

**IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA**

O.C.G.A. § 18-4-72

Garnishment #: _____
Plaintiff: _____
Address: _____
Phone #: _____
Plaintiff's Attorney: _____

Vs

Defendant: _____
Address: _____
Garnishee: _____
Address: _____

**CONTINUING
GARNISHMENT**

Do not use this form for a continuing garnishment for child support or alimony. See O.C.G.A. § 18-4-73

AFFIDAVIT

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, _____ State, _____ 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., prejudgment interest, attorney's fees, costs [exclusive of the costs of this action]).
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

This _____ day of _____, 20____.

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

Notary Public/Deputy Clerk of Court

Affiant

Print name of Affiant

**IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA**

O.C.G.A. § 18-4-71

Garnishment #: _____
Plaintiff: _____
Address: _____
Phone #: _____
Plaintiff's Attorney: _____

Vs

GARNISHMENT

Defendant: _____
Address: _____
Garnishee: _____
Address: _____

SUMMONS OF CONTINUING GARNISHMENT

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff	\$	_____
Plus court costs due 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 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 Continuing Garnishment.

WITNESS, the Honorable _____, Judge of said Court.

Barbara H. Penson, Clerk of Court

This ____ day of _____, 20____

Deputy Clerk, Superior Court Floyd County

**IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA**

O.C.G.A. § 18-4-71

Garnishment #: _____
Plaintiff: _____
Address: _____
Phone #: _____
Plaintiff's Attorney: _____

Vs **GARNISHMENT**

Defendant: _____
Address: _____
Garnishee: _____
Address: _____

ATTACHMENT FOR SUMMONS OF GARNISHMENT

Other known names of the Defendant:

Current and past address of the Defendant:

Social security number or federal tax identification number of the Defendant:

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

**IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA**

O.C.G.A. § 18-4-71

Garnishment #: _____
Plaintiff: _____
Address: _____
Phone #: _____
Plaintiff's Attorney: _____

Vs

GARNISHMENT

Defendant: _____
Address: _____
Garnishee: _____
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 Floyd County Courthouse, 3 Government Plaza Suite 101, Rome, Georgia 30162, and on the website for the Attorney General (<http://law.ga.gov/garnishment-exemption>).

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 Floyd County Courthouse, 3 Government Plaza Suite 101, Rome, Georgia 30162.

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.

**IN THE SUPERIOR COURT OF FLOYD COUNTY
STATE OF GEORGIA**

O.C.G.A. § 18-4-86

Garnishment #: _____
Plaintiff: _____
Address: _____
Phone #: _____
Plaintiff's Attorney: _____

Vs

GARNISHMENT

Defendant: _____
Address: _____
Garnishee: _____
Address: _____

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 of
Employee of an entity Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or the 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 _____ day of _____, 20_____.

Garnishee, Garnishee's Attorney, or Officer
or Employee of an Entity Garnishee