

## 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.**

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

# MAGISTRATE COURT OF WARE COUNTY, GEORGIA

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

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

Plaintiff:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

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

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

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

## AFFIDAVIT OF CONTINUING GARNISHMENT

Garnishment Court Information:

**MAGISTRATE COURT OF WARE COUNTY**

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

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

**vs.**

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

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

## 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 \_\_\_\_\_ 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.
5. The affiant believes that the Garnishee is an employer of the Defendant.

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

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

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
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

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

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

Plaintiff:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

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

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

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

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

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

## SUMMONS OF CONTINUING 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 CONTINUING GARNISHMENT

To: \_\_\_\_\_, Garnishee

**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 one hundred seventy-ninth 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 name above and the Defendant named above, or 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. **Theafter, 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 of 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 \_\_\_\_\_ Judge of said Court

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Clerk or Deputy Clerk of said Court

## IMPORTANT INSTRUCTIONS

### GARNISHEE

1. If the Defendant listed on the reverse side of this summons is not presently employed by the Garnishee or said Defendant's employment is terminated after service of this summons, then designate the same under the section "Garnishee Further States" on the answer form.
2. File your Answer at: **MAGISTRATE COURT OF WARE COUNTY, P.O. BOX 17, WAYCROSS, GA 31502.**
3. If you are not Familiar with the Georgia Law applying in garnishment cases consult your attorney, or otherwise obtain correct information before paying the Defendant any sum you have been served with this Summons of Garnishment.
4. A Letter is insufficient even though the Defendant is not employed with you.
5. Plaintiff, or their counsel, is the only one who can authorized the Court to issue a release and relieve you of filing Answer to this Summons.
6. Failure to file answer may result in a default judgement being entered against Garnishee for the amount claimed by Plaintiff against Defendant, plus court cost.
7. Other instructions:

### DEFENDANT

1. Defendant may file a traverse or bond to dissolve the garnishment.
2. If you are unfamiliar with the Georgia Law applying to garnishments consult an attorney or otherwise obtain correct information before proceeding in this matter.
3. File your traverse at: **MAGISTRATE COURT OF WARE COUNTY, 310 ALBANY AVENUE, WAYCROSS, GA 31501**
4. Failure to file a traverse of Summons will result on a conclusive presumption that the garnishment was properly issued.
5. A garnishment against the property and credits of the Defendant has been or will be served on the Garnishee.

**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.

**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 Magistrate Court of Ware County, 310 Albany Avenue • P.O. Box 17 • Waycross GA 31502

FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE. You may lose your right to claim and 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 address 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 Deputy Clerks cannot give you legal advice. IF YOU NEED LEGAL ASSISTANCE, YOU SHOULD SEE AN ATTORNEY.**

## 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