STATE COURT OF FULTON COUNTY, GEORGIA
AFFIDAVIT OF CONTINUING GARNISHMENT

185 Shirley C. Franklin Blvd. SW.
Ground Floor J1-G400
Atlanta, Georgia 30303
(404) 613-5040

Dated Filed: _____/_____/_____ Case #: _____

_____
Plaintiff Name

_____
Street

_____
City State Zip

_____
Phone Number

_____
Plaintiff's Attorney

_____
Street

_____
City State Zip

_____
Phone Number Bar Number

vs.

_____

_____

_____
Defendants Name, Address

_____

_____

_____
Garnishees Name, Address

**ALL FUNDS SHOULD BE REMITTED TO:**

**Fulton County State Court**
**Garnishment Division**
**P.O. Box 740093**
**Atlanta, Georgia 30374-0093**

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**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:

1. I am the □ Plaintiff □ Attorney for Plaintiff □ Agent for Plaintiff.
2. The Plaintiff obtained a judgment against the Defendant in case number _____, in the _____ Court of _____ County, State of _____, 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. pre-judgment 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 or under periodic obligations for payment of funds to the Defendant.

This the _____ day of _____, 2_____.

_____
Affiant Signature

_____
Printed Name of Affiant

Sworn to and subscribed before me:
This the _____ day of _____, 2_____.

_____
Notary Public/Deputy Clerk of Court

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**SUMMONS OF CONTINUING GARNISHMENT**

TO THE ABOVE NAMED GARNISHEE:

Total amount claimed due by the Plaintiff $ _____

Plus court costs due on the summons $ _____

Total garnishment claim $ _____

COURT OF JUDGMENT: _____ COURT OF _____COUNTY, STATE OF _____

JUDGMENT CASE#: _____

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 1,095 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.

YOU MUST FILE ADDITIONAL ANSWERS UNTIL THE SOONER OF: THE PAYMENT OF THE BALANCE SHOWN ON THE SUMMONS OF GARNISHMENT, THE EXPIRATION OF 1,095 DAYS, OR THE TERMINATION OF ANY RELATIONSHIP BETWEEN GARNISHEE AND DEFENDANT WHICH INCLUDES PERIODIC PAYMENT OBLIGATIONS FROM GARNISHEE TO DEFENDANT. 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. Should you fail to file Garnishment 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 **Jane Morrison**, Judge of said Court.

This the _____ day of _____, 2_____.

**Che' Alexander**, Clerk of Court

By: **Adasha Battle**, Chief Deputy Clerk

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**ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT**

1. Other known names of the Defendant:

   _____ _____

   _____ _____

2. Current and past addresses of the Defendant:

   _____ _____
   _____ _____
   _____ _____

3. Social Security Number or Federal Tax I.D. Number of the Defendant:

   _____ _____ _____

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

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Defendants Name, Address

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## GARNISHEE ANSWER TO CONTINUING GARNISHMENT

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

   _____
   _____
   _____

2. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of $ _____.

3. $ _____ of the amount named in paragraph 2 were wages earned at the rate of $ _____ per _____ for the period beginning _____, 20___, through the time of making this Garnishee Answer. The amount of wages which is subject to this garnishment is computed as follows:

   $ _____ Gross Earnings
   $ _____ Total social security and withholding tax and other mandatory deductions required by law
   $ _____ Total disposable earnings
   $ _____ Amount of wages subject to garnishment

4. $ _____ is the amount herewith paid into court.

5. □ Check if the Defendant is not presently employed by or owed periodic payments by the Garnishee.

6. □ Check this box if the Defendant was employed by or owed periodic payments by the Garnishee on or after service of the Summons of Continuing Garnishment but was terminated as of _____, 20____.

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

8. 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 the _____ day of _____, 2_____.

_____
Garnishee, Garnishee's Attorney, or Officer or Employee of an entity Garnishee

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vs.

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_____
Defendants Name, Address

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_____

_____
Garnishees 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 185 Shirley C. Franklin Blvd. SW., Ground Floor J1-G400, Atlanta, GA 30303 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 on the following page; and
2. File this completed claim form with the Clerk of Court's office located at 185 Shirley C. Franklin Blvd. SW., Ground Floor J1-G400, Atlanta, GA 30303.

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 Number: _____

**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.

This the _____ day of _____,2_____.

_____

Defendant's signature

_____

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