

**SPECIAL INSTRUCTIONS
FOR CONTINUING GARNISHMENT ANSWERS**

**SUSAN CONNER, CLERK
DOUGLAS COUNTY MAGISTRATE COURT
8700 Hospital Drive
Douglasville, Georgia 30134
(770) 920-7215**

1. You should consult your attorney in the event you have any questions.
2. An answer must be filed within forty-five (45) days after the date of service of the Summons of Garnishment.
3. You are required to file further answers no later than 45 days after your last answer. The last answer required by this Summons shall be filed no later than the 195th day after you receive this Summons.
4. The maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment may not exceed the lesser of:
 - A. Twenty-five percent (25%) of his disposable earnings for that week, or fifty percent (50%) if for child support.
 - B. The amount by which his disposable earnings for the week exceed thirty (30) times the federal minimum hourly wages. Disposable earnings shall mean gross wages less the required withholding taxes and social security.
5. File your sworn answer at the Magistrate Clerk's office and mail a copy to the plaintiff's attorney.
6. A reply by letter is insufficient, even though you do not employ the defendant. You should file all answers on the answer forms.
7. Checks are to be made payable to: **Clerk of Magistrate Court.**
8. The Clerk's address is:
Magistrate Court of Douglas County
8700 Hospital Drive
Douglasville, GA 30134
9. **Should you fail to file answers as required by the Summons, a judgment could be rendered against you for the amount the plaintiff claims due by the defendant.
PLEASE READ THE INSTRUCTIONS ON THE BACK OF THE *SUMMONS OF CONTINUING GARNISHMENT*.**
10. Plaintiff, or Plaintiff's attorney, are the only persons who can authorize the Court to issue a release and relieve you of filing an answer to the summons.

Susan Conner
Clerk of Court

MAGISTRATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA
8700 Hospital Drive, Douglasville, GA 30134
(770) 920-7538

CIVIL ACTION NO. _____

Plaintiff

v.

Defendant

Address

Garnishee

Address

**AFFIDAVIT FOR
CONTINUING
GARNISHMENT
(SUPPORT)**

Plaintiff's Attorney and Address:

The undersigned affiant personally appeared and, under oath, states that he/she is the above plaintiff, plaintiff's agent, or plaintiff's attorney-at-law, and that the above defendant is indebted to the plaintiff on a judgment described as follows:

Civil Action File No. _____ is the case number in the _____
Court of _____ County which rendered the judgment against the defendant in the sum(s) of:

\$ _____	Principal,
\$ _____	Interest,
\$ _____	Attorney's fees, and
\$ _____	Main Case Costs,
\$ _____	TOTAL

AND affiant further states that the sum of \$ _____ is the balance thereon. Affiant believes that the Garnishee is, or may be, the employer of the defendant and subject to continuing garnishment and makes this affidavit so that a *Summons of Continuing Garnishment* shall issue thereon.

Affiant

Address

Telephone Number

Sworn to and Subscribed before me,

This _____ day of _____, 20____.

Deputy Clerk
or Notary Public

APPROVED:

This _____ day of _____, 20____.

Clerk / Magistrate Judge

IN THE MAGISTRATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA
8700 Hospital Drive, Douglasville, GA 30134
(770) 920 7538

Plaintiff

Plaintiff's Phone Number

VS

Defendant

Defendant's Social Security Number

Garnishee

Address

Civil Action File No. _____

**SUMMONS OF CONTINUING GARNISHMENT
FOR SUPPORT**

Amount Claimed Due on Judgment _____

Plus Court Costs Due On This Summons: _____

Court of Judgment _____

Judgment Case No. _____

Periodic Support, daily amount \$ _____

TO THE ABOVE NAMED GARNISHEE:

THIS GARNISHMENT IS BASED ON A JUDGMENT FOR ALIMONY OR FOR THE SUPPORT OF A DEPENDENT

YOU ARE HEREBY COMMANDED to hold immediately all earnings, except what is exempt, payable to or owed to the above defendant at the time of service of this summons and between the time of service of this summons to and until the original arrearage stated above and all periodic support payments are current. Not later than 45 days after you are served with this summons, you are commanded to file your answer in writing with the clerk of this Court and serve a copy upon the plaintiff or his attorney named below. This answer shall state what earnings, except what is exempt, were payable to the defendant from the time of service of this summons and between the time of such service and the time of making your first answer, and you shall pay into the Court with such answer the money admitted to be subject to garnishment. The money paid into Court with your initial answer, after deduction for Court costs, shall be first applied to the periodic support payment accrued on a daily basis from the date of the affidavit of plaintiff to the date of the initial answer. All sums in excess of such periodic payment shall be applied to the original arrearage. If the amount claimed as the original arrearage is not satisfied by the money you pay into Court with your first answer, as calculated above, you are commanded to file further answers no later than 45 days after your previous answer, stating what earnings, except what is exempt, were payable to the defendant from the time of the previous answer to the time of the current answer. You shall file additional answers until the original arrearage is retired and all periodic support payments are current. The amounts paid into Court pursuant to subsequent answers, over and above the periodic payment accruing within such answer period, shall be applied to the original arrearage until the arrearage is retired. If the earnings paid into Court pursuant to any answer are less than the sums due under the periodic support accruing over the same period, after allowance for any Court costs deductible from same, the resulting difference shall be added to the payments. **EACH ANSWER** shall state the basis for the computation of earnings subject to this garnishment, including the rate of pay and hours worked, or salaries, commissions, or other basis of compensation. You must pay into Court the money admitted in you answers to be subject to this garnishment with **EACH ANSWER**. Upon the termination of employment of the defendant, you shall be required to file a final answer stating the date and reason for the defendant's termination from employment and stating to the best of your information, the defendant's present residential address and employer. Should you fail to file answers as required by this summons, a judgment will be rendered against you for the amount the plaintiff claims due by the defendant.

WITNESS, HONORABLE SUSAN S. CAMP, CHIEF MAGISTRATE JUDGE OF SAID COURT.

This _____ day of _____ 20____.

Plaintiff or Plaintiff's attorney:

Susan Conner, Clerk of Court

ADDRESS & TELEPHONE NUMBER

BY: _____
DEUPTY CLERK, DOUGLAS COUNTY MAGISTRATE COURT

MAGISTRATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA
8700 Hospital Drive, Douglasville, GA 30134
(770) 920 7538

CIVIL ACTION NO. _____

Plaintiff

v.

Defendant

Address

Garnishee

Address

**ANSWER OF
CONTINUING
GARNISHMENT
(SUPPORT)**

1. From the time of service of the *Summons of Continuing Garnishment*, if this is the **first answer** to such Summons, otherwise from the time of the last answer to the *Summons of Continuing Garnishment*, until the time of this answer, Garnishee had in his 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 answer** to such Summons, otherwise from the time of the last answer to the *Summons of Continuing Garnishment*, until the time of this answer, all debts accruing from 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 answer. The amount of wages subject to this garnishment was computed as follows:

\$ _____	Gross earnings
\$ _____	Total social security and withholding tax
\$ _____	Total disposable earnings
\$ _____	Amount of wages subject to continuing garnishment and paid herewith
4. () If checked, Defendant is not presently employed by this Garnishee and, if employed by Garnishee on or after service of this *Summons of Continuing Garnishment*, was most recently terminated as of the _____ day of _____, 20__.
5. () If checked, this is the last answer this Garnishee is required to file to the presently pending *Summons of Continuing Garnishment* in the above-styled case.
6. Garnishee further states: _____

Garnishee or Attorney for Garnishee

Certificate of Service

This is to certify that I have this day served Plaintiff or his Attorney in the foregoing matter with a copy of this Answer by depositing in the United States Mail a copy of said answer in a properly addressed envelope with adequate postage thereon.

This _____ day of _____, 20__.

Signed: _____

IMPORTANT INSTRUCTIONS—CONTINUING GARNISHMENT

**G
A
R
N
I
S
H
E
E**

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 state this under the section "Garnishee Further States" on the answer form.
2. File your Answer at the Magistrate Court of Douglas County, Douglas County Courthouse, 8700 Hospital Drive, Douglasville, Georgia 30134.
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 after you have been served with this Summons of Garnishment.
4. A reply by letter is insufficient, even though you do not employ the Defendant. You must file an answer as provided by law.
5. Plaintiff, or Plaintiff's attorney, are the only persons who can authorize the Court to issue a release and relieve you of filing an Answer to this Summons. This authorization must be in writing and filed with the Clerk's office.
6. Failure to file an Answer may result in a default judgment being entered against Garnishee for the amount claimed by Plaintiff against Defendant, plus court cost.

**D
E
F
E
N
D
A
N
T**

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 the Magistrate Court of Douglas County, Douglas County Courthouse, 8700 Hospital Drive, Douglasville, Georgia 30314.
4. Failure to file a Traverse of Summons will result in 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.

**IN THE MAGSITRATE COURT OF DOUGLAS COUNTY
STATE OF GEORGIA**

_____,
Plaintiff

VS

CASE NO. _____

_____,
Defendant

_____,
Garnishee

REQUEST TO DISBURSE FUNDS PAID INTO REGISTRY OF COURT

Comes now the Plaintiff and hereby requests that all garnishment proceeds paid into the Registry of the Court, now and hereafter, in this garnishment action be condemned and paid to the Plaintiff. This request shall remain in effect until further written request of the Plaintiff is filed with this Court.

Please mail all funds to the following address:

It is understood that if my mailing address changes at any time that this Court will be immediately notified.

This _____ day of _____, 20____.

Plaintiff / Agent / Plaintiff's Attorney