _____
2. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of \$_____.
3. \$_____ of the amount named in paragraph 2 were wages earned at the rate of \$_____ per _____ for the period beginning _____, 20____, through the time of making this Garnishee Answer. The amount of wages which is subject to this garnishment is computed as follows:
\$_____ Gross earnings
\$_____ Total social security and withholding tax and other mandatory deductions required by law
\$_____ Total disposable earnings
\$_____ Amount of wages subject to garnishment
4. \$_____ is the amount herewith paid into court.
5. Check this box if the Defendant is not presently employed by or owed periodic payments by the Garnishee.
6. Check this box if the Defendant was employed by or owed periodic payments by the Garnishee on or after service of the Summons of Continuing Garnishment but was terminated as of _____, 20____.
7. Check this box if this is the last Garnishee Answer this Garnishee is required to file to the presently pending Summons of Garnishment in the above-styled case.
8. 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 in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____ day of _____ 20____.

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

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

Plaintiff

vs.

Defendant

Garnishee

Civil Action File Number

REQUEST TO DISBURSE FUNDS PAID INTO REGISTRY OF COURT

Comes now the Plaintiff and hereby requests that all garnishment proceeds paid into the Registry of the Court, now and hereafter, in this garnishment action be condemned and paid to the Plaintiff. This request shall remain in effect until further written request of the Plaintiff is filed with this Court.

Please mail all funds to the following address:

It is understood that if my mailing address changes at any time that this Court will be immediately notified.

This _____ day of _____, 20 ____.

Plaintiff / Agent / Plaintiff's Attorney