IN THE MAGISTRATE COURT OF LOWNDES COUNTY
VALDOSTA, GEORGIA
PROCEDURES FOR FILING GARNISHMENTS
{For all garnishment filings on or after May 12, 2016}

1. You **must** have a judgment against an individual or an entity before you file an Affidavit of Garnishment **and** the Garnishee **must** be located in Lowndes County. If the judgment was issued outside of Lowndes County, a copy of the judgment **must** be attached to the Affidavit of Garnishment.

2. Once you have obtained a judgment against the defendant, you must decide which type of garnishment to file:
   - Affidavit of Continuing Garnishment for wages: may be filed only where an Employer/Employee relationship exists between the garnishee and the defendant.
   - Affidavit of Garnishment
   - Affidavit of Garnishment on a Financial Institution
   - Affidavit of Continuing Garnishment for Support

Please choose the correct affidavit and summons as pursuant to O.C.G.A 18-4-7(d) if the plaintiff chooses the incorrect form of summons of garnishment of any type, the garnishment shall be invalid and the garnishee shall be released of all liability.

3. The Cost of filing a garnishment in this Court is $90.00. This includes all filing fees and service of the garnishment on the Garnishee.

4. You will need the following forms to file with the Court:
   - An original and 1 service copy of the Affidavit of Garnishment
   - An original and 1 service copy of the Summons of Garnishment
   - 1 copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property and Defendant's Claim Form

The Court will retain all originals and serve the garnishee with the service copy. You will need to make a copy of all forms to serve on the Defendant as required in O.C.G.A. 18-4-8(b). Please visit our website or speak with a clerk to obtain forms.

5. The total amount of the garnishment can include the amounts that you were awarded in your judgment, any interest and court costs to which you may be entitled. The affidavit of garnishment must be notarized.

6. Pursuant to O.C.G.A. 18-4-8(b), The Plaintiff **must** serve the Defendant with a copy of the Affidavit of Garnishment, the Summons of Garnishment, and the Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property and Defendant's Claim Form. The defendant must be served within the time of filing the affidavit and three (3) business days after the service of the garnishment on the garnishee. If the Defendant is not served within this time period the garnishment may be dismissed. If the Defendant is a resident of Lowndes County and you want us to serve him/her with his/her copy of the garnishment, please add an additional $40.00 to the cost.

7. Please file a Certificate of Service with appropriate service checked, along with all required documents with the Court. The **Court will not disburse any funds until the Certificate of Service is received.** Plaintiff's obligation to provide notice of the garnishment to the Defendant is governed by O.C.G.A. 18-4-8. Please read this code section if you are unfamiliar with garnishment law regarding notice to the defendant.

8. If the Court receives funds from the garnishee, the funds will be disbursed according to the law in a timely manner. The Court must receive documentation that the Defendant has been served with the garnishment before any funds will be disbursed.

9. All correspondence should be addressed to: Lowndes County Magistrate Court P.O. Box 1349 Valdosta, Ga. 31603. You may contact the Clerk's office at 229-671-2610 for general information about a case. Our website is http://www.lowndescounty.com/201/Magistrate-Court.

Please be advised that the clerks of the Magistrate Court are not lawyers and are prohibited by law from giving you legal advice.

IN THE MAGISTRATE COURT OF LOWNDES COUNTY
STATE OF GEORGIA

Plaintiff:

_____
Name
_____
Street Address
_____
City State ZIP Code
_____
Phone Number

Civil Action File No. _____

v.

Garnishee:

_____
Name
_____
Street Address
_____
City State ZIP Code

Defendant:

_____
Name
_____
Street Address
_____
City State ZIP Code

AFFIDAVIT OF CONTINUING GARNISHMENT

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

Personally appeared _____, who on oath says:
(Print name)

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

2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____ Court of _____ County, _____, State and no agreement requires forbearance from the garnishment which is applied for currently.

3. $_____ is the balance due, which consists of the sum of $_____Principal, $_____ Post judgment interest, and $_____ Other (e.g., prejudgment interest, attorney's fees, costs [exclusive of the cost of this action]).

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

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

This _____ day of _____, 20___.

Sworn to and subscribed before me
this _____day of _____, 20__.

_____
Affiant

_____
Notary Public or Deputy Clerk of Court

_____
Print name of Affiant

Approved this _____ day of _____, 20___.

_____
Judge/Clerk Magistrate Court of Lowndes County

IN THE MAGISTRATE COURT OF LOWNDES COUNTY
STATE OF GEORGIA

Plaintiff:

_____
Name
_____
Street Address
_____
City State ZIP Code
_____
Phone Number

v.

Defendant:

_____
Name
_____
Street Address
_____
City State ZIP Code

Garnishee:

_____
Name
_____
Street Address
_____
City State ZIP Code

Civil Action File No. _____

Garnishment Court Information
Lowndes County Magistrate Court
327 N. Ashley Street
2nd Floor
Valdosta, GA 31603
229-671-2610

SUMMONS OF CONTINUING GARNISHMENT

TO THE ABOVE-NAMED GARNISHEE:
Total amount claimed due by the Plaintiff . . . . . $_____
Plus court costs due on this summons . . . . . $_____
Total garnishment claim . . . . . $_____

COURT OF JUDGMENT _____
JUDGMENT CASE 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 and including the next 179 days. You are **FURTHER COMMANDED** to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last answer to the time of the current answer. The last answer required by this summons shall be filed no later than the 195th day after you receive this summons. Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be paid or delivered to the Court concurrently with each answer.

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

WITNESS, the Honorable **Joni B. Parker**, Judge of said Court.

This ____ day of _____, 20___.

Kelley L. Maslak, Clerk of Court

By: _____
Deputy Clerk, Lowndes County Magistrate Court

IN THE MAGISTRATE COURT OF LOWNDES COUNTY
STATE OF GEORGIA

Plaintiff:

_____
Name

_____
Street Address

_____
City State ZIP Code

_____
Phone Number

Civil Action File No. _____

v.

Defendant:

_____
Name

_____
Street Address

_____
City State ZIP Code

Garnishee:

_____
Name

_____
Street Address

_____
City State ZIP Code

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

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

READ THIS NOTICE CAREFULLY

State and federal law protects some money, including wages, from garnishment even if it is in a bank. Some common exemptions are benefits from social security, supplemental security income, unemployment, workers' compensation, the Veterans' Administration,

state pension, retirement funds, and disability income. This list of exemptions does not include all possible exemptions. A more detailed list of exemptions is available at the Clerk of Court's office located at 327 North Ashley Street, Second Floor, Lowndes County Magistrate Court, Valdosta, Georgia 31603, 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 327 North Ashley Street, Second Floor, Lowndes County Magistrate Court, Valdosta, Georgia 31603.

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

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. 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:_____
E-mail 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

IN THE MAGISTRATE COURT OF LOWNDES COUNTY
STATE OF GEORGIA

_____
Plaintiff

v. **Civil Action File No._____**

_____
Defendant

_____
Garnishee

ATTACHMENT FOR SUMMONS
OF CONTINUING GARNISHMENT

Other known names of the Defendant:
_____
_____
_____

Current and past addresses of the Defendant:
_____
_____
_____

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

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

IN THE MAGISTRATE COURT OF LOWNDES COUNTY
STATE OF GEORGIA

_____,
Plaintiff
v.
_____, Civil Action No._____
Defendant
v.
_____,
Garnishee

CERTIFICATE OF SERVICE UPON THE DEFENDANT

Pursuant to OCGA 18-4-8, I, the Plaintiff, hereby certify that not more than **three business** days **after service of the summons of garnishment** on the garnishee, I did cause a copy of the affidavit of garnishment, a copy of the summons of garnishment, a copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property, and a copy of the Defendant's Claim Form to be served upon the defendant by the following method:

_____1. On _____ I sent said documents to the Defendant's last known address of _____ by regular mail; ***AND*** Registered or certified mail or statutory overnight delivery, return receipt requested.

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

_____2. On _____ said documents were delivered personally to the defendant by:
_____

Please attach proof of service by the person making the delivery.

_____3. On _____ I sent said documents to the defendant by regular mail at the address at which the defendant was served as shown on the return of service in the action resulting in the judgment when it shall appear by affidavit to the satisfaction of the clerk of the court that the defendant resides out of this state, has departed this state, cannot, after due diligence, be found within this state, or has concealed his or her place of residence from the plaintiff. A certificate of such mailing shall be filed with the clerk of the court in which the garnishment is pending by the person mailing such notice.

This _____ day of _____, 20___.

_____
Signature

_____
Print Name and Title