

## MAGISTRATE COURT OF WARE COUNTY, GEORGIA PROCEDURES FOR FILING GARNISHMENTS

1. You **must** have a judgment not to exceed \$15,000.00 against an individual or an entity before you file an Affidavit of Garnishment **and** the Garnishee **must** be located in Ware County. If the judgment was issued outside the Magistrate Court of Ware 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 and Employer/Employee relationship exists between the garnishee and the defendant.  
Affidavit of Garnishment  
Affidavit of Garnishment on a Financial Institution

Please choose the correct affidavit and summons 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 costs of filing of garnishment in this Court is \$96.00. 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 Deputy 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 you may be entitled. This amount cannot exceed \$15,000.00, plus \$96.00 court cost. 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. The Defendant must be served by Certified Mail and Proof of Service must be given to the Court.
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 disburse 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: Ware County Magistrate Court, P.O. Box 17 Waycross, GA 31502. You may contact the Clerk's office at (912) 287-4375 for general information about a case. Our Website is [www.warecounty.com](http://www.warecounty.com)

**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 WARE COUNTY, GEORGIA

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

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

Plaintiff:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

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

\_\_\_\_\_  
Email Address

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

vs.

\_\_\_\_\_

\_\_\_\_\_

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

## SUMMONS OF GARNISHMENT

**Garnishment Court Information:**

**MAGISTRATE COURT OF WARE COUNTY**

**MAILING ADDRESS: P.O. BOX 17  
WAYCROSS GA 31502**

Phone Number: **912-287-4375**

\_\_\_\_\_

\_\_\_\_\_

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

### TO THE ABOVE-NAME GARNISHEE:

Total amount claimed due by Plaintiff \$ \_\_\_\_\_

Plus court costs due on this summons \$ \_\_\_\_\_

Total garnishment claim \$ \_\_\_\_\_

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## SUMMONS OF GARNISHMENT

Check this box if this is a garnishment for child support or alimony. If this is intended to be a continuing garnishment for support, use the form set forth in O.C.G.A. § 18.4-80.

**YOU ARE HEREBY COMMANDED** to immediately hold all money, including wages, and other property, except what is known to 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 5 days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than 5 days and not later than 15 days from the date you were served with the summons. with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiffs 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 5 days. Money including wages, or other property admitted in an answer to be subject to garnishment must be paid or delivered to the Court concurrently with your answer.

If, 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, Clerk or Deputy Clerk

# MAGISTRATE COURT OF WARE COUNTY, GEORGIA

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

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

Plaintiff:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

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

\_\_\_\_\_  
Email Address

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

vs.

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

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

## AFFIDAVIT OF GARNISHMENT

Garnishment Court Information:

**MAGISTRATE COURT OF WARE COUNTY**

MAILING ADDRESS: **P.O. BOX 17**  
**WAYCROSS, GA 31502**

Phone Number: **912-287-4375**

## AFFIDAVIT OF GARNISHMENT

- ( ) Check if the Garnishee is a financial institution.
- ( ) Check if garnishment is for the collection of child support or alimony, See O.C.G.A. § 18-4-50 et seq.

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

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, Georgia, 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 Judgement interest, and \$ \_\_\_\_\_ other (e.g., prejudgment interest, attorney's fees, cost (exclusive of the cost of this action))
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

Sworn and subscribed before me this \_\_\_\_\_

\_\_\_\_\_  
Affiant

Day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Printed Name of Affiant

\_\_\_\_\_  
Notary Public or Deputy Clerk of Court

Approved: This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Judge, Clerk or Deputy Clerk

**MAGISTRATE COURT OF WARE COUNTY, GEORGIA  
STATE OF GEORGIA**

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

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

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
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**

**MAGISTRATE COURT OF WARE COUNTY, GEORGIA**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Garnishee

**GARNISHMENT**

**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 are available at **MAGISTRATE COURT OF WARE COUNTY, 310 ALBANY AVENUE, WAYCROSS GA 31501** (address) 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.

**MAGISTRATE COURT OF WARE COUNTY, GEORGIA**

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

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

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

Plaintiff(s) Name, Address vs

**GARNISHMENT**

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

Defendant(s) Name, Address

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

Garnishee Name, Address

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**FINANCIAL INSTITUTION GARNISHEE ANSWER**

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 and account holder of the Garnishee.

4. 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 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\_\_\_\_.

\_\_\_\_\_  
Garnishee (Attorney) (Officer/Employee)

## 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:

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I further state: (check all that apply)

- 1. The plaintiff does not have a judgement 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.

\_\_\_\_\_  
Defendant's signature

\_\_\_\_\_, 20\_\_\_\_\_  
Date

### 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 of Defendant's Attorney

**INFORMATION SHEET FOR CIVIL PAPERS**

**Plaintiff:** (Person or Business & Legal entity name who is taking suit out)

Name \_\_\_\_\_

Acting Agent \_\_\_\_\_

Address \_\_\_\_\_

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

**Defendant:**(Person or Business & Legal entity name that the suit is being taken)

Name \_\_\_\_\_

Address \_\_\_\_\_ Apt. # \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone number \_\_\_\_\_

Directions \_\_\_\_\_

Color of house \_\_\_\_\_

Defendant's place of employment \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_

Reason for filing said claim: \_\_\_\_\_

\_\_\_\_\_

Court cost \$ \_\_\_\_\_ plus amount you are filing for \$ \_\_\_\_\_ = \_\_\_\_\_

Break down of Total amount is as follows: \_\_\_\_\_

\_\_\_\_\_

If Disposessory, the rate of Rent per month \_\_\_\_\_ or Week \_\_\_\_\_

Personal Service \_\_\_\_\_ Tack & Mail \_\_\_\_\_

.....  
Date Filed \_\_\_\_\_ Case # \_\_\_\_\_ Receipt # \_\_\_\_\_ Deputy Clerk \_\_\_\_\_