

**IN THE MAGISTRATE COURT OF TOOMBS COUNTY**  
**LYONS, GEORGIA**  
**PROCEDURES FOR FILING GARNISHMENTS**  
**{For all garnishment filings on or after January 1, 2021}**

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 Toombs County. If the judgment was issued outside of Toombs 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 on a Financial Institution

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 from all liability.

3. The Cost of filing a garnishment in this Court is \$97.00. This includes all filing fees and service of the garnishment on the Garnishee.

4. The Court will retain all originals and serve the garnishee with the service copy. You will need to provide a copy of all forms to serve the Defendant as required in O.C.G.A. 18-4-8(b). Please visit or contact our office to 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, the garnishment may be dismissed. If the **Defendant** is a resident of Toombs County and you want us to serve him/her with his/her copy of the garnishment, please add an additional \$50.00 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: Toombs County Magistrate Court 100 Courthouse Square, Suite 12, Lyons, Ga. 30436. You may contact the Clerk's office at 912-526-8984 for general information about a case.

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

**MAGISTRATE COURT OF \_\_\_\_\_ COUNTY, GEORGIA**

Date Filed \_\_\_\_\_

Case No. \_\_\_\_\_

**Plaintiff:**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Street**

\_\_\_\_\_  
**City State Zip Code**

\_\_\_\_\_  
**E-Mail Address**

\_\_\_\_\_  
**Phone Number**  
vs.

\_\_\_\_\_  
**Bar Number**

**GARNISHMENT**

\_\_\_\_\_  
**Defendant(s) Name, Address**

\_\_\_\_\_  
**Garnishee Name, Address**

**AFFIDAVIT OF GARNISHMENT**

☐ **Check if the Garnishee is a financial institution.**

☐ **Check if garnishment is for the collection of child support or alimony. See OCGA. § 18-4-50. et seq.**

Personally appeared (Print Name) \_\_\_\_\_ who on oath says:

1. I am the (Plaintiff) (Attorney 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 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.  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Affiant**

\_\_\_\_\_  
**Print name of Affiant**

Sworn to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Notary Public/Deputy Clerk of Court**

**MAGISTRATE COURT OF \_\_\_\_\_ COUNTY, GEORGIA**

Date Filed \_\_\_\_\_

Case No: \_\_\_\_\_

**Plaintiff:**

**Name**

**GARNISHMENT**

**Plaintiff's Contact Information**

**Name**

**Street**

**City**

**State**

**Zip Code**

**E-Mail Address**

**Phone Number**

**Bar Number**

**Garnishment Court information:**

**vs.**

**Street Address**

\_\_\_\_\_, Georgia \_\_\_\_\_

**City,**

**Zip Code**

**Defendant(s) Name, Address**

**Phone Number**

**Garnishee Name, Address**

**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:**

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 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 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 you hold beginning on the day of service of this summons and including the next five days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be sent 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 such Court regarding the disposition of such contents or 120 days from the date of filing your answer to this summons unless such time has been extended by the Court, whichever is sooner.

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

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

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

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

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

Deputy Clerk, \_\_\_\_\_ Court

**MAGISTRATE COURT OF \_\_\_\_\_ COUNTY, GEORGIA**

Date Filed \_\_\_\_\_

Case No: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Plaintiff(s) Name, Address  
vs.

\_\_\_\_\_

Defendant(s) Name, Address

\_\_\_\_\_

\_\_\_\_\_

Garnishee Name, Address

**GARNISHMENT**

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

Other known names of the Defendant:

\_\_\_\_\_  
\_\_\_\_\_

Current and past addresses of the Defendant:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Account or identification numbers of accounts of the Defendant used by the Garnishee:

\_\_\_\_\_  
\_\_\_\_\_

Other allegations pursuant to O.C.G.A. 18-4-23

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

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

**MAGISTRATE COURT OF \_\_\_\_\_ COUNTY, GEORGIA**

Date Filed \_\_\_\_\_

Case No: \_\_\_\_\_

**Plaintiff:**

**Plaintiff's Contact Information:**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Street Address**

\_\_\_\_\_  
**City State Zip Code**

\_\_\_\_\_  
**E-mail Address**

\_\_\_\_\_  
**Phone Number**

\_\_\_\_\_  
**Bar number**

**vs**

**GARNISHMENT**

\_\_\_\_\_  
**Defendant(s) Name, Address**

\_\_\_\_\_  
**Garnishee Name, Address**

**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 \_\_\_\_\_  
(Name of Court), \_\_\_\_\_ (Address), \_\_\_\_\_ (City),  
Georgia \_\_\_\_\_ (ZIP Code), and on the website for the Attorney General ([www.law.ga.gov](http://www.law.ga.gov)).

Garnishment of your earnings from your employment is limited to the lesser of 25 percent of your disposable earnings for a week or the amount by which your disposable earnings for a week exceed \$217.50. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support or alimony or if a Chapter 13 bankruptcy allows a higher amount.

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

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

**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. \_\_\_\_\_**

**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 \_\_\_\_\_ COUNTY, GEORGIA**

Date Filed \_\_\_\_\_

Case No: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Plaintiff(s) Name, Address**

**vs**

**GARNISHMENT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Defendant(s) Name, Address**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Garnishee Name, Address**

**FINANCIAL INSTITUTION GARNISHEE ANSWER OF  
\_\_\_\_\_ (GARNISHEE)**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

3. ☐ Check if the Defendant is not presently an account holder of the Garnishee.

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

\_\_\_\_\_  
Garnishee,  
Garnishee's Attorney, or  
Officer or Employee of an entity  
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)

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

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

v.

\_\_\_\_\_  
Garnishee

Civil Action No. \_\_\_\_\_

**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 certified mail or statutory overnight delivery.

A certificate of service or any other proof of the sending of the above documents to the defendant, which may include but is not limited to copies of the envelope bearing the official notification from the United States Postal Service of the attempted or actual delivery of such registered or certified mail, the envelope bearing the official notification from a commercial firm of the attempted or actual delivery of such statutory overnight delivery, or a written notice from the United States Postal Service or a commercial firm, including but not limited to printings or reproductions from the website of the United States Postal Service or such commercial firm, of the attempted or actual delivery of such registered or certified mail or statutory overnight delivery, **shall** be filed with the clerk of the court in which the garnishment is pending.

The defendant's actual timely notice of the garnishment or defendant's refusal to accept or failure to claim such registered or certified mail or statutory overnight delivery addressed to such defendant shall satisfy all other requirements for service of notice.

\_\_\_\_ 2. On \_\_\_\_\_ said documents were delivered personally to the defendant by: \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title