

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

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

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

Plaintiff:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

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

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

\_\_\_\_\_  
Phone Number Bar Number

\_\_\_\_\_  
vs.

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 \_\_\_\_\_

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

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

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

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

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

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Address

V.

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

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Garnishee

\_\_\_\_\_  
Address

**ANSWER OF GARNISHEE (REGULAR GARNISHMENT)**

1. At the time of service or from the time of service to time of this answer, Garnishee had in his/her possession the following described property of the Defendant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. At the time of service or from the time of service to the time of this answer, all debt accruing from Garnishee to Defendant is in the amount of \$ \_\_\_\_\_
3. Garnishee further states that: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_\_

\_\_\_\_\_  
Garnishee or Garnishee's attorney

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 \$217.00. 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 \_\_\_\_\_  
(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. 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





## GEORGIA GARNISHMENT EXEMPTIONS

### RETIREMENT

- (1) 42 U.S.C. § 407: Social security retirement benefits, social security disability insurance benefits, supplemental security income benefits, or social security survivor benefits;
- (2) 29 U.S.C. § 1002(2A) and O.C.G.A. § 18-4-22: Funds or benefits from a pension or retirement program as defined or funds or benefits from an individual retirement account as defined in Section 408 or 408,4. of the United States Internal Revenue Code of 1986;
- (3) O.C.G.A. § 47-2-332: State pension - state or local government employees under the Employees' Retirement System of Georgia;
- (4) O.C.G.A. § 47-3-28: State pension - Teachers Retirement System of Georgia;
- (5) O.C.G.A. § 47-4-120: State pension - public school employees;
- (6) O.C.G.A. § 47-5-71: State pension - Municipal employees under the Georgia Municipal Employees Benefit System;
- (7) O.C.G.A. § 47-6-100: State pension - members of the Georgia Legislative Retirement System;
- (8) O.C.G.A. § 47-7-122: State pension - Georgia Firefighters' Pension Fund;
- (9) O.C.G.A. § 47-11-91: State pension - Judges of the Probate Courts Retirement Fund of Georgia;
- (10) O.C.G.A. § 47-12-101: State pension - District Attorneys Retirement Fund of Georgia;
- (11) O.C.G.A. § 47-14-91: pension - Superior Court Clerks' Retirement Fund of Georgia;
- (12) O.C.G.A. § 47-16-122: State pension - Sheriffs' Retirement Fund of Georgia as provided in Code Section 47-16-122;
- (13) O.C.G.A. § 47-17-103: State pension - Peace Officers' Annuity and Benefit Fund;
- (14) O.C.G.A. § 47-20-10.1: State pension - Other post-employment benefits;
- (15) O.C.G.A. § 47-23-121: State pension - Georgia Judicial Retirement System;
- (16) O.C.G.A. § 47-25-101: State pension - Magistrates Retirement Fund of Georgia.

### MILITARY

- (1) 38 U.S.C. § 5301: Veterans benefits, including military pensions, retirement pay, and disability payments ;
- (2) 10 U.S.C. § 1450: Veterans survivor annuities;
- (3) 38 U.S.C. § 7297: Veterans Appeals Court Survivor Annuities;
- (4) O.C.G.A. § 16-17-9: Wages earned by members of the United States military or their spouses in connection with payday lenders.

### WORKERS COMPENSATION:

- (1) 5 U.S.C. § 8130; O.C.G.A. §§ 34-9-84 and 34-9-382: Workers' compensation benefits;

### GOVERNMENT BENEFITS :

- (1) O.C.G.A. § 34-8-252: Unemployment benefits;
- (2) 42 U.S.C. § 407: Social security retirement benefits, social security disability

insurance benefits, supplemental security income benefits, or social security survivor benefits;

(3) O.C.G.A. § 49-4-147: Medicaid payments;

(4) O.C.G.A. § 49-4-35: Old-age assistance;

(5) O.C.G.A. § 49-4-58: Aid to the blind;

(6) O.C.G.A. § 49-4-84: Aid to the disabled;

(7) 44 C.F.R. § 206.110G: Federal Emergency Management Agency disaster assistance to individuals and households;

#### CERTAIN FINANCIAL ACCOUNTS:

(1) O.C.G.A. § 7-1-812: Joint account holders, depending on the circumstances of such account;

(2) 5 U.S.C. § 8437(SX2): Federal Employee Thrift Savings Plan;

(3) O.C.G.A. § 9-8-12: Money held by a receiver appointed by the court;

(4) O.C.G.A. § 32-2-76: Certain escrow accounts held by the Department of Transportation;

(5) O.C.G.A. § 43-40-20: Real estate brokerage escrow accounts.

#### FAMILY SUPPORT:

(1) Child support payments See *Stewart v. Stewart*, 160 Ga. App. 463 (1981); *Richards v. Richards*, 251 Ga. 285, 286 Q006).

#### INSURANCE & ANNUITIES:

(1) O.C.G.A. § 33-29-15: Accident, sickness, or disability insurance benefits, up to \$250.00 a month during such disability;

(2) O.C.G.A. § 33-25-11: Cash value and benefits payable to a life insurance policy beneficiary;

(3) 26 U.S.C. § 7448: Federal Judges Survivor Annuities;

(4) 5 U.S.C. § 8346: Federal Civil Service Survivor Annuities;

(5) O.C.G.A. § 34-7-4: Wages due to a deceased employee of the state, up to \$2,500.00;

(6) O.C.G.A. § 33-28-7: Annuity, reversionary annuity, or pure endowment contracts; (7) O.C.G.A. § 33-37-56: An insurer's liquidation proceeding.

#### RAILROAD:

(1) 45 U.S.C. § 231m: Railroad retirement, annuities, and disability benefits; (2) 45 U.S.C. § 1717: Railroad unemployment and sickness benefits.

#### MISCELLANEOUS:

(1) O.C.G.A. § 17-15-8: Crime victim compensation funds;

(2) O.C.G.A. § 33-15-62: Benefits, charity, relief or aid from fraternal benefit societies;

(3) 20 U.S.C. § 1095a: Federal student loans, grants, and work assistance;

(4) 33 U.S.C. § 916: Longshore and Harbor Workers' Compensation Act benefits;

(5) 46 U.S.C. § 11109: Merchant seamen wages and benefits;

(6) 42 U.S.C. § 1717: Compensation for injury or death of United States contractor outside of the United States as provided in;

(7) O.C.G.A. § 46-3-261: Property of members of electric membership corporations for the debt of an electric membership corporation.

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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 P.O. Box 338, Carrollton, GA 30112.

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.

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