

Senate Bill 255

By: Senators Stone of the 23rd, Bethel of the 54th, Millar of the 40th, Albers of the 56th, Ligon, Jr. of the 3rd and others

**AS PASSED**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor,  
2 so as to modernize, reorganize, and provide constitutional protections in garnishment  
3 proceedings; to provide for definitions; to provide for an affidavit and summons of  
4 garnishment, contents, and procedure for garnishment; to provide for property being subject  
5 to and exempt from garnishment; to provide for a garnishee's answer to a summons of  
6 garnishment; to provide for garnishee expenses; to provide for a defendant's and third party's  
7 claim and plaintiff's traverse to a garnishment proceeding; to provide for procedure for  
8 claims and traverses; to provide for default judgment and opening of default judgments; to  
9 provide for procedures only applicable to financial institutions; to provide for release of  
10 garnishment; to provide for continuing garnishments; to provide for continuing garnishment  
11 for support of family members; to provide for and require the use of certain forms for  
12 garnishment proceedings; to amend Code Sections 44-7-50 and 53-12-80 of the Official  
13 Code of Georgia Annotated, relating to demand for possession and spendthrift provisions,  
14 respectively, so as to correct cross-references; to provide for related matters; to provide for  
15 an effective date; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, is  
19 amended by repealing Chapter 4, relating to garnishment proceedings, and enacting a new  
20 Chapter 4 to read as follows:

21 "CHAPTER 4

22 ARTICLE 1

23 18-4-1.

24 As used in this chapter, the term:

25 (1) 'Disposable earnings' means that part of the earnings of an individual remaining after  
26 the deduction for federal income tax, state income tax, withholdings for the Federal  
27 Insurance Contributions Act (FICA), and other mandatory deductions required by law.

28 (2) 'Earnings' means compensation paid or payable for personal services, whether  
29 denominated as wages, salary, commission, fee, bonus, tips, overtime, or severance pay,  
30 including recurring periodic payments from pensions or retirement plans, including, but  
31 not limited to, the United States Department of Veterans Affairs, Railroad Retirement  
32 Board, Keoghs, and individual retirement accounts.

33 (3) 'Entity' means a public corporation or a corporation, limited liability company,  
34 partnership, limited partnership, professional corporation, firm, or other business  
35 organization other than a natural person.

36 (4) 'Financial institution' means every federal or state chartered commercial or savings  
37 bank, including savings and loan associations and cooperative banks, federal or state  
38 chartered credit unions, benefit associations, insurance companies, safe-deposit  
39 companies, trust companies, any money market mutual fund, or other organization held  
40 out to the public as a place of deposit of funds or medium of savings or collective  
41 investment.

42 (5) 'Garnishee answer' or 'garnishee's answer' means the response filed by a garnishee  
43 responding to a summons of garnishment detailing the money or other property of the  
44 defendant that is in the possession of the garnishee or declaring that the garnishee holds  
45 no such money or other property of the defendant.

46 (6) 'Public corporation' means any department, agency, branch of government, or  
47 political subdivision, as such term is defined in Code Section 50-15-1, or any public  
48 board, bureau, commission, or authority created by the General Assembly.

49 18-4-2.

50 (a) The procedure in garnishment cases shall be uniform in all courts throughout this state  
51 that have jurisdiction to preside over garnishment proceedings.

52 (b) In all cases when a money judgment was obtained in a court of this state or a federal  
53 court or is being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the  
54 'Uniform Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12  
55 of Title 9, the 'Uniform Enforcement of Foreign Judgments Law,' the plaintiff shall be  
56 entitled to the process of garnishment.

57 (c) Except as otherwise provided in this chapter, Chapter 11 of Title 9 shall apply in  
58 garnishment proceedings.

59 (d) Any affidavit, garnishee answer, or pleading required or permitted by this chapter shall  
60 be amendable at any time before judgment is entered or before money or other property  
61 subject to garnishment is distributed by the court.

62 18-4-3.

63 (a) The plaintiff, the plaintiff's attorney, or the plaintiff's agent shall make, on personal  
64 knowledge or belief, an affidavit setting forth that the plaintiff has a judgment against a  
65 named defendant, the amount remaining due on the judgment, the name of the court which  
66 rendered the judgment, and the case number thereof.

67 (b) Upon the filing of the affidavit described in subsection (a) of this Code section with  
68 the clerk of any court having jurisdiction to preside over garnishment proceedings, such  
69 clerk shall cause a summons of garnishment to issue, provided that the plaintiff's affidavit  
70 is:

71 (1) Made before any officer authorized to administer oaths, a notary public, such clerk,  
72 or the deputy clerk of the court in which the garnishment is filed; and

73 (2) Submitted to and approved by any judge of the court in which the garnishment is  
74 filed or submitted to and approved by any clerk or deputy clerk of such court if the court  
75 has promulgated rules authorizing the clerk or deputy clerk of such court to review and  
76 approve affidavits of garnishment.

77 (c) An affidavit of garnishment may be electronically submitted to the clerk or deputy  
78 clerk of the court if the court has promulgated rules authorizing such submission.

79 (d) The form for an affidavit of garnishment is set forth in Code Section 18-4-71.

80 18-4-4.

81 (a) All obligations owed by the garnishee to the defendant at the time of service of the  
82 summons of garnishment upon the garnishee and all obligations accruing from the  
83 garnishee to the defendant throughout the garnishment period shall be subject to the  
84 process of garnishment. No payment made by the garnishee to the defendant or on his or  
85 her behalf, or by any arrangement between the defendant and the garnishee, after the date  
86 of service of the summons of garnishment upon the garnishee shall defeat the lien of such  
87 garnishment.

88 (b) All money or other property of the defendant in the possession or control of the  
89 garnishee at the time of service of the summons of garnishment upon the garnishee or  
90 coming into the possession or control of the garnishee throughout the garnishment period  
91 shall be subject to the process of garnishment, provided that, in the case of collateral  
92 securities in the hands of a creditor, such securities shall not be subject to garnishment so

93 long as there is an amount owed on the debt for which the securities were given as  
 94 collateral.

95 (c) The garnishment period shall begin on the day of service of the summons of  
 96 garnishment and, for:

97 (1) A continuing garnishment, shall include the next 179 days;

98 (2) Garnishments, other than a continuing garnishment or continuing garnishment for  
 99 support, served on a financial institution, shall include the next five days;

100 (3) A continuing garnishment for support, shall remain for so long as the defendant is  
 101 employed by the garnishee and shall not terminate until the original arrearage is retired;  
 102 and

103 (4) All other garnishments, shall include the next 29 days.

104 18-4-5.

105 (a)(1) Subject to the limitations set forth in Code Sections 18-4-6 and 18-4-53, the  
 106 maximum part of disposable earnings for any work week which is subject to garnishment  
 107 shall not exceed the lesser of:

108 (A) Twenty-five percent of the defendant's disposable earnings for that week; or

109 (B) The amount by which the defendant's disposable earnings for that week exceed  
 110 \$217.00.

111 (2) In case of earnings for a period other than a week, a multiple of \$7.25 per hour shall  
 112 be used.

113 (b) The limitation on garnishment set forth in subsection (a) of this Code section shall  
 114 apply although the garnishee may receive a summons of garnishment in more than one  
 115 garnishment case naming the same defendant unless the garnishee has received a summons  
 116 of continuing garnishment for support as provided in Article 3 of this chapter.

117 (c) No employer shall discharge an employee by reason of the fact that such employee's  
 118 earnings have been subjected to garnishment for any one obligation, even though more than  
 119 one summons of garnishment may be served upon such employer with respect to the  
 120 obligation.

121 18-4-6.

122 (a)(1) Certain earnings or property of the defendant may be exempt from the process of  
 123 garnishment.

124 (2) Funds or benefits from an individual retirement account or from a pension or  
 125 retirement program shall be exempt from the process of garnishment until paid or  
 126 otherwise distributed to a member of such program or beneficiary thereof. Such funds  
 127 or benefits, when paid or otherwise distributed to such member or beneficiary, shall be

128 exempt from the process of garnishment only to the extent of the limitations provided in  
 129 Code Section 18-4-5 for other disposable earnings, unless a greater exemption is  
 130 otherwise provided by law.

131 (3) Funds in an unfunded plan maintained by an employer primarily for the purpose of  
 132 providing deferred compensation for a select group of management or highly  
 133 compensated employees shall not be exempt from the process of garnishment.

134 (4) Exempt property shall not be considered disposable earnings for purposes of Code  
 135 Section 18-4-5 or subsection (b) of Code Section 18-4-53.

136 (b) Not later than ten days after the effective date of this Code section, the Attorney  
 137 General shall create and maintain on the Department of Law's website a list of exemptions  
 138 that a defendant may be allowed by law to claim in relation to a garnishment of his or her  
 139 earnings or property. The Attorney General shall revise such list when exemptions are  
 140 repealed, revised, or created by law. The Attorney General shall transmit a copy of such  
 141 list to each clerk of court in this state who issues summonses of garnishment and transmit  
 142 a revised list when a change is made to such list.

143 (c) Each clerk of court in this state who issues summonses of garnishment shall post and  
 144 update such list of exemptions as promulgated by the Attorney General and shall provide  
 145 such list to individuals upon request.

146 (d) A defendant may claim an exemption as provided in Code Section 18-4-15.

147 (e) The fact that an exemption is not identified by the Attorney General shall not preclude  
 148 a defendant from claiming an exemption.

149 18-4-7.

150 (a) The amount shown on the summons of garnishment shall not exceed the amount the  
 151 defendant owes the plaintiff pursuant to a judgment.

152 (b)(1) A summons of garnishment, or an attachment thereto, shall state on its face with  
 153 particularity all of the following information, to the extent reasonably available to the  
 154 plaintiff:

155 (A) The name of the defendant and, to the extent such would reasonably enable the  
 156 garnishee to properly respond to the summons of garnishment, all known  
 157 configurations, nicknames, aliases, former or maiden names, trade names, or variations  
 158 thereof;

159 (B) The service address and the current address of the defendant and, to the extent such  
 160 would reasonably enable the garnishee to properly respond to the summons of  
 161 garnishment and such is reasonably available to the plaintiff, the past addresses of the  
 162 defendant; and

163 (C) The social security number or federal tax identification number of the defendant;  
 164 provided, however, that if such summons is filed with a court, the court filing shall be  
 165 redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as applicable. The  
 166 defendant's full social security number or federal tax identification number shall be  
 167 made known to the garnishee and defendant in accordance with Code Section 9-11-7.1  
 168 or 15-10-54, as applicable, to the extent such information is reasonably available to the  
 169 plaintiff.

170 (2) A summons of garnishment on a financial institution shall not be used for a  
 171 continuing garnishment or continuing garnishment for support. A summons of  
 172 garnishment on a financial institution, or an attachment thereto, shall also state with  
 173 particularity the defendant's account, identification, or tracking numbers known to the  
 174 plaintiff used by the garnishee in the identification or administration of the defendant's  
 175 funds or property; provided, however, that if such summons is filed with a court, the court  
 176 filing shall be redacted in accordance with Code Section 9-11-7.1 or 15-10-54, as  
 177 applicable. The defendant's account, identification, or tracking numbers shall be made  
 178 known to the garnishee and defendant in accordance with Code Section 9-11-7.1 or  
 179 15-10-54, as applicable, to the extent such information is known to the plaintiff.

180 (3) A misspelling of any information required by this subsection, other than the surname  
 181 of a natural person defendant, shall not invalidate a summons of garnishment, so long as  
 182 such information is not misleading in a search of the garnishee's records.

183 (c) The form for a summons of garnishment is set forth in Code Section 18-4-74, and the  
 184 optional attachment thereto is set forth in Code Section 18-4-75. The form for a summons  
 185 of garnishment on a financial institution is set forth in Code Section 18-4-76, and the  
 186 attachment thereto is set forth in Code Section 18-4-77. The form for a summons of  
 187 garnishment on a financial institution shall not be used for a continuing garnishment or  
 188 continuing garnishment for support.

189 (d) When a plaintiff uses the incorrect form for a summons of garnishment of any type, the  
 190 garnishment shall not be valid and the garnishee shall be relieved of all liability.

191 18-4-8.

192 (a) The plaintiff shall serve the garnishee, as provided in Code Section 9-11-4, or, when  
 193 the garnishment is filed in a magistrate court, the plaintiff may serve the garnishee by using  
 194 the constable of the magistrate court in the manner set forth in Code Section 9-11-4, with  
 195 a copy of the affidavit of garnishment, summons of garnishment, Notice to Defendant of  
 196 Right Against Garnishment of Money, Including Wages, and Other Property, and  
 197 Defendant's Claim Form. The plaintiff shall fill in the style of the case, except for the civil

198 action file number, and the garnishment court information on such notice and claim form.  
199 Such notice and claim form are set forth in Code Section 18-4-82.

200 (b)(1) Not more than three business days after service of the summons of garnishment  
201 on the garnishee, the plaintiff shall cause a copy of the affidavit of garnishment, a copy  
202 of the summons of garnishment, a copy of the Notice to Defendant of Right Against  
203 Garnishment of Money, Including Wages, and Other Property, and a copy of the  
204 Defendant's Claim Form as described in subsection (a) of this Code section, using one of  
205 the following methods:

206 (A)(i) To be sent to the defendant at the defendant's last known address by:

207 (I) Regular mail; and  
208 (II) Registered or certified mail or statutory overnight delivery, return receipt  
209 requested.

210 (ii) The return receipt indicating receipt by the defendant, the envelope bearing the  
211 official notification from the United States Postal Service of the defendant's refusal  
212 to accept delivery of such registered or certified mail, the envelope bearing the official  
213 notification from a commercial firm of the defendant's refusal to accept such statutory  
214 overnight delivery, or an official written notice from the United States Postal Service  
215 of the defendant's refusal to accept delivery of such registered or certified mail shall  
216 be filed with the clerk of the court in which the garnishment is pending.

217 (iii) The defendant's refusal to accept or failure to claim such registered or certified  
218 mail or statutory overnight delivery addressed to such defendant shall be deemed  
219 notice to such defendant;

220 (B)(i) To be delivered personally to the defendant by:

221 (I) An individual who is not a party and is not younger than 18 years of age;  
222 (II) An individual who has been appointed by the court to serve process or is a  
223 permanent process server;  
224 (III) The sheriff of the county where the action is brought or where the defendant  
225 is found or by such sheriff's deputy;  
226 (IV) The marshal or sheriff of the court or by such official's deputy;  
227 (V) The constable of the magistrate court, when the garnishment is filed in a  
228 magistrate court, or by the constable's deputy; or  
229 (VI) A certified process server as provided in Code Section 9-11-4.1.

230 (ii) A certification by the person making the delivery shall be filed with the clerk of  
231 the court in which the garnishment is pending; or

232 (C) To be sent to the defendant by regular mail at the address at which the defendant  
233 was served as shown on the return of service in the action resulting in the judgment  
234 when it shall appear by affidavit to the satisfaction of the clerk of the court that the

235 defendant resides out of this state, has departed this state, cannot, after due diligence,  
 236 be found within this state, or has concealed his or her place of residence from the  
 237 plaintiff. A certificate of such mailing shall be filed with the clerk of the court in which  
 238 the garnishment is pending by the person mailing such notice.

239 (2) The methods of notification specified in this subsection shall be cumulative and may  
 240 be used in any sequence or combination. When it appears that a plaintiff has reasonably,  
 241 diligently, and in good faith attempted to use one method, another method thereafter may  
 242 be utilized; for the time during which the attempt was being made, the time limit shall be  
 243 tolled for the subsequent method.

244 (3) No money or other property paid or delivered to the court by the garnishee shall be  
 245 distributed nor shall any judgment be rendered against the garnishee until:

246 (A) Ten days have elapsed from the date of compliance with at least one method of  
 247 notification provided by this subsection; and

248 (B) If a garnishee answer was filed:

249 (i) Twenty days have elapsed from the filing of the garnishee's answer without a  
 250 claim having been filed by any defendant or third party and without a traverse having  
 251 been filed by the plaintiff; or

252 (ii) All traverses filed prior to the twenty-first day from the filing of the garnishee's  
 253 answer have been adjudicated and all claims have been adjudicated.

254 18-4-9.

255 (a) Summonses of garnishment may issue from time to time until the judgment is paid or  
 256 the garnishment proceeding is otherwise terminated.

257 (b) No new summons of garnishment on the same affidavit of garnishment shall be issued  
 258 after two years from the date of the original filing of such affidavit. The garnishment  
 259 proceeding based on such affidavit shall automatically stand dismissed unless there are  
 260 funds remaining in the registry of the court or a new summons of garnishment has been  
 261 issued in the preceding 30 days.

262 18-4-10.

263 (a) The summons of garnishment shall state that if the garnishee fails to file a garnishee's  
 264 answer to such summons in a timely manner, a judgment by default shall be entered against  
 265 the garnishee for the amount remaining due on a judgment as shown in the plaintiff's  
 266 affidavit of garnishment.

267 (b) The summons of garnishment shall be directed to the garnishee, commanding the  
 268 garnishee to respond and state what money or other property is subject to garnishment.  
 269 Except as provided in subsection (c) of this Code section and Articles 2 and 3 of this



270 chapter, the garnishee's answer shall be filed with the court issuing the summons not sooner  
271 than 30 days and not later than 45 days after service of the summons, and the money or  
272 other property subject to garnishment shall be paid to or delivered to the court concurrently  
273 with such garnishee's answer.

274 (c) When the garnishee is a financial institution and the garnishment is not a continuing  
275 garnishment or continuing garnishment for support, such garnishee's answer shall be filed  
276 with the court issuing the summons of garnishment not sooner than five days and not later  
277 than 15 days after the date of service of the summons, and the money or other property  
278 subject to garnishment shall be paid to or delivered to the court concurrently with such  
279 garnishee's answer. If the defendant does not have an active account with and is not the  
280 owner of any money or other property in the possession of such financial institution, then  
281 the garnishee may immediately file the garnishee's answer; provided, however, that such  
282 garnishee's answer shall be filed not later than 15 days after the date of service of the  
283 summons.

284 18-4-11.

285 (a) Within the time prescribed by Code Section 18-4-10, the garnishee shall file a  
286 garnishee answer. Along with the garnishee's answer, the garnishee shall pay or deliver  
287 to the court the money or other property admitted in the garnishee's answer to be subject  
288 to garnishment.

289 (b) If in responding to the summons of garnishment the garnishee shall state that the  
290 property of the defendant includes property in a safe-deposit box or similar property, the  
291 garnishee shall respond to the court issuing the summons of garnishment as to the existence  
292 of such safe-deposit box and shall restrict access to any contents of such safe-deposit box  
293 until the earlier of:

294 (1) Further order of such court regarding the disposition of the contents of such  
295 safe-deposit box; or

296 (2) The elapsing of 120 days from the date of filing of the garnishee answer unless such  
297 time has been extended by the court.

298 (c) If the garnishee has been served with a summons in more than one garnishment case  
299 involving the same defendant, the garnishee shall state in each garnishee answer that the  
300 money or other property is being paid or delivered to a specifically named court subject to  
301 the demands of other cases and shall give the numbers of all such cases in each garnishee  
302 answer.

303 (d) If the garnishee is unable to respond with the specific information required by this  
304 Code section, the garnishee's inability shall be stated in the garnishee's answer, together

305 with all the facts plainly, fully, and distinctly set forth, so as to enable the court to give  
 306 judgment thereon.

307 (e) The form for a garnishee answer is set forth in Code Section 18-4-84, and the form for  
 308 a financial institution garnishee answer is set forth in Code Section 18-4-85.

309 18-4-12.

310 (a) When a garnishment proceeding is filed in a court under any provision of this chapter  
 311 involving an entity as garnishee, the execution and filing of a garnishee answer may be  
 312 done by an entity's authorized officer or employee and shall not constitute the practice of  
 313 law. If a claim or traverse is filed to such entity's garnishee answer in a court of record, an  
 314 attorney shall be required to represent such entity in further garnishment proceedings.

315 (b) An entity's payment into court of any money or other property of the defendant, or  
 316 money or other property which is admitted to be subject to garnishment, may be done by  
 317 an entity's authorized officer or employee and shall not constitute the practice of law.

318 18-4-13.

319 (a) All garnishee answers shall, concurrently with filing, be served by the garnishee upon  
 320 the plaintiff or the plaintiff's attorney and the defendant or the defendant's attorney.

321 (b)(1) Service of the garnishee's answer upon the plaintiff shall be shown by the:

322 (A) Written acknowledgment of the plaintiff or the plaintiff's attorney; or

323 (B) Certificate of the garnishee or the garnishee's attorney, attached to the garnishee's  
 324 answer, that a copy of the garnishee's answer was mailed to the plaintiff or the  
 325 plaintiff's attorney.

326 (2) No service upon the plaintiff shall be required unless the name and address of the  
 327 plaintiff or the plaintiff's attorney shall legibly appear on the face of the summons of  
 328 garnishment.

329 (3) If the garnishee fails to serve the plaintiff, the plaintiff shall be allowed 20 days from  
 330 the time the plaintiff receives actual notice of the garnishee's answer to traverse the  
 331 garnishee's answer.

332 (c)(1) Service of the garnishee's answer upon the defendant shall be shown by the:

333 (A) Written acknowledgment of the defendant or the defendant's attorney; or

334 (B) Certificate of the garnishee or the garnishee's attorney, attached to the garnishee's  
 335 answer, that a copy of the garnishee's answer was mailed to the:

336 (i) Defendant's attorney; or

337 (ii) Defendant at the last address known to the garnishee.

338 (2) No service upon the defendant shall be required by a financial institution garnishee  
339 if the defendant does not have an active account with and is not the owner of any money  
340 or other property in the possession of such financial institution.

341 (d) The garnishee shall provide the defendant, by regular mail at the defendant's last  
342 address known to the garnishee, with the Notice to Defendant of Right Against  
343 Garnishment of Money, Including Wages, and Other Property and the Defendant's Claim  
344 Form that it received from the plaintiff as set forth in subsection (a) of Code Section  
345 18-4-8.

346 18-4-14.

347 (a) The garnishee shall be entitled to the garnishee's actual reasonable expenses, including  
348 attorney's fees, in preparing and filing a garnishee's answer. The amount of expenses  
349 incurred shall be taxed in the bill of costs and shall be paid by the party upon whom the  
350 cost is cast, as costs are cast in other cases. The garnishee may deduct \$50.00 or 10 percent  
351 of the amount paid into court, whichever is greater, not to exceed \$100.00, as reasonable  
352 attorney's fees or expenses.

353 (b) If the garnishee can show that the garnishee's actual attorney's fees or expenses exceed  
354 the amount provided for in subsection (a) of this Code section, the garnishee shall petition  
355 the court for a hearing at the time of filing the garnishee's answer without deducting from  
356 the amount paid into court. Upon hearing from the parties, the court may enter an order  
357 for payment of actual attorney's fees or expenses proven by the garnishee to have been  
358 incurred reasonably in preparing and filing the garnishee's answer.

359 (c) In the event the garnishee makes the deduction permitted in subsection (a) of this Code  
360 section but the costs are later cast upon the garnishee, the garnishee shall forthwith refund  
361 to the defendant the funds deducted; if the costs are later cast against the plaintiff, the court  
362 shall enter judgment in favor of the defendant and against the plaintiff for the amount of  
363 the deductions made by the garnishee.

364 (d) Nothing in this Code section shall limit the reimbursement of costs incurred by a  
365 financial institution as provided in Code Section 7-1-237.

366 18-4-15.

367 (a) A garnishment proceeding is an action between the plaintiff and garnishee; provided,  
368 however, that at any time before a judgment is entered or before money or other property  
369 subject to garnishment is distributed, the defendant may become a party to the garnishment  
370 by filing a claim with the clerk of court and may use the form set forth in Code Section  
371 18-4-82. A defendant's claim shall assert the basis upon which he or she claims that his or  
372 her money or other property is exempt from garnishment. Money or other property may

373 be exempt from garnishment for a variety of reasons, including, but not limited to, the  
374 limitations on garnishment as provided in Code Sections 18-4-5 and 18-4-53, exemptions  
375 as provided in Code Section 18-4-6, the plaintiff not having a judgment against the  
376 defendant, the amount claimed due by the plaintiff being erroneous, such money or other  
377 property being subject to a claim held by a third party that is superior to the judgment  
378 described in the affidavit of garnishment, or other legal or statutory defenses. Even when  
379 earnings are held at a financial institution, such money may be exempt from garnishment  
380 due to the limitations on garnishment as provided in Code Sections 18-4-5 and 18-4-53,  
381 exemptions as provided in Code Section 18-4-6, or other reasons.

382 (b) The defendant shall serve a copy of his or her claim upon the plaintiff and garnishee.  
383 The clerk of court shall transmit a copy of the defendant's claim to the plaintiff and  
384 garnishee. If the defendant's claim alleges that money or other property in the possession  
385 of the court may be subject to a claim held by a third party that is superior to the judgment  
386 described in the affidavit of garnishment, the defendant shall serve a copy of his or her  
387 claim upon the third party named in such claim.

388 (c) The defendant shall become a party to all proceedings by filing a claim pursuant to this  
389 Code section.

390 (d) Upon the filing of the defendant's claim, a judge of the court in which the garnishment  
391 is pending shall order a hearing to be held not more than ten days from the date the claim  
392 is filed. The form for the order for such hearing is set forth in Code Section 18-4-83. Such  
393 hearing shall be available to the defendant as a matter of right after filing his or her claim,  
394 and no further summons of garnishment shall issue nor shall any money or other property  
395 paid or delivered to the court as subject to garnishment be disbursed until the hearing shall  
396 be held.

397 (e) The validity of the judgment upon which a garnishment is based shall only be  
398 challenged in accordance with Chapter 11 of Title 9, and no such challenge shall be  
399 entertained in the garnishment case. However, when the court finds that the defendant has  
400 attacked the validity of the judgment upon which the garnishment is based in an  
401 appropriate forum, the judge may order the garnishment be stayed until the validity of the  
402 judgment has been determined in such forum.

403 (f) The filing of a claim by the defendant shall not relieve the garnishee of the duties of  
404 filing a garnishee answer, of withholding money or other property subject to garnishment,  
405 or of paying or delivering to the court any money or other property subject to garnishment.

406 (g) A party's failure to include the civil action file number on a defendant's claim shall not  
407 affect the validity of such claim.

408 18-4-16.

409 Within 20 days after the plaintiff has been served with the garnishee's answer, the plaintiff  
410 may file a traverse stating that the garnishee's answer is untrue or legally insufficient. Such  
411 statement places in issue all questions of law and fact concerning the garnishee's answer.  
412 The form for a plaintiff's traverse is set forth in Code Section 18-4-87.

413 18-4-17.

414 At any time before judgment is entered on the garnishee's answer or money or other  
415 property subject to garnishment is distributed, any person may file a third-party claim in  
416 writing under oath stating that he or she has a claim superior to that of the plaintiff to the  
417 money or other property in the hands of the garnishee subject to the process of  
418 garnishment, and the third-party claimant shall be a party to all further proceedings upon  
419 the garnishment. A third-party claimant shall serve his or her claim upon the plaintiff,  
420 defendant, and garnishee. The form for a third-party claim is set forth in Code Section  
421 18-4-88.

422 18-4-18.

423 When money or other property in court is subject to a third-party claim or to more than one  
424 garnishment case, the party with the oldest entered judgment shall have priority to such  
425 money or other property and any interested party to any one of the garnishment cases may  
426 make a motion to the court where such money or other property has been deposited for the  
427 distribution of such money or other property. Each party of interest in each case and the  
428 clerk of court shall be served with a copy of the motion. Upon hearing the motion, the  
429 court shall enter an order directing that the clerk be paid the court cost of each garnishment  
430 proceeding first, and all remaining money or other property shall be distributed in  
431 accordance with the laws governing the relative priority of claims, judgments, and liens.

432 18-4-19.

433 (a) After the garnishee's answer is filed, the defendant's claim shall be tried first, the  
434 plaintiff's traverse shall be tried second, and third-party claims shall be tried last; provided,  
435 however, that the court shall retain the money or other property subject to garnishment until  
436 the completion of the trial of all claims and traverses which are filed under this chapter.  
437 The court may consolidate or bifurcate such actions for trial in the court's discretion.

438 (b) If a claim or traverse has been filed, all parties of record may introduce evidence to  
439 establish their respective interests in the money or other property in court, and the court  
440 shall direct that such money or other property be distributed in accordance with the laws  
441 governing the relative priority of claims, judgments, and liens.

442 (c) When the defendant prevails upon the trial of his or her claim:

443 (1) That the plaintiff does not have a judgment against the defendant or that the plaintiff's  
444 affidavit of garnishment is untrue or is legally insufficient, the garnishment case shall be  
445 dismissed by the court, and any money or other property belonging to the defendant in  
446 the possession of the court shall be restored to the defendant unless another claim or  
447 traverse thereto has been filed;

448 (2) That the amount shown to be due on the plaintiff's affidavit of garnishment is  
449 incorrect, the court may allow the summons of garnishment to be amended to the amount  
450 proven to be owed, and if such amount is less than the amount shown to be due by the  
451 plaintiff, any money or other property belonging to the defendant in the possession of the  
452 court in excess of the amount due shall be restored to the defendant unless another claim  
453 or traverse thereto has been filed;

454 (3) That the money or other property belonging to the defendant in the possession of the  
455 court is exempt from garnishment, such exempt money or other property shall be restored  
456 directly to the defendant. The court shall order such restoration within 48 hours; and

457 (4) Based on any legal or statutory defense or that money or other property in the  
458 possession of the court may be subject to a claim held by a third party that is superior to  
459 the judgment described in the affidavit of garnishment, the court shall determine the  
460 disposition of the money or other property belonging to the defendant in the possession  
461 of the court.

462 (d) On the trial of the plaintiff's traverse, if the court finds the garnishee has failed to  
463 respond properly to the summons of garnishment, the court shall disallow any expenses  
464 demanded by the garnishee and shall enter a judgment for any money or other property  
465 paid or delivered to the court with the garnishee's answer, plus any money or other property  
466 the court finds subject to garnishment which the garnishee has failed to pay or deliver to  
467 the court; provided, however, that the total amount of such judgment shall not exceed the  
468 amount shown to be due by the plaintiff, together with the costs of the garnishment  
469 proceeding.

470 18-4-20.

471 When no claim has been filed and no traverse has been filed within 20 days after the  
472 garnishee's answer is filed:

473 (1) If money is paid or delivered to the court by the garnishee, the clerk of the court shall  
474 pay the money to the plaintiff or the plaintiff's attorney upon application, and the  
475 garnishee shall be automatically discharged from further liability with respect to the  
476 summons of garnishment so answered;

477 (2) If property is delivered to the court by the garnishee, the sheriff, marshal, constable,  
478 or like officer of the court shall sell the property in the manner provided by law for the  
479 sale of property levied under an execution, and the garnishee shall be automatically  
480 discharged from further liability with respect to the summons of garnishment so  
481 answered. The proceeds of such sale shall be paid or delivered to the plaintiff or the  
482 plaintiff's attorney upon application; or

483 (3) If money or other property admitted to be subject to the garnishment is not paid or  
484 delivered to the court, judgment shall be entered for the plaintiff and against the garnishee  
485 for such money or other property and execution shall issue on the judgment.

486 18-4-21.

487 Except as provided in Code Section 18-4-22, when a garnishee fails or refuses to file a  
488 garnishee answer by the forty-fifth day after service of the summons of garnishment, such  
489 garnishee shall automatically be in default. The default may be opened as a matter of right  
490 by the filing of a garnishee answer within 15 days of the day of default and payment of  
491 costs. If the case is still in default after the expiration of the period of 15 days, judgment  
492 by default may be entered at any time thereafter against such garnishee for the amount  
493 remaining due on the judgment obtained against the defendant as shown in the plaintiff's  
494 affidavit of garnishment.

495 18-4-22.

496 When a garnishee is a financial institution and fails or refuses to file a garnishee answer by  
497 the fifteenth day after the date of service of the summons of garnishment, such garnishee  
498 shall automatically be in default. The default may be opened as a matter of right by the  
499 filing of a garnishee answer within 15 days of the day of default and payment of costs. If  
500 the case is still in default after the expiration of the period of 15 days, judgment by default  
501 may be entered at any time thereafter against such garnishee for the amount remaining due  
502 on the judgment obtained against the defendant as shown in the plaintiff's affidavit of  
503 garnishment.

504 18-4-23.

505 (a) A garnishee may be relieved from liability for failure to file a garnishee answer if the  
506 plaintiff failed to provide the information required by paragraph (2) of subsection (b) of  
507 Code Section 18-4-7 that would reasonably enable the garnishee to respond properly to the  
508 summons of garnishment and a good faith effort to locate the requested property was made  
509 by the garnishee based on the information provided by the plaintiff. In determining  
510 whether a garnishee may be relieved of liability, the court shall consider and compare the

511 accuracy and quantity of the information supplied by the plaintiff pursuant to paragraph (2)  
 512 of subsection (b) of Code Section 18-4-7 with the manner in which such garnishee  
 513 maintains and locates its records, the compliance by such garnishee with its own  
 514 procedures, and the conformity of the record systems and procedures with reasonable  
 515 commercial standards prevailing in the area in which such garnishee is located.

516 (b) A garnishee and a plaintiff shall not be subject to liability to any party or nonparty to  
 517 the garnishment at issue arising from the attachment of a lien or the freezing, payment, or  
 518 delivery into court of money or other property reasonably believed to be that of the  
 519 defendant if such attachment, freezing, payment, or delivery is reasonably required by a  
 520 good faith effort to comply with the summons of garnishment. In determining whether  
 521 such compliance by a garnishee is reasonable, the court shall consider and compare the  
 522 accuracy and quantity of the information supplied by the plaintiff pursuant to paragraph (2)  
 523 of subsection (b) of Code Section 18-4-7 with the manner in which such garnishee  
 524 maintains and locates its records, the compliance by such garnishee with its own  
 525 procedures, and the conformity of the record systems and procedures with reasonable  
 526 commercial standards prevailing in the area in which such garnishee is located.

527 (c)(1) As used in this subsection, the term:

528 (A) 'Association account' means any account or safe-deposit box or similar property  
 529 maintained by a corporation, statutory close corporation, limited liability company,  
 530 partnership, limited partnership, limited liability partnership, foundation, trust, national,  
 531 state, or local government or quasi-government entity, or other incorporated or  
 532 unincorporated association.

533 (B) 'Fiduciary account' means any account or safe-deposit box maintained by any party  
 534 in a fiduciary capacity for any other party other than the defendant in garnishment.  
 535 Without limiting the foregoing, such term shall include any trust account as defined in  
 536 Code Section 7-1-810, any account created pursuant to a transfer governed by Code  
 537 Section 44-5-119, and any agency account or safe-deposit box governed by a power of  
 538 attorney or other written designation of authority.

539 (2)(A) A garnishee shall not be liable for failure to pay or deliver to the court money  
 540 or other property in an association account that may be subject to garnishment by  
 541 reason of the fact that a defendant is an authorized signer on such association account,  
 542 unless the summons of garnishment alleges that the association account is being used  
 543 by the defendant for an improper or unlawful purpose.

544 (B) A garnishee shall not be liable for failure to pay or deliver to the court money or  
 545 other property in a fiduciary account that may be subject to garnishment if such  
 546 fiduciary account specifically is exempted from garnishment as set forth in Code  
 547 Section 18-4-6.



548 (C) A garnishee shall not be liable for failure to pay or deliver to the court money or  
 549 other property in a fiduciary account that may be subject to garnishment by reason of  
 550 the fact that a defendant is a fiduciary of the fiduciary account, unless the summons of  
 551 garnishment is against the defendant in the defendant's capacity as a fiduciary of the  
 552 fiduciary account or the summons of garnishment alleges that the fiduciary account is  
 553 being used by the defendant for an improper or unlawful purpose.

554 18-4-24.

555 (a) When a default judgment is rendered against a garnishee under Code Section 18-4-21,  
 556 18-4-22, or 18-4-43, the plaintiff shall serve the garnishee, as provided in Code Section  
 557 9-11-4, or, when the garnishment is filed in a magistrate court, the plaintiff may serve the  
 558 garnishee by using the constable of the magistrate court in the manner set forth in Code  
 559 Section 9-11-4, with a copy of such default judgment. On a motion filed not later than 90  
 560 days from the date the garnishee was served with such default judgment, the garnishee  
 561 may, upon payment of all accrued costs of court, have such default judgment modified so  
 562 that the amount of such default judgment shall be reduced to an amount equal to the greater  
 563 of \$50.00 or \$50.00 plus 100 percent of the amount by which the garnishee was indebted  
 564 to the defendant from the time of service of the summons of garnishment through and  
 565 including the last day on which a timely garnishee answer could have been made for all  
 566 money or other property belonging to the defendant which came into the garnishee's hands  
 567 from the time of service of the summons through and including the last day on which a  
 568 timely answer could have been made and less any exemption allowed the defendant.

569 (b) On the trial of a motion to modify a default judgment, the burden of proof shall be  
 570 upon any plaintiff who objects to the timeliness of the motion to establish that such motion  
 571 was not filed within the time provided for by this Code section.

572 18-4-25.

573 (a) A release of a summons of garnishment:

574 (1) Shall relieve the garnishee from any obligation to file a garnishee answer to any  
 575 summons of garnishment pending on the date of the release and shall authorize the  
 576 garnishee to pay or deliver to the defendant any money or other property in the  
 577 garnishee's possession belonging to the defendant; and

578 (2) Shall not operate as a dismissal of the garnishment proceeding.

579 (b) It shall be the duty of the clerk of the court in which garnishment proceedings are  
 580 pending to issue a release of garnishment if:

581 (1) The plaintiff or the plaintiff's attorney requests a release in writing;

582 (2) The amount shown to be due on the plaintiff's affidavit of garnishment together with  
 583 the costs of the garnishment proceeding are paid into court;

584 (3) A judge enters an order, after a hearing required by this chapter, directing that the  
 585 garnishment be released; or

586 (4) The garnishment is dismissed.

587 (c) The form for a release of garnishment is set forth in Code Section 18-4-89.

588 18-4-26.

589 (a) Money due officials or employees of a municipal corporation or county of this state or  
 590 of the state government, or any department or institution thereof, as salary for services  
 591 performed for or on behalf of the municipal corporation or county of this state or the state,  
 592 or any department or institution thereof, shall be subject to garnishment, except that in no  
 593 event shall the officials' or employees' salary for services performed for or on behalf of any  
 594 municipal corporation or county of this state or the state, or any department or institution  
 595 thereof, be garnisheed when the judgment serving as a basis for the issuance of the  
 596 summons of garnishment arises out of the liability incurred in the scope of the officials' or  
 597 employees' governmental employment while responding to an emergency. In such cases,  
 598 the summons of garnishment shall be directed to such political entity and served upon the  
 599 person authorized by law to draw the warrant on the treasury of the government or to issue  
 600 a check for such salary due, or upon the chief administrative officer of the political  
 601 subdivision, department, agency, or instrumentality; and such entity shall be required to  
 602 respond to such summons in accordance with the mandate thereof and as provided by this  
 603 chapter.

604 (b) For purposes of this Code section only, the state and its political subdivisions,  
 605 departments, agencies, and instrumentalities shall be deemed private persons; and  
 606 jurisdiction for the purpose of issuing a summons of garnishment shall be restricted to a  
 607 court located in the county in which the warrant is drawn on the treasury of the government  
 608 or in which the check is issued for the salary due the official or employee of the state or its  
 609 political subdivisions, departments, agencies, or instrumentalities.

610 ARTICLE 2

611 18-4-40.

612 (a) In addition to garnishment proceedings otherwise available under this chapter, in all  
 613 cases when a money judgment was obtained in a court of this state or a federal court or is  
 614 being enforced in this state as provided in Article 5 of Chapter 12 of Title 9, the 'Uniform  
 615 Foreign-Country Money Judgments Recognition Act,' or Article 6 of Chapter 12 of Title 9,

616 the 'Uniform Enforcement of Foreign Judgments Law,' a plaintiff shall be entitled to the  
 617 process of continuing garnishment against any garnishee who is an employer of the  
 618 defendant against whom the judgment has been obtained.

619 (b) Unless otherwise specifically provided in this article, Article 1 of this chapter shall  
 620 apply to this article.

621 18-4-41.

622 (a) In addition to the information required by subsection (a) of Code Section 18-4-3, an  
 623 affidavit of continuing garnishment shall state that the plaintiff believes that the garnishee  
 624 is or may be an employer of the defendant and subject to continuing garnishment.

625 (b) Only one summons of continuing garnishment shall issue on one affidavit of  
 626 continuing garnishment.

627 (c) The plaintiff shall serve a summons of continuing garnishment and provide notice of  
 628 exemptions in the same manner as provided for in Code Section 18-4-8.

629 (d) The form for an affidavit of continuing garnishment is set forth in Code Section  
 630 18-4-72. The form for a summons of continuing garnishment is set forth in Code Section  
 631 18-4-78, and the optional attachment thereto is set forth in Code Section 18-4-79.

632 18-4-42.

633 (a) As used in this Code section, the term 'previous garnishee answer date' means the date  
 634 upon which the immediately preceding garnishee answer was filed.

635 (b) If the garnishee owes the defendant any sum for wages earned as the garnishee's  
 636 employee, the garnishee answer shall state specifically when the wages were earned by the  
 637 defendant, whether the wages were earned on a daily, weekly, or monthly basis, the rate  
 638 of pay and hours worked, and the basis for computation of earnings.

639 (c) The summons of continuing garnishment shall be directed to the garnishee,  
 640 commanding the garnishee:

641 (1) To file a first garnishee answer with the court issuing such summons not sooner than  
 642 30 days and not later than 45 days after service of the summons of continuing  
 643 garnishment, for the period of time from the date of service through and including the day  
 644 of the first garnishee answer;

645 (2) To file subsequent garnishee answers with such court for the remaining period  
 646 covered by the summons of continuing garnishment; and

647 (3) To accompany all such garnishee answers with any money subject to continuing  
 648 garnishment.

649 (d)(1) Subsequent garnishee answers shall be filed not later than 45 days after the  
 650 previous garnishee answer date stating what money of the defendant is subject to

651 continuing garnishment from the previous garnishee answer date through and including  
652 the date on which the next garnishee answer is filed.

653 (2) Subsequent garnishee answers shall not be required on a summons of continuing  
654 garnishment if the preceding garnishee answer filed states what money of the defendant  
655 is subject to continuing garnishment from the previous garnishee answer date to and  
656 including the one hundred seventy-ninth day after service of the summons of continuing  
657 garnishment.

658 (3) Notwithstanding the other provisions of this subsection, the last garnishee answer  
659 shall be filed not later than the one hundred ninety-fifth day after service of the summons  
660 of continuing garnishment.

661 (e) The summons of continuing garnishment shall state that if the garnishee fails to file a  
662 garnishee's answer to such summons in a timely manner, a judgment by default shall be  
663 entered against the garnishee for the amount remaining due on a judgment as shown in the  
664 plaintiff's affidavit of continuing garnishment.

665 (f)(1) If the employment relationship between the garnishee and the defendant does not  
666 exist at the time of service of the summons of continuing garnishment, the garnishee shall  
667 state in the garnishee answer that such relationship does not exist and may immediately  
668 file the garnishee's answer; provided, however, that such garnishee's answer shall be filed  
669 not later than 45 days after service of the summons of continuing garnishment.

670 (2) When the defendant has been an employee of the garnishee, and if the defendant is  
671 no longer employed by the garnishee, the garnishee may immediately file the garnishee's  
672 answer; provided, however, that such garnishee's answer shall be filed not later than 45  
673 days after service of the summons of continuing garnishment.

674 (3) If the employment relationship between the garnishee and the defendant terminates  
675 on or after service of the summons of continuing garnishment, the garnishee shall state  
676 in the garnishee answer that such relationship has been terminated, giving the date of  
677 termination, and may immediately file the garnishee's answer; provided, however, that  
678 such garnishee's answer shall be filed not later than 45 days after service of the summons  
679 of continuing garnishment.

680 (4) Upon the termination of employment of the defendant by the garnishee, the garnishee  
681 shall be required to file a final garnishee answer stating the date of the defendant's  
682 termination.

683 (g) When a garnishee answer is made pursuant to subsection (f) of this Code section, no  
684 claim has been filed, and no traverse has been filed within 20 days after such garnishee  
685 answer is filed, the garnishee shall be discharged from further liability and obligation in the  
686 same manner as set forth under Code Section 18-4-20 for that summons with respect to the

687 period of continuing garnishment remaining after the employment relationship is  
 688 terminated.

689 (h) The form for a garnishee's answer to a continuing garnishment is set forth in Code  
 690 Section 18-4-86.

691 18-4-43.

692 (a) When a garnishee fails or refuses to file a garnishee answer at least once every 45 days,  
 693 such garnishee shall automatically be in default. The default may be opened as provided  
 694 in Code Section 18-4-21. If the case is still in default after the expiration of the period of  
 695 15 days, judgment by default may be entered at any time thereafter against such garnishee  
 696 for the amount remaining due on the judgment obtained against the defendant as shown in  
 697 the plaintiff's affidavit of continuing garnishment.

698 (b) A garnishee may obtain relief from a default judgment upon the same conditions as  
 699 provided in Code Section 18-4-24.

700 ARTICLE 3

701 18-4-50.

702 As used in this article, the term:

703 (1) 'Earnings' shall have the same meaning as set forth in Code Section 18-4-1 and shall  
 704 include disability or retirement benefits that are received from the Social Security  
 705 Administration pursuant to Title II of the federal Social Security Act, disability benefits  
 706 that are received pursuant to the federal Veterans' Benefits Act of 2010, 38 U.S.C.  
 707 Section 101, et seq., workers' compensation benefits, whether temporary or permanent,  
 708 and unemployment insurance benefits.

709 (2) 'Judgment' means an order for periodic support obtained:

710 (A) In a court of this state;

711 (B) In a court of another state which has been registered pursuant to Code Section  
 712 19-11-77 under the 'Uniform Reciprocal Enforcement of Support Act' or as provided  
 713 in Article 3 of Chapter 11 of Title 19, the 'Uniform Interstate Family Support Act,' or  
 714 Article 6 of Chapter 12 of Title 9, the 'Uniform Enforcement of Foreign Judgments  
 715 Law';

716 (C) By a final administrative order for support issued by the Department of Human  
 717 Services; or

718 (D) By a final administrative order issued by a governmental agency of another state.

719 (3) 'Periodic support' means money required to be paid regularly on a daily, weekly,  
720 monthly, or other similar specified frequency for the support of a minor child of the  
721 defendant or a spouse or former spouse of the defendant.

722 18-4-51.

723 (a) In addition to garnishment proceedings otherwise available under this chapter, in all  
724 cases when a judgment was obtained or is being enforced, a plaintiff shall be entitled to the  
725 process of continuing garnishment for support against any garnishee who is an employer  
726 of the defendant against whom the judgment has been obtained.

727 (b) Unless otherwise specifically provided in this article, Articles 1 and 2 of this chapter  
728 shall apply to this article.

729 18-4-52.

730 (a) In addition to the information required by subsection (a) of Code Sections 18-4-3 and  
731 18-4-41, the plaintiff shall attach a certified copy of the judgment to be enforced to the  
732 affidavit of continuing garnishment for support and shall state the following in such  
733 affidavit:

734 (1) That the defendant is in arrears on the obligation of support in an amount equal to or  
735 in excess of one month's obligation as decreed in such judgment;

736 (2) The amount of arrearage which exists under such judgment as of the date of the  
737 execution of the affidavit;

738 (3) The amount of support due under the judgment for each obligee named therein,  
739 taking into account the possible attainment of majority or emancipation or death of any  
740 minor child named in such judgment; and

741 (4) The date of the termination of the obligation of support of each obligee named in the  
742 judgment, based upon the terms of such judgment, or, as to any obligee who is a minor  
743 child, the date each such obligee shall attain the age of 18 years.

744 (b) Such affidavit may be amended from time to time by subsequent affidavits of any party  
745 showing a modification or other amendment to the original judgment being enforced. Such  
746 amended or subsequent affidavits shall include a certified copy of any such modification  
747 or amendment and shall contain the information required by paragraphs (1) through (4) of  
748 subsection (a) of this Code section.

749 (c) The plaintiff shall serve the summons of continuing garnishment for support and  
750 provide notice of exemptions in the same manner as provided for in Code Section 18-4-8.

751 (d) The form for an affidavit of continuing garnishment for support is set forth in Code  
752 Section 18-4-73.

753 18-4-53.

754 (a) A summons of continuing garnishment for support shall contain a notice to the  
755 garnishee that such garnishment is based on a judgment governed by this article. The form  
756 for a summons of continuing garnishment for support is set forth in Code Section 18-4-80,  
757 and the optional attachment thereto is set forth in Code Section 18-4-81.

758 (b) Subject to the limitations set forth in Code Section 18-4-6, the maximum part of  
759 disposable earnings for any work week which shall be subject to continuing garnishment  
760 for support shall not exceed 50 percent of the defendant's disposable earnings for that week.

761 (c) Funds or benefits from an individual retirement account or from a pension or retirement  
762 program shall not be exempt from the process of continuing garnishment for support except  
763 as provided in subsection (b) of this Code section for other disposable earnings, unless a  
764 greater exemption is otherwise provided by law.

765 18-4-54.

766 (a) The money paid into court with the initial garnishee answer, after deduction for costs,  
767 shall be first applied to the support payment required to be paid on a periodic basis that has  
768 accrued on a daily basis, by converting the periodic amount to an annual amount and  
769 dividing by 365, from the date of the plaintiff's affidavit of continuing garnishment for  
770 support to the date of the initial garnishee answer. All sums in excess of such payment  
771 shall be applied to the original arrearage. As used in this subsection, the term 'original  
772 arrears' means the sum of arrears existing as of the date of the making of the plaintiff's  
773 affidavit of continuing garnishment for support, plus any amounts includable pursuant to  
774 subsection (c) of this Code section.

775 (b) If the amount claimed as original arrearage as of the date of the making of the  
776 plaintiff's affidavit of continuing garnishment for support is not satisfied by the money  
777 payable into court under the initial garnishee answer, after application of the funds as set  
778 forth in subsection (a) of this Code section, the garnishee shall file further garnishee  
779 answers no later than 45 days after the previous garnishee answer date, stating the earnings  
780 accrued and the basis of their accrual and tendering such money accruing in such period.  
781 The amounts paid into court pursuant to subsequent garnishee answers, over and above the  
782 periodic payment accruing within such period, shall be applied to the original arrearage  
783 until the same is retired.

784 (c) If the money paid into court pursuant to any garnishee answer is less than the sums due  
785 under the support requirement accruing over the same period of time, after allowance for  
786 any costs deductible from same, the resulting difference shall be added to the amount due  
787 as original arrearage until the same is retired by subsequent payments.

788 (d) The garnishee shall file additional garnishee answers until the original arrearage is  
789 retired and all support payments are current.

790 (e) Upon the termination of employment of the defendant by the garnishee, the garnishee  
791 shall be required to file a final garnishee answer stating the date of the defendant's  
792 termination.

793 18-4-55.

794 The continuing garnishment for support described in this article shall attach for so long as  
795 the defendant is employed by the garnishee and shall not terminate until the original  
796 arrearage is retired and all support payments are current. The garnishee may rely upon the  
797 information as to the termination date of the duty of support of any individual claimed in  
798 the affidavit of continuing garnishment for support, the amount of the duty of support to  
799 be paid, any sums paid by the defendant between the date of the filing of such affidavit and  
800 the date of the initial garnishee answer, and the amount of the original arrearage existing  
801 as of the date of such affidavit, unless the defendant files a claim against such affidavit or  
802 the garnishee's answer and the court enters any finding otherwise.

803 ARTICLE 4

804 18-4-70.

805 (a) For the purpose of this chapter, the forms contained in this article shall be required to  
806 be used; provided, however, that a party may use its own format so long as it contains all  
807 of the information in the form. A defendant may use the form provided in Code Section  
808 18-4-82 to file a claim or may use the defendant's own pleading. When a case involves  
809 more than one plaintiff or defendant or necessitates the inclusion of additional information,  
810 the form may be expanded to allow for the information pertaining to all parties and such  
811 additional information to be displayed.

812 (b) The certificates of service provided within the forms in this article are included as  
813 examples. A party may modify a certificate of service in accordance with the  
814 circumstances of the case, including, but not limited to, transmission by e-mail as provided  
815 in subsection (b) of Code Section 9-11-5 or by court rule.

816 (c) A court may combine multiple forms.



817 18-4-71.

818 'IN THE COURT OF COUNTY

819 STATE OF GEORGIA

820 )

821 **Plaintiff:** )

822 \_\_\_\_\_ )

823 Name )

824 )

825 **Plaintiff's contact information:** )

826 \_\_\_\_\_ )

827 Name )

828 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_

829 Street Address )

830 \_\_\_\_\_ )

831 City State ZIP Code )

832 \_\_\_\_\_ )

833 E-mail Address )

834 \_\_\_\_\_ )

835 Phone Number )

836 \_\_\_\_\_ )

837 Bar Number )

838 )

839 **v.** )

840 )

841 **Defendant:** )

842 \_\_\_\_\_ )

843 Name )

844 \_\_\_\_\_ )

845 Street Address )

846 \_\_\_\_\_ )

847 City State ZIP Code )

848 )

849 **Garnishee:** )

850 \_\_\_\_\_ )

851 Name )

852 \_\_\_\_\_ )

853 Street Address )

854 \_\_\_\_\_ )

855 City State ZIP Code )

856

**AFFIDAVIT OF GARNISHMENT**

857  **Check this box if the Garnishee is a financial institution.**

858  **Check this box if garnishment is for the collection of child support or alimony. See**  
859 **O.C.G.A. § 18-4-50, et seq.**

860 Personally appeared \_\_\_\_\_, who on oath says:  
861 (Print name)

862 1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

863 2. The Plaintiff obtained a judgment against the Defendant in Case Number \_\_\_\_\_  
864 in the \_\_\_\_\_ Court of \_\_\_\_\_ County, \_\_\_\_\_,  
865 State

866 and no agreement requires forbearance from the garnishment which is applied for  
867 currently.

868 3. \$ \_\_\_\_\_ is the balance due, which consists of the sum of \$ \_\_\_\_\_  
869 Principal, \$ \_\_\_\_\_ Postjudgment interest, and \$ \_\_\_\_\_ Other (e.g.,  
870 prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).

871 4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

872 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

873 \_\_\_\_\_  
874 Affiant

875 \_\_\_\_\_  
876 Print name of Affiant

877 Sworn to and subscribed before me this \_\_\_\_\_ day

878 of \_\_\_\_\_, 20 \_\_\_\_\_.

879 \_\_\_\_\_  
880 Notary Public or Deputy Clerk of Court'

881 18-4-72.

882 **'IN THE** \_\_\_\_\_ **COURT OF** \_\_\_\_\_ **COUNTY**

883 **STATE OF GEORGIA**

884 \_\_\_\_\_ )

885 **Plaintiff:** \_\_\_\_\_ )

886 \_\_\_\_\_ )

887 Name \_\_\_\_\_ )

888 )  
889 **Plaintiff's contact information:** )  
890 \_\_\_\_\_ )  
891 Name )  
892 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_  
893 Street Address )  
894 \_\_\_\_\_ )  
895 City      State      ZIP Code )  
896 \_\_\_\_\_ )  
897 E-mail Address )  
898 \_\_\_\_\_ )  
899 Phone Number )  
900 \_\_\_\_\_ )  
901 Bar Number )  
902 )  
903 **v.** )  
904 )  
905 **Defendant:** )  
906 \_\_\_\_\_ )  
907 Name )  
908 \_\_\_\_\_ )  
909 Street Address )  
910 \_\_\_\_\_ )  
911 City      State      ZIP Code )  
912 )  
913 **Garnishee:** )  
914 \_\_\_\_\_ )  
915 Name )  
916 \_\_\_\_\_ )  
917 Street Address )  
918 \_\_\_\_\_ )  
919 City      State      ZIP Code )

920 **AFFIDAVIT OF CONTINUING GARNISHMENT**

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

923 Personally appeared \_\_\_\_\_, who on oath says:  
924 (Print name)

925 1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

926 2. The Plaintiff obtained a judgment against the Defendant in Case Number  
927 in the \_\_\_\_\_ Court of \_\_\_\_\_ County, \_\_\_\_\_,  
928 \_\_\_\_\_ State

929 and no agreement requires forbearance from the garnishment which is applied for  
930 currently.

931 3. \$ \_\_\_\_\_ is the balance due, which consists of the sum of \$ \_\_\_\_\_  
932 Principal, \$ \_\_\_\_\_ Postjudgment interest, and \$ \_\_\_\_\_ Other (e.g.,  
933 prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).

934 4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

935 5. The Affiant believes that the Garnishee is an employer of the Defendant.

936 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

937 \_\_\_\_\_  
938 Affiant

939 \_\_\_\_\_  
940 Print name of Affiant

941 Sworn to and subscribed before me this \_\_\_\_\_ day  
942 of \_\_\_\_\_, 20 \_\_\_\_\_.

943 \_\_\_\_\_  
944 Notary Public or Deputy Clerk of Court'

945 18-4-73.

946 **'IN THE COURT OF COUNTY**  
947 **STATE OF GEORGIA**

948 \_\_\_\_\_ )

949 **Plaintiff:** )

950 \_\_\_\_\_ )

951 Name )

952 \_\_\_\_\_ )

953 **Plaintiff's contact information:** )

954 \_\_\_\_\_ )

955 Name )

956 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_

957 Street Address )

958 \_\_\_\_\_ )

959 City State ZIP Code )

960 \_\_\_\_\_ )  
 961 E-mail Address )  
 962 \_\_\_\_\_ )  
 963 Phone Number )  
 964 \_\_\_\_\_ )  
 965 Bar Number )  
 966 \_\_\_\_\_ )  
 967 **v.** )  
 968 \_\_\_\_\_ )  
 969 **Defendant:** )  
 970 \_\_\_\_\_ )  
 971 Name )  
 972 \_\_\_\_\_ )  
 973 Street Address )  
 974 \_\_\_\_\_ )  
 975 City      State      ZIP Code )  
 976 \_\_\_\_\_ )  
 977 **Garnishee:** )  
 978 \_\_\_\_\_ )  
 979 Name )  
 980 \_\_\_\_\_ )  
 981 Street Address )  
 982 \_\_\_\_\_ )  
 983 City      State      ZIP Code )

984 **AFFIDAVIT OF CONTINUING GARNISHMENT FOR SUPPORT**

985 Personally appeared \_\_\_\_\_, who on oath says:  
986 (Print name)

987 1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]  
988 2. The Plaintiff obtained a judgment against the Defendant in Case Number \_\_\_\_\_  
989 in the \_\_\_\_\_ Court of \_\_\_\_\_ County, \_\_\_\_\_  
990 \_\_\_\_\_ State

991 and no agreement requires forbearance from the garnishment which is applied for  
992 currently.

993 3. The Affiant states that the Defendant is in arrears on the obligation for support in an  
994 amount equal to or in excess of one month's obligation as decreed in the judgment for  
995 support and provides the following information:

996 \$ \_\_\_\_\_ is the amount of arrearage which exists under the judgment as of the  
997 execution of this affidavit.

998 **Check one of the boxes below and complete the requested information:**

999 A.  Periodic support is owed for one obligee, or the judgment sets forth a total  
1000 amount of periodic support for multiple obligees as follows:

1001 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
1002 Name of obligee

1003 \_\_\_\_\_, and \_\_\_\_\_ . Such periodic  
1004 Name of obligee Name of obligee

1005 support is payable on a \_\_\_\_\_ basis.  
1006 E.g., weekly, monthly

1007 The termination date of the obligation for periodic support is \_\_\_\_\_.  
1008 Date

1009 B.  Periodic support is owed for multiple obligees, and the judgment sets forth a  
1010 different amount of periodic support for each obligee as follows:

1011 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
1012 Name of obligee

1013 payable on a \_\_\_\_\_ basis, and the termination date of such  
1014 E.g., weekly, monthly

1015 obligation is \_\_\_\_\_.  
1016 Date

1017 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
1018 Name of obligee

1019 payable on a \_\_\_\_\_ basis, and the termination date of such  
1020 E.g., weekly, monthly

1021 obligation is \_\_\_\_\_.  
1022 Date

1023 \$ \_\_\_\_\_ is the total amount of periodic support due for \_\_\_\_\_,  
1024 Name of obligee

1025 payable on a \_\_\_\_\_ basis, and the termination date of such  
1026 E.g., weekly, monthly

1027 obligation is \_\_\_\_\_.  
1028 Date

1029 4.  Check this box and attach a certified copy of the judgment for support hereto.

1030 5. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

1031 6. The Affiant believes that the Garnishee is an employer of the Defendant.

1032 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

1033 \_\_\_\_\_  
1034 Affiant

1035 \_\_\_\_\_  
1036 Print name of Affiant

1037 Sworn to and subscribed before me this \_\_\_\_\_ day  
 1038 of \_\_\_\_\_, 20 \_\_\_\_\_.  
 1039 \_\_\_\_\_  
 1040 Notary Public or Deputy Clerk of Court'

1041 18-4-74.

1042 **'IN THE COURT OF COUNTY**  
 1043 **STATE OF GEORGIA**

1044 \_\_\_\_\_ )

1045 **Plaintiff:** )

1046 \_\_\_\_\_ )

1047 Name )

1048 \_\_\_\_\_ )

1049 **Plaintiff's contact information:** )

1050 \_\_\_\_\_ )

1051 Name )

1052 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_

1053 Street Address )

1054 \_\_\_\_\_ )

1055 City State ZIP Code )

1056 \_\_\_\_\_ )

1057 E-mail Address )

1058 \_\_\_\_\_ )

1059 Phone Number )

1060 \_\_\_\_\_ )

1061 Bar Number )

1062 \_\_\_\_\_ )

1063 **v.** )

1064 \_\_\_\_\_ )

1065 **Defendant:** ) **Garnishment Court information:**

1066 \_\_\_\_\_ ) \_\_\_\_\_

1067 Name ) Street Address

1068 \_\_\_\_\_ ) \_\_\_\_\_, Georgia

1069 Street Address ) City ZIP Code

1070 \_\_\_\_\_ ) \_\_\_\_\_

1071 City State ZIP Code ) Phone Number

1072 \_\_\_\_\_ )

1073 **Garnishee:** )

1074 \_\_\_\_\_ )

1075 Name )

1076 \_\_\_\_\_ )  
 1077 Street Address )  
 1078 \_\_\_\_\_ )  
 1079 City        State        ZIP Code )

**SUMMONS OF GARNISHMENT**

**Check this box if this is a garnishment for child support or alimony. If this is intended to be a continuing garnishment for support, use the form set forth in O.C.G.A. § 18-4-80.**

**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 or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 29 days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than 30 days and 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 beginning on the day of service of this summons and including the next 29 days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be paid 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



1108 such Court regarding the disposition of such contents or 120 days from the date of filing  
1109 your answer to this summons unless such time has been extended by the Court, whichever  
1110 is sooner.

1111 Should you fail to file a Garnishee Answer as required by this summons, a judgment by  
1112 default will be rendered against you for the amount remaining due on a judgment as shown  
1113 in the Plaintiff's Affidavit of Garnishment.

1114 WITNESS, the Honorable \_\_\_\_\_, Judge of said Court.  
1115 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1116 \_\_\_\_\_, Clerk of Court

1117 By: \_\_\_\_\_

1118 Deputy Clerk, \_\_\_\_\_ Court'

1119 18-4-75.

1120 'IN THE COURT OF \_\_\_\_\_ COUNTY  
1121 STATE OF GEORGIA

1122 \_\_\_\_\_ )  
1123 \_\_\_\_\_ )  
1124 **Plaintiff** )  
1125 \_\_\_\_\_ )  
1126 **v.** ) **Civil Action File No.** \_\_\_\_\_  
1127 \_\_\_\_\_ )  
1128 \_\_\_\_\_ )  
1129 **Defendant** )  
1130 \_\_\_\_\_ )  
1131 \_\_\_\_\_ )  
1132 **Garnishee** )

1133 **ATTACHMENT FOR SUMMONS OF GARNISHMENT**

1134 Other known names of the Defendant:

1135 \_\_\_\_\_  
1136 \_\_\_\_\_  
1137 \_\_\_\_\_

1138 Current and past addresses of the Defendant:

1139 \_\_\_\_\_

1140 \_\_\_\_\_  
 1141 \_\_\_\_\_  
 1142 Social security number or federal tax identification number of the Defendant:  
 1143 \_\_\_\_\_  
 1144 \_\_\_\_\_  
 1145 \_\_\_\_\_

**THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1147 18-4-76.

1148 **'IN THE COURT OF COUNTY**  
 1149 **STATE OF GEORGIA**

1150 \_\_\_\_\_ )  
 1151 **Plaintiff:** )  
 1152 \_\_\_\_\_ )  
 1153 Name )  
 1154 \_\_\_\_\_ )  
 1155 **Plaintiff's contact information:** )  
 1156 \_\_\_\_\_ )  
 1157 Name )  
 1158 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_  
 1159 Street Address )  
 1160 \_\_\_\_\_ )  
 1161 City State ZIP Code )  
 1162 \_\_\_\_\_ )  
 1163 E-mail Address )  
 1164 \_\_\_\_\_ )  
 1165 Phone Number )  
 1166 \_\_\_\_\_ )  
 1167 Bar Number )  
 1168 \_\_\_\_\_ )  
 1169 **v.** )  
 1170 \_\_\_\_\_ )

1171 **Defendant:** ) **Garnishment Court information:**  
 1172 \_\_\_\_\_ ) \_\_\_\_\_  
 1173 Name ) Street Address  
 1174 \_\_\_\_\_ ) \_\_\_\_\_, Georgia  
 1175 Street Address ) City ZIP Code

1176 \_\_\_\_\_ )  
 1177 City      State      ZIP Code      )      Phone Number  
 1178 \_\_\_\_\_ )  
 1179 **Garnishee:**      )  
 1180 \_\_\_\_\_ )  
 1181 Name      )  
 1182 \_\_\_\_\_ )  
 1183 Street Address      )  
 1184 \_\_\_\_\_ )  
 1185 City      State      ZIP Code      )

**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:**

1194 Total amount claimed due by the Plaintiff ..... \$ \_\_\_\_\_  
 1195 Plus court costs due on this summons ..... \$ \_\_\_\_\_  
 1196 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

1207 of making such answer. Your answer shall state what money, including wages, or other  
 1208 property, except what is known to be exempt, belonging to the Defendant you hold  
 1209 beginning on the day of service of this summons and including the next five days. Money,  
 1210 including wages, or other property admitted in an answer to be subject to garnishment must  
 1211 be paid or delivered to the Court concurrently with your answer.

1212 If, in answering this summons, you state that the property of the Defendant includes  
 1213 property in a safe-deposit box or similar property, you shall answer to the Court issuing this  
 1214 summons as to the existence of such safe-deposit box or similar property and shall restrict  
 1215 access to any contents of such safe-deposit box or similar property until further order of  
 1216 such Court regarding the disposition of such contents or 120 days from the date of filing  
 1217 your answer to this summons unless such time has been extended by the Court, whichever  
 1218 is sooner.

1219 Should you fail to file a Garnishee Answer as required by this summons, a judgment by  
 1220 default will be rendered against you for the amount remaining due on the judgment as  
 1221 shown in the Plaintiff's Affidavit of Garnishment.

1222 WITNESS, the Honorable \_\_\_\_\_, Judge of said Court.  
 1223 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1224 \_\_\_\_\_, Clerk of Court

1225 By: \_\_\_\_\_

1226 Deputy Clerk, \_\_\_\_\_ Court'

1227 18-4-77.

1228 'IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY

1229 STATE OF GEORGIA

1230 \_\_\_\_\_ )

1231 \_\_\_\_\_ )

1232 **Plaintiff** )

1233 \_\_\_\_\_ )

1234 **v.** ) **Civil Action File No.** \_\_\_\_\_

1235 \_\_\_\_\_ )

1236 \_\_\_\_\_ )

1237 **Defendant** )

1238 )  
 1239 )  
 1240 Garnishee )

1241 **ATTACHMENT FOR SUMMONS OF GARNISHMENT**  
 1242 **ON A FINANCIAL INSTITUTION**

1243 Other known names of the Defendant:  
 1244 \_\_\_\_\_  
 1245 \_\_\_\_\_  
 1246 \_\_\_\_\_

1247 Current and past addresses of the Defendant:  
 1248 \_\_\_\_\_  
 1249 \_\_\_\_\_  
 1250 \_\_\_\_\_

1251 Social security number or federal tax identification number of the Defendant:  
 1252 \_\_\_\_\_  
 1253 \_\_\_\_\_  
 1254 \_\_\_\_\_

1255 Account or identification numbers of accounts of the Defendant used by the Garnishee:  
 1256 \_\_\_\_\_  
 1257 \_\_\_\_\_  
 1258 \_\_\_\_\_

1259 Other allegations pursuant to O.C.G.A. § 18-4-23:  
 1260 \_\_\_\_\_  
 1261 \_\_\_\_\_  
 1262 \_\_\_\_\_

1263 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1264 18-4-78.

1265 **'IN THE COURT OF COUNTY**  
 1266 **STATE OF GEORGIA**

1267 )  
 1268 **Plaintiff:** )  
 1269 \_\_\_\_\_ )  
 1270 Name )

1271 )  
 1272 **Plaintiff's contact information:** )  
 1273 \_\_\_\_\_ )  
 1274 Name )  
 1275 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_  
 1276 Street Address )  
 1277 \_\_\_\_\_ )  
 1278 City      State      ZIP Code )  
 1279 \_\_\_\_\_ )  
 1280 E-mail Address )  
 1281 \_\_\_\_\_ )  
 1282 Phone Number )  
 1283 \_\_\_\_\_ )  
 1284 Bar Number )  
 1285 )  
 1286 **v.** )  
 1287 )  
 1288 **Defendant:** ) **Garnishment Court information:**  
 1289 \_\_\_\_\_ ) \_\_\_\_\_  
 1290 Name ) Street Address  
 1291 \_\_\_\_\_ ) \_\_\_\_\_, Georgia  
 1292 Street Address ) City      ZIP Code  
 1293 \_\_\_\_\_ ) \_\_\_\_\_  
 1294 City      State      ZIP Code ) Phone Number  
 1295 )  
 1296 **Garnishee:** )  
 1297 \_\_\_\_\_ )  
 1298 Name )  
 1299 \_\_\_\_\_ )  
 1300 Street Address )  
 1301 \_\_\_\_\_ )  
 1302 City      State      ZIP Code )

1303 **SUMMONS OF CONTINUING GARNISHMENT**

1304 **TO THE ABOVE-NAMED GARNISHEE:**

1305 Total amount claimed due by the Plaintiff ..... \$ \_\_\_\_\_  
 1306 Plus court costs due on this summons ..... \$ \_\_\_\_\_  
 1307 Total garnishment claim ..... \$ \_\_\_\_\_

1308 COURT OF JUDGMENT

1309 JUDGMENT CASE NO.

1310 **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,  
 1311 and other property, except what is known to be exempt, belonging to the Defendant or  
 1312 obligations owed to the Defendant named above beginning on the day of service of this  
 1313 summons and including the next 179 days. You are **FURTHER COMMANDED** to file  
 1314 your answer, in writing, not later than 45 days from the date you were served with this  
 1315 summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff  
 1316 or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's  
 1317 Attorney, if known, at the time of making such answer. Your answer shall state what  
 1318 money, including wages, or other property, except what is known to be exempt, belonging  
 1319 to the Defendant or obligations owed to the Defendant you hold or owe beginning on the  
 1320 day of service of this summons and between the time of such service and the time of  
 1321 making your first answer. Thereafter, you are required to file further answers no later than  
 1322 45 days after your last answer. Every further answer shall state what money, including  
 1323 wages, and other property, except what is known to be exempt, belonging to the Defendant  
 1324 or obligations owed to the Defendant you hold or owe at and from the time of the last  
 1325 answer to the time of the current answer. The last answer required by this summons shall  
 1326 be filed no later than the 195th day after you receive this summons. Money, including  
 1327 wages, or other property admitted in an answer to be subject to continuing garnishment  
 1328 must be paid or delivered to the Court concurrently with each answer.

1329 Should you fail to file Garnishee Answers as required by this summons, a judgment by  
 1330 default will be rendered against you for the amount remaining due on a judgment as shown  
 1331 in the Plaintiff's Affidavit of Continuing Garnishment.

1332 WITNESS, the Honorable \_\_\_\_\_, Judge of said Court.

1333 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1334 \_\_\_\_\_, Clerk of Court

1335 By: \_\_\_\_\_

1336 Deputy Clerk, \_\_\_\_\_ Court'

1337 18-4-79.

1338 **'IN THE COURT OF COUNTY**

1339 **STATE OF GEORGIA**

1340 )

1341 )

1342 **Plaintiff** )

1343 )

1344 **v.** ) **Civil Action File No.**

1345 )

1346 )

1347 **Defendant** )

1348 )

1349 )

1350 **Garnishee** )

1351 **ATTACHMENT FOR SUMMONS**

1352 **OF CONTINUING GARNISHMENT**

1353 **Other known names of the Defendant:**

1354 \_\_\_\_\_

1355 \_\_\_\_\_

1356 \_\_\_\_\_

1357 **Current and past addresses of the Defendant:**

1358 \_\_\_\_\_

1359 \_\_\_\_\_

1360 \_\_\_\_\_

1361 **Social security number or federal tax identification number of the Defendant:**

1362 \_\_\_\_\_

1363 \_\_\_\_\_

1364 \_\_\_\_\_

1365 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**



1366 18-4-80.

1367 'IN THE COURT OF COUNTY

1368 STATE OF GEORGIA

1369 )

1370 **Plaintiff:** )

1371 \_\_\_\_\_ )

1372 Name )

1373 )

1374 **Plaintiff's contact information:** )

1375 \_\_\_\_\_ )

1376 Name )

1377 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_

1378 Street Address )

1379 \_\_\_\_\_ )

1380 City State ZIP Code )

1381 \_\_\_\_\_ )

1382 E-mail Address )

1383 \_\_\_\_\_ )

1384 Phone Number )

1385 \_\_\_\_\_ )

1386 Bar Number )

1387 )

1388 v. )

1389 )

1390 **Defendant:** ) **Garnishment Court information:**

1391 \_\_\_\_\_ ) \_\_\_\_\_

1392 Name ) Street Address

1393 \_\_\_\_\_ ) \_\_\_\_\_, Georgia

1394 Street Address ) City ZIP Code

1395 \_\_\_\_\_ ) \_\_\_\_\_

1396 City State ZIP Code ) Phone Number

1397 )

1398 **Garnishee:** )

1399 \_\_\_\_\_ )

1400 Name )

1401 \_\_\_\_\_ )

1402 Street Address )

1403 \_\_\_\_\_ )

1404 City State ZIP Code )

1405                    **SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT**  
 1406                    **GOVERNED BY ARTICLE 3 OF CHAPTER 4 OF TITLE 18**

1407                    **TO THE ABOVE-NAMED GARNISHEE:**

1408                    Total amount claimed due by the Plaintiff . . . . . \$ \_\_\_\_\_  
 1409                    Plus court costs due on this summons . . . . . \$ \_\_\_\_\_  
 1410                    Total garnishment claim . . . . . \$ \_\_\_\_\_

1411                    **COURT OF JUDGMENT** \_\_\_\_\_

1412                    **JUDGMENT CASE NO.** \_\_\_\_\_

1413                    **YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages,  
 1414                    and other property, except what is known to be exempt, belonging to the Defendant or  
 1415                    obligations owed to the Defendant named above beginning on the day of service of this  
 1416                    summons until the original arrearage is retired and all periodic support payments are  
 1417                    current or until the termination of the garnishment. You are **FURTHER COMMANDED**  
 1418                    to file your answer, in writing, not later than 45 days from the date you were served with  
 1419                    this summons, with the Clerk of this Court and serve a copy of your answer upon the  
 1420                    Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the  
 1421                    Defendant's Attorney, if known, at the time of making such answer. Your answer shall  
 1422                    state what money, including wages, or other property, except what is known to be exempt,  
 1423                    belonging to the Defendant or obligations owed to the Defendant you hold or owe  
 1424                    beginning on the day of service of this summons and between the time of such service and  
 1425                    the time of making your first answer. Thereafter, you are required to file further answers  
 1426                    no later than 45 days after your last answer. Every further answer shall state what money,  
 1427                    including wages, and other property, except what is known to be exempt, belonging to the  
 1428                    Defendant or obligations owed to the Defendant you hold or owe at and from the time of  
 1429                    the last answer to the time of the current answer. **YOU MUST FILE ADDITIONAL**  
 1430                    **ANSWERS UNTIL THE ORIGINAL ARREARAGE IS RETIRED AND ALL PERIODIC**  
 1431                    **SUPPORT PAYMENTS ARE CURRENT.** Money, including wages, or other property  
 1432                    admitted in an answer to be subject to continuing garnishment must be paid or delivered  
 1433                    to the Court concurrently with each answer. The Plaintiff and the Defendant are required  
 1434                    by law to serve you with a copy of any amendment or modification to the original  
 1435                    judgment.

1436 Should you fail to file Garnishee Answers as required by this summons, a judgment by  
1437 default will be rendered against you for the amount remaining due on a judgment as shown  
1438 in the Plaintiff's Affidavit of Continuing Garnishment.

1439 WITNESS, the Honorable \_\_\_\_\_, Judge of said Court.

1440 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1441 \_\_\_\_\_, Clerk of Court

1442 By: \_\_\_\_\_

1443 Deputy Clerk, \_\_\_\_\_ Court'

1444 18-4-81.

1445 **'IN THE COURT OF COUNTY**

1446 **STATE OF GEORGIA**

1447 \_\_\_\_\_ )

1448 \_\_\_\_\_ )

1449 **Plaintiff** )

1450 \_\_\_\_\_ )

1451 **v.** ) **Civil Action File No.** \_\_\_\_\_

1452 \_\_\_\_\_ )

1453 \_\_\_\_\_ )

1454 **Defendant** )

1455 \_\_\_\_\_ )

1456 \_\_\_\_\_ )

1457 **Garnishee** )

1458 **ATTACHMENT FOR SUMMONS OF**  
1459 **CONTINUING GARNISHMENT FOR SUPPORT**

1460 Other known names of the Defendant:

1461 \_\_\_\_\_

1462 \_\_\_\_\_

1463 \_\_\_\_\_

1464 Current and past addresses of the Defendant:

1465 \_\_\_\_\_

1466 \_\_\_\_\_

1467 \_\_\_\_\_

1468 Social security number or federal tax identification number of the Defendant:  
 1469 \_\_\_\_\_  
 1470 \_\_\_\_\_  
 1471 \_\_\_\_\_

1472 **THIS PLEADING SHALL NOT BE FILED WITH THE COURT'**

1473 18-4-82.

1474 **'IN THE COURT OF COUNTY**  
 1475 **STATE OF GEORGIA**

1476 )

1477 **Plaintiff:** )

1478 \_\_\_\_\_ )

1479 Name )

1480 )

1481 **Plaintiff's contact information:** )

1482 \_\_\_\_\_ )

1483 Name )

1484 \_\_\_\_\_ ) **Civil Action File No.** \_\_\_\_\_

1485 Street Address )

1486 \_\_\_\_\_ )

1487 City State ZIP Code )

1488 \_\_\_\_\_ )

1489 E-mail Address )

1490 \_\_\_\_\_ )

1491 Phone Number )

1492 \_\_\_\_\_ )

1493 Bar Number )

1494 )

1495 **v.** )

1496 )

1497 **Defendant:** )

1498 \_\_\_\_\_ )

1499 Name )

1500 \_\_\_\_\_ )

1501 Street Address )

1502 \_\_\_\_\_ )

1503 City State ZIP Code )

1504 )  
 1505 **Garnishee:** )  
 1506 \_\_\_\_\_ )  
 1507 Name )  
 1508 \_\_\_\_\_ )  
 1509 Street Address )  
 1510 \_\_\_\_\_ )  
 1511 City      State      ZIP Code )

1512                    **NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT**  
 1513                    **OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY**

1514 You received this notice because money, including wages, and other property belonging  
 1515 to you have been garnished to pay a court judgment against you. HOWEVER, YOU MAY  
 1516 BE ABLE TO KEEP YOUR MONEY, INCLUDING WAGES, OR OTHER PROPERTY.  
 1517 **READ THIS NOTICE CAREFULLY.**

1518 State and federal law protects some money, including wages, from garnishment even if it  
 1519 is in a bank. Some common exemptions are benefits from social security, supplemental  
 1520 security income, unemployment, workers' compensation, the Veterans' Administration,  
 1521 state pension, retirement funds, and disability income. This list of exemptions does not  
 1522 include all possible exemptions. A more detailed list of exemptions is available at the  
 1523 Clerk of Court's office located at \_\_\_\_\_ (Name of Court),  
 1524 \_\_\_\_\_ (Address), \_\_\_\_\_ (City), Georgia  
 1525 \_\_\_\_\_ (ZIP Code), and on the website for the Attorney General (www.law.ga.gov).

1526 Garnishment of your earnings from your employment is limited to the lesser of 25 percent  
 1527 of your disposable earnings for a week or the amount by which your disposable earnings  
 1528 for a week exceed \$217.00. More than 25 percent of your disposable earnings may be  
 1529 taken from your earnings for the payment of child support or alimony or if a Chapter 13  
 1530 bankruptcy allows a higher amount.

1531 **TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY**  
 1532 **FROM BEING GARNISHED, YOU MUST:**

- 1533 1. Complete the Defendant's Claim Form as set forth below; and
- 1534 2. File this completed claim form with the Clerk of Court's office located at  
 1535 \_\_\_\_\_ (Name of Court), \_\_\_\_\_ (Address),  
 1536 \_\_\_\_\_ (City), Georgia \_\_\_\_\_ (ZIP Code).

1537 FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE. You may lose  
 1538 your right to claim an exemption if you do not file your claim form within 20 days after the  
 1539 Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim  
 1540 form to the Plaintiff and the Garnishee at the addresses listed on this notice.

1541 The Court will schedule a hearing within ten days from when it receives your claim form.  
 1542 The Court will mail you the time and date of the hearing at the address that you provide on  
 1543 your claim form. You may go to the hearing with or without an attorney. You will need  
 1544 to give the Court documents or other proof that your money is exempt.

1545 The Clerk of Court cannot give you legal advice. IF YOU NEED LEGAL ASSISTANCE,  
 1546 YOU SHOULD SEE AN ATTORNEY. If you cannot afford a private attorney, legal  
 1547 services may be available.

1548 **DEFENDANT'S CLAIM FORM**

1549 **I CLAIM EXEMPTION from garnishment. Some of my money or property held by**  
 1550 **the garnishee is exempt because it is: (check all that apply)**

- 1551  1. Social security benefits.
- 1552  2. Supplemental security income benefits.
- 1553  3. Unemployment benefits.
- 1554  4. Workers' compensation.
- 1555  5. Veterans' benefits.
- 1556  6. State pension benefits.
- 1557  7. Disability income benefits.
- 1558  8. Money that belongs to a joint account holder.
- 1559  9. Child support or alimony.
- 1560  10. Exempt wages, retirement, or pension benefits.
- 1561  11. Other exemptions as provided by law.

1562 Explain: \_\_\_\_\_  
 1563 \_\_\_\_\_

1564 **I further state: (check all that apply)**

- 1565  1. The Plaintiff does not have a judgment against me.
- 1566  2. The amount shown due on the Plaintiff's Affidavit of Garnishment is incorrect.
- 1567  3. The Plaintiff's Affidavit of Garnishment is untrue or legally insufficient.

1568 Send the notice of the hearing on my claim to me at:

1569 Address: \_\_\_\_\_

1570 Phone Number: \_\_\_\_\_

1571 E-mail Address: \_\_\_\_\_

1572 The statements made in this claim form are true to the best of my knowledge and belief.

1573 \_\_\_\_\_, 20

1574 Defendant's signature Date

1575 \_\_\_\_\_

1576 Print name of Defendant

1577 **CERTIFICATE OF SERVICE**

1578 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the  
1579 Garnishee in the foregoing matter with a copy of this pleading by depositing it in the  
1580 United States Mail in a properly addressed envelope with adequate postage thereon.

1581 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

1582 \_\_\_\_\_  
1583 Defendant or Defendant's Attorney'

1584 18-4-83.

1585 **'IN THE COURT OF COUNTY**

1586 **STATE OF GEORGIA**

1587 \_\_\_\_\_ )

1588 \_\_\_\_\_ )

1589 **Plaintiff** )

1590 \_\_\_\_\_ )

1591 **v.** ) **Civil Action File No.** \_\_\_\_\_

1592 \_\_\_\_\_ )

1593 \_\_\_\_\_ )

1594 **Defendant** )

1595 \_\_\_\_\_ )

1596 \_\_\_\_\_ )

1597 **Garnishee** )

1598 **ORDER FOR HEARING ON DEFENDANT'S CLAIM**

1599 It is hereby ordered that a hearing be held upon the Defendant's claim before this court on  
1600 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ : \_\_\_\_ . M., and that the Clerk of Court shall  
1601 transmit a copy of the Defendant's Claim Form and this order to the Plaintiff, the  
1602 Defendant, and the Garnishee.

1603 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1604 \_\_\_\_\_  
1605 Judge,  
1606 \_\_\_\_\_ Court of \_\_\_\_\_ County

1607 **CERTIFICATE OF SERVICE**

1608 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the  
1609 Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by  
1610 depositing it in the United States Mail in a properly addressed envelope with adequate  
1611 postage thereon.

1612 This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1613 \_\_\_\_\_  
1614 Deputy Clerk of Court'

1615 18-4-84.

1616 **'IN THE COURT OF \_\_\_\_\_ COUNTY**  
1617 **STATE OF GEORGIA**

1618 \_\_\_\_\_ )  
1619 \_\_\_\_\_ )  
1620 **Plaintiff** )  
1621 \_\_\_\_\_ )  
1622 **v.** ) **Civil Action File No. \_\_\_\_\_**  
1623 \_\_\_\_\_ )  
1624 \_\_\_\_\_ )  
1625 **Defendant** )  
1626 \_\_\_\_\_ )  
1627 \_\_\_\_\_ )  
1628 **Garnishee** )



1629

**GARNISHEE ANSWER**

1630

1. At the time of service or from the time of service to the time of this Garnishee

1631

Answer, the Garnishee had in its possession the following described property of the

1632

Defendant:

1633

\_\_\_\_\_

1634

\_\_\_\_\_

1635

\_\_\_\_\_

1636

2. At the time of service or from the time of service to the time of this Garnishee

1637

Answer, all obligations accruing from the Garnishee to the Defendant are in the amount

1638

of \$ \_\_\_\_\_.

1639

3. \$ \_\_\_\_\_ is the amount herewith paid into court.

1640

4. The Garnishee further states: \_\_\_\_\_.

1641

\_\_\_\_\_

1642

Garnishee,

1643

Garnishee's Attorney, or

1644

officer or employee of an entity Garnishee

1645

**CERTIFICATE OF SERVICE**

1646

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

1647

Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by

1648

depositing it in the United States Mail in a properly addressed envelope with adequate

1649

postage thereon.

1650

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

1651

\_\_\_\_\_

1652

Garnishee,

1653

Garnishee's Attorney, or

1654

officer or employee of an entity Garnishee'

1655 18-4-85.

1656 IN THE COURT OF COUNTY

1657 STATE OF GEORGIA

1658 )

1659 )

1660 Plaintiff )

1661 )

1662 v. ) Civil Action File No.

1663 )

1664 )

1665 Defendant )

1666 )

1667 )

1668 Garnishee

1669 FINANCIAL INSTITUTION GARNISHEE ANSWER

1670 1. At the time of service of the Summons of Garnishment on a Financial Institution and  
1671 including the next five days, the Garnishee had in its possession the following described  
1672 money and property of the Defendant:

1673 \_\_\_\_\_  
1674 \_\_\_\_\_  
1675 \_\_\_\_\_

1676 2. \$ \_\_\_\_\_ is the amount herewith paid into court.

1677 3.  Check this box if the Defendant is not presently an account holder of the  
1678 Garnishee.

1679 4. The Garnishee further states: \_\_\_\_\_.

1680 \_\_\_\_\_  
1681 Garnishee,  
1682 Garnishee's Attorney, or  
1683 officer or employee of an entity Garnishee

1684 CERTIFICATE OF SERVICE

1685 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the  
1686 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by

1687 depositing it in the United States Mail in a properly addressed envelope with adequate  
1688 postage thereon.

1689 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

1690 \_\_\_\_\_  
1691 \_\_\_\_\_ Garnishee,  
1692 \_\_\_\_\_ Garnishee's Attorney, or  
1693 \_\_\_\_\_ officer or employee of an entity Garnishee'

1694 18-4-86.

1695 'IN THE COURT OF \_\_\_\_\_ COUNTY  
1696 STATE OF GEORGIA

1697 \_\_\_\_\_ )  
1698 \_\_\_\_\_ )  
1699 Plaintiff )  
1700 \_\_\_\_\_ )  
1701 v. ) Civil Action File No. \_\_\_\_\_  
1702 \_\_\_\_\_ )  
1703 \_\_\_\_\_ )  
1704 Defendant )  
1705 \_\_\_\_\_ )  
1706 \_\_\_\_\_ )  
1707 Garnishee )

1708 GARNISHEE ANSWER TO CONTINUING GARNISHMENT

1709 1. From the time of service of the Summons of Continuing Garnishment, if this is the  
1710 first Garnishee Answer to such summons, otherwise from the time of the last Garnishee  
1711 Answer to the Summons of Continuing Garnishment until the time of this Garnishee  
1712 Answer, the Garnishee had in the Garnishee's possession the following described property  
1713 of the Defendant:

1714 \_\_\_\_\_  
1715 \_\_\_\_\_  
1716 \_\_\_\_\_

1717 2. From the time of service of the Summons of Continuing Garnishment, if this is the  
1718 first Garnishee Answer to such summons, otherwise from the time of the last Garnishee  
1719 Answer to the Summons of Continuing Garnishment until the time of this Garnishee

1720 Answer, all obligations accruing from the Garnishee to the Defendant are in the amount  
1721 of \$ \_\_\_\_\_.

1722 3. \$ \_\_\_\_\_ of the amount named in paragraph 2 were wages earned at the rate of  
1723 \$ \_\_\_\_\_ per \_\_\_\_\_ for the period beginning \_\_\_\_\_, 20 \_\_\_\_\_,  
1724 \_\_\_\_\_  
Date

1725 through the time of making this Garnishee Answer. The amount of wages which is  
1726 subject to this garnishment is computed as follows:

1727 \$ \_\_\_\_\_ Gross earnings

1728 \$ \_\_\_\_\_ Total social security and withholding tax and other mandatory deductions  
1729 required by law

1730 \$ \_\_\_\_\_ Total disposable earnings

1731 \$ \_\_\_\_\_ Amount of wages subject to garnishment.

1732 4. \$ \_\_\_\_\_ is the amount herewith paid into court.

1733 **5.  Check this box if the Defendant is not presently employed by the Garnishee.**

1734 **6.  Check this box if the Defendant was employed by the Garnishee on or after**  
1735 **service of the Summons of Continuing Garnishment but was terminated as of**  
1736 **\_\_\_\_\_, 20 \_\_\_\_\_.**  
1737 **Date**

1738 **7.  Check this box if this is the last Garnishee Answer this Garnishee is required**  
1739 **to file to the presently pending Summons of Garnishment in the above-styled case.**

1740 8. The Garnishee further states: \_\_\_\_\_.

1741 \_\_\_\_\_  
1742 Garnishee,  
1743 Garnishee's Attorney, or  
1744 officer or employee of an entity Garnishee

1745 **CERTIFICATE OF SERVICE**

1746 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the  
1747 Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by  
1748 depositing it in the United States Mail in a properly addressed envelope with adequate  
1749 postage thereon.

1750 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

1751 \_\_\_\_\_  
1752 Garnishee,  
1753 Garnishee's Attorney, or  
1754 officer or employee of an entity Garnishee'

1755 18-4-87.

1756 'IN THE COURT OF COUNTY

1757 STATE OF GEORGIA

1758 )

1759 )

1760 Plaintiff )

1761 )

1762 v. ) Civil Action File No.

1763 )

1764 )

1765 Defendant )

1766 )

1767 )

1768 Garnishee )

1769 PLAINTIFF'S TRAVERSE

1770 Now comes the Plaintiff in the above-styled case and traverses the Garnishee Answer by  
1771 saying the same is untrue or legally insufficient. The Plaintiff further states:

1772 \_\_\_\_\_  
1773 \_\_\_\_\_.

1774 \_\_\_\_\_  
1775 Plaintiff or Plaintiff's Attorney

1776 CERTIFICATE OF SERVICE

1777 This is to certify that I have this day served the Defendant and the Garnishee in the  
1778 foregoing matter with a copy of this pleading by depositing it in the United States Mail in  
1779 a properly addressed envelope with adequate postage thereon.

1780 This \_\_\_\_\_ day of \_\_\_\_\_, 20 .

1781 \_\_\_\_\_  
1782 Plaintiff or Plaintiff's Attorney'

1783 18-4-88.

1784 'IN THE COURT OF COUNTY

1785 STATE OF GEORGIA

1786 )

1787 )

1788 Plaintiff )

1789 )

1790 v. ) Civil Action File No.

1791 )

1792 )

1793 Defendant )

1794 )

1795 )

1796 Garnishee )

1797 THIRD-PARTY CLAIM

1798 Personally appeared \_\_\_\_\_, who on oath says that he or she  
1799 (Print name)

1800 has a claim superior to that of the Plaintiff to the money or other property in the hands of  
1801 the Garnishee subject to the process of garnishment.

1802 The Affiant further states: (check applicable box and complete the information requested)

1803  The Affiant obtained a judgment against the Defendant in the \_\_\_\_\_ Court of  
1804 \_\_\_\_\_ County, \_\_\_\_\_, in Case Number \_\_\_\_\_  
1805 \_\_\_\_\_ State

1806 on \_\_\_\_\_, and the unpaid balance of such judgment is in the amount of  
1807 \_\_\_\_\_ Date

1808 \$ \_\_\_\_\_.

1809 \_\_\_\_\_ or

1810  The basis of the Affiant's claim is \_\_\_\_\_

1811 \_\_\_\_\_.

1812 This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

1813 \_\_\_\_\_  
1814 Affiant

1815 \_\_\_\_\_  
1816 Print name of Affiant

1817 Sworn to and subscribed before me this \_\_\_\_\_ day  
 1818 of \_\_\_\_\_ , 20 \_\_\_\_\_.  
 1819 \_\_\_\_\_  
 1820 Notary Public or Deputy Clerk of Court

1821 **CERTIFICATE OF SERVICE**

1822 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the  
 1823 Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by  
 1824 depositing it in the United States Mail in a properly addressed envelope with adequate  
 1825 postage thereon.

1826 This \_\_\_\_\_ day of \_\_\_\_\_ , 20 \_\_\_\_.

1827 \_\_\_\_\_  
 1828 Third-party Claimant or Third-party Claimant's Attorney'

1829 18-4-89.

1830 **'IN THE COURT OF COUNTY**

1831 **STATE OF GEORGIA**

|      |                         |   |   |
|------|-------------------------|---|---|
| 1832 |                         | ) |   |
| 1833 | _____                   | ) |   |
| 1834 | <b><u>Plaintiff</u></b> | ) |   |
| 1835 |                         | ) |   |
| 1836 | <b><u>v.</u></b>        | ) | <b><u>Civil Action File No.</u></b> _____ |
| 1837 |                         | ) |   |
| 1838 | _____                   | ) |   |
| 1839 | <b><u>Defendant</u></b> | ) |   |
| 1840 |                         | ) |   |
| 1841 | _____                   | ) |   |
| 1842 | <b><u>Garnishee</u></b> | ) |   |

1843 **RELEASE OF GARNISHMENT**

1844 To: \_\_\_\_\_  
 1845 Garnishee

1846 This is to notify you that you have been released from filing a Garnishee Answer to any  
1847 and all Summons of Garnishment or Summons of Continuing Garnishment pending as of  
1848 this date in the above-styled case.

1849 This release authorizes you to pay or deliver to the Defendant in garnishment any money  
1850 or other property in your possession belonging to the Defendant.

1851 This release does not terminate the garnishment proceedings, nor does this release relieve  
1852 you of any obligation placed on you by the service of a Summons of Garnishment  
1853 subsequent to this date.

1854 This day of \_\_\_\_\_, 20 .

1855 \_\_\_\_\_  
1856 Clerk,  
1857 \_\_\_\_\_ Court of \_\_\_\_\_ County

1858 **CERTIFICATE OF SERVICE**

1859 This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the  
1860 Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by  
1861 depositing it in the United States Mail in a properly addressed envelope with adequate  
1862 postage thereon.

1863 This day of \_\_\_\_\_, 20 .

1864 \_\_\_\_\_  
1865 Deputy Clerk of Court"

1866 **SECTION 3.**

1867 Code Section 44-7-50 of the Official Code of Georgia Annotated, relating to demand for  
1868 possession, is amended by revising subsection (a) as follows:

1869 "(a) In all cases where a tenant holds possession of lands or tenements over and beyond  
1870 the term for which they were rented or leased to the tenant or fails to pay the rent when it  
1871 becomes due and in all cases where lands or tenements are held and occupied by any tenant  
1872 at will or sufferance, whether under contract of rent or not, when the owner of the lands or  
1873 tenements desires possession of the lands or tenements, the owner may, individually or by  
1874 an agent, attorney in fact, or attorney at law, demand the possession of the property so



1875 rented, leased, held, or occupied. If the tenant refuses or fails to deliver possession when  
 1876 so demanded, the owner or the agent, attorney at law, or attorney in fact of the owner may  
 1877 immediately go before the judge of the superior court, the judge of the state court, or the  
 1878 clerk or deputy clerk of either court, or the judge or the clerk or deputy clerk of any other  
 1879 court with jurisdiction over the subject matter, or a magistrate in the district where the land  
 1880 lies and make an affidavit under oath to the facts. The affidavit may likewise be made  
 1881 before a notary public, subject to the same requirements for judicial approval specified in  
 1882 Code Section ~~18-4-61, relating to garnishment affidavits~~ 18-4-3."

1883 **SECTION 4.**

1884 Code Section 53-12-80 of the Official Code of Georgia Annotated, relating to spendthrift  
 1885 provisions, is amended by revising subsection (d) as follows:

1886 "(d) A spendthrift provision shall not be valid as to the following claims against a  
 1887 beneficiary's right to a current distribution to the extent the distribution would be subject  
 1888 to garnishment under Article ~~2~~ 1 of Chapter 4 of Title 18 if the distribution were disposable  
 1889 earnings:

- 1890 (1) Alimony or child support;  
 1891 (2) Taxes or other governmental claims;  
 1892 (3) Tort judgments;  
 1893 (4) Judgments or orders for restitution as a result of a criminal conviction of the  
 1894 beneficiary; or  
 1895 (5) Judgments for necessities.

1896 The ability of a creditor or assignee to reach a beneficiary's interest under this subsection  
 1897 shall not apply to the extent that it would disqualify the trust as a special needs trust  
 1898 established pursuant to 42 U.S.C. Sections 1396p(d)(4)(A) or 1396p(d)(4)(C)."

1899 **SECTION 5.**

1900 This Act shall become effective 30 days after its approval by the Governor or 30 days after  
 1901 its becoming law without such approval.

1902 **SECTION 6.**

1903 All laws and parts of laws in conflict with this Act are repealed.