

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

Plaintiff

Address

E-Mail Address

Phone Number Bar #

Vs

Civil Action No. SU-___ - CV-_____

Defendant

Garnishment Court Information:

Physical Address

Clerk of Superior Court
Muscogee County
P.O. Box 2145
100 10th Street
Columbus, GA 31902
(706) 653-4372

Garnishee

Physical Address

**SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT
GOVERNED BY ARTICLE 3 OF CHAPTER 4 OF TITLE 18**

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff\$ _____
Plus court cost due on this summons\$ _____
Total garnishment claim\$ _____

Court of Judgment _____ (attach copy of judgement)
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 until the original arrearage is retired and all periodic support payments are current or until the termination

of the garnishment. 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 ORIGINAL ARREARAGE IS RETIRED AND ALL PERIODIC SUPPORT PAYMENTS ARE CURRENT.** 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. The Plaintiff and the Defendant are required by law to serve you with a copy of any amendment or modification to the original judgment.

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
____ day of _____, 2016.

_____, Clerk of Court

By: _____
DEPUTY CLERK

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ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT

Other known names of the Defendant:

Current and past addresses of the Defendant:

Social security number or federal tax identification number of the Defendant:
_____ (LAST 4 DIGITS ONLY)

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

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AFFIDAVIT OF CONTINUING GARNISHMENT FOR SUPPORT

Personally appeared (Print Name) _____ (Affiant's name) 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 MUSCOGEE, County, Georgia State, and no agreement requires forbearance from garnishment which is applied for currently.
3. The Affiant states that the Defendant is in arrears on the obligation for support in an amount equal to or in excess of one month's obligation as decreed in the judgment for support and provides the following information:
\$ _____ is the amount of arrearage which exists under the judgment as of the execution of

this affidavit.

Check one of the boxes below and complete the requested information:

A. Periodic support is owed for one obligee, or the judgment sets forth a total amount of periodic support for multiple obligees as follows:

\$ _____ is the total amount of periodic support due for _____
(Name of obligee), _____ (Name of obligee), and
_____ (Name of obligee). Such periodic support is payable on a
_____ basis (E.g., weekly, monthly).

The termination date of the obligation for periodic support is _____ (Date).

B. Periodic support is owed for multiple obligees, and the judgment sets forth a different amount of periodic support for each obligee as follows:

\$ _____ is the total amount of periodic support due for _____
(Name of obligee), payable on a _____ (weekly/monthly) basis, and the
termination date of such obligation is _____.

\$ _____ is the total amount of periodic support due for _____
(Name of obligee), payable on a _____ (weekly/monthly) basis, and the
termination date of such obligation is _____.

\$ _____ is the total amount of periodic support due for _____
(Name of obligee), payable on a _____ (weekly/monthly) basis, and the
termination date of such obligation is _____.

- 4. Check this box and attach a certified copy of the judgment for support hereto.
- 5. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
- 6. The Affiant believes that the Garnishee is an employer of the Defendant.

This _____.

Affiant

Sworn to and Subscribed Before Me,

This _____.

Notary Public

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**CERTIFICATE OF SERVICE OF NOTICE TO DEFENDANT OF RIGHT
AGAINST GARNISHMENT OF MONEY, INCLUDING WAGES, AND OTHER
PROPERTY**

This is to certify that I have this day served the Defendant in the foregoing matter with a copy of the garnishment summons and affidavit, together with Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property, and a copy of the Defendant's Claim Form as required in Georgia Code Annotated, Section 18-4-8(a), by:

depositing in the United States Mail pursuant to OCGA 18-4-8(b)(1)(A) or (C)

or

personal service pursuant to OCGA 18-4-8(b)(1)(B).

This ____ day of _____, 2016.

(Agent for) Plaintiff

Sworn to and Subscribed Before Me,

This ____ day of _____, 2016.

Notary Public

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**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 above address, 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 above address. **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.

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Garnishee

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 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:

_____.

Signed