

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY, GEORGIA

Date Filed _____

Case No. _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number
vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court Information:
Hon. James E. Drane, III, Chief Magistrate
Cherokee County Magistrate Court
90 North Street, Suite 150
Canton, Georgia 30114-2786
(678) 493-6431

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

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

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY, GEORGIA

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Case No: _____

Plaintiff:

Name

Street

City **State** **Zip Code**

E-Mail Address

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vs.

Defendant(s) Name, Address

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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 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 James E. Drane, III, Chief Judge of said Court.

This ____ day of _____ 20 ____.

Hon. Patty Baker, Clerk of Court

By: _____

Deputy Clerk of 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 the Cherokee County Justice Center, 90 North Street, Suite 150, Canton, Georgia 30114, 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 the Cherokee County Justice Center, 90 North Street, Suite 150, Canton, Georgia 30114.

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

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court Information:

Hon. James E. Drane, III, Chief Magistrate
Cherokee County Magistrate Court
90 North Street, Suite 150
Canton, Georgia 30114-2786
(678) 493-6431

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____ (Date), 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 the Garnishee.
- 6. () Check if the Defendant was employed by the Garnishee on or after service of the Summons of Continuing Garnishment but was terminated as of _____, 20____.
- 7. () Check 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 Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff and the Defendant 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____.

Plaintiff or Plaintiff's Attorney

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs.

Defendant(s) Name, Address

Garnishee Name, Address

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THIRD-PARTY CLAIM

Personally appeared _____, who on oath says that he or she has a claim superior to that of the Plaintiff to the money or other property in the hands of the Garnishee subject to the process of garnishment.

The Affiant further states: (check applicable box and complete the information requested)

- The Affiant obtained a judgment against the Defendant in the _____ Court of _____ County, _____ (State), in Case Number _____ on _____ (date), and the unpaid balance of such judgment is in the amount of \$ _____.
- or
- The basis of the Affiant's claim is _____

This _____ day of _____, 20____.

Affiant

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

Notary Public or Deputy Clerk of Court

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the Defendant, 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____.

Third-party Claimant or Third-party Claimant's Attorney