

MAGISTRATE COURT OF CHATHAM COUNTY, GEORGIA

Date Filed _____

Case No. MGCV _____

GARNISHMENT

Attorney: _____
Plaintiff(s)

GARNISHMENT COURT INFORMATION
Magistrate Court of Chatham County
133 Montgomery Street, Room 303
Savannah, Georgia 31401
(912) 652-7181

vs

Defendant(s)

Garnishee

AFFIDAVIT OF CONTINUING GARNISHMENT

Personally appeared _____ who on oath says:

1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle One]
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____, Georgia, State and no agreement requires forbearance from the garnishment which is applied currently.
3. The Affiant states that the Defendant is in arrears on the obligation in an amount equal or in excess of one month's obligation as decreed in the judgment for support and provides the following information:

\$_____ is the amount of arrearage that exists under the judgment as of the execution of this affidavit.

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

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

\$_____ is the total amount of periodic support due for _____.
Such periodic support is payable on a _____ (E.g. monthly/weekly) basis.

The termination date of the obligation for periodic support is _____ (Date).

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

\$_____ is the total amount of periodic support due for _____,
payable on a _____ (E.g. monthly/weekly) basis, and the termination date of such obligation is _____.

\$ _____ is the total amount of periodic support due for _____,
payable on a _____ (E.g. monthly/weekly) basis, and the termination date of such obligation
is _____.

\$ _____ is the total amount of periodic support due for _____,
payable on a _____ (E.g. monthly/weekly) basis, and the termination date of such obligation
is _____.

4. Check this box and attach a certified copy of the judgment for support hereto.
5. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
6. The Affiant believes that the Garnishee is an employer or under periodic obligations for payment of funds to the Defendant.

This ____ day of _____, 20____.

Affiant

Sworn to and subscribed before me
this ____ day of _____, 20____

Printed Name

Notary Public/Deputy Clerk of Court

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**SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT GOVERNENED BY
ARTICLE 3 OF CHAPTER 4 OF TITLE 18 OF 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, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons until the original arrearage is retired and all periodic support payments are current or until the termination of the garnishment. You are **FURTHER COMMANDED** to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last answer to the time of the current answer. **YOU MUST FILE ADDITIONAL ANSWERS UNTIL THE ORIGINAL ARREARAGE IS RETIRED AND ALL PERIODIC SUPPORT PAYMENTS ARE CURRENT.** Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be sent or delivered to the Court concurrently with each answer. The Plaintiff and the Defendant are required by law to serve you with a copy of any amendment or modification to the original judgment.

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

WITNESS, the Honorable Mary Kathryn Moss, Judge of said Court.

This ____ day of _____, 20____.

Tracie Macke, Clerk of Court

By: _____
Deputy Clerk, Magistrate Court of Chatham County

MAGISTRATE COURT OF CHATHAM COUNTY, GEORGIA

Case No. MGCV _____

GARNISHMENT

Attorney: _____
Plaintiff(s)

vs

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

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

State and federal law protects some money, including wages, from garnishment even if it is in a bank. Some common exemptions are benefits from social security, supplemental security income, unemployment, workers' compensation, the Veterans' Administration, state pension, retirement funds, and disability income. This list of exemptions does not include all possible exemptions. A more detailed list of exemptions is available at the Clerk of Court's office located at Magistrate Court of Chatham County, 133 Montgomery Street, Room 303, Savannah, GA 31401, and on the website for the Attorney General (www.law.ga.gov).

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

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

1. Complete the Defendant's Claim Form as set forth below; and
2. File this completed claim form with the Clerk of Court's office located at Magistrate Court of Chatham County, 133 Montgomery Street, Room 303, Savannah, GA 31401. **FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE.** You may lose your right to claim an exemption if you do not file your claim form within 20 days after the Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim form to the Plaintiff and the Garnishee at the addresses listed on this notice.

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

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

DEFENDANT'S CLAIM FORM
Case No. MGCV _____

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

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

Explain: _____

I further state: (check all that apply)

- 1. The Plaintiff does not have a judgment against me.
 - 2. The amount shown due on the Plaintiff's Affidavit of Garnishment is incorrect.
 - 3. The Plaintiff's Affidavit of Garnishment is untrue or legally insufficient.
- Send the notice of the hearing on my claim to me at:

Address: _____
Phone Number: _____
Email Address: _____

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

_____, 20____
Defendant's signature Date

Print name of Defendant

CERTIFICATE OF SERVICE

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

This _____ day of _____, 20____.

Defendant or Defendant's Attorney

MAGISTRATE COURT OF CHATHAM COUNTY, GEORGIA

Case No. MGCV _____

GARNISHMENT

Attorney: _____
Plaintiff(s)

vs

Defendant(s)

Garnishee

GARNISHEE ANSWER

1. At the time of service or from the time of service to the time if this Garnishee Answer, the Garnishee had in its possession the following described property of the Defendant:

2. At the time of service or from the time of service to this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of \$_____.

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

4. The Garnishee further states: _____
_____.

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

CERTIFICATE OF SERVICE

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

This _____ day of _____, 20_____.

Garnishee (Attorney) (Officer/Employee)