

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY, GEORGIA

Date Filed _____

Case No. _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number

vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court Information:

Hon. James E. Drane, III, Chief Magistrate
Cherokee County Magistrate Court
90 North Street, Suite 150
Canton, Georgia 30114-2786
(678) 493-6431

AFFIDAVIT OF GARNISHMENT

Check if the Garnishee is a financial institution.

Check if garnishment is for the collection of child support or alimony. See OCGA. § 18-4-50. et seq.

Personally appeared (Print Name) _____ who on oath says:

1. I am the (Plaintiff) (Attorney 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 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 cost of this action)
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
This ____ day of _____, 20__.

Affiant

Print name of Affiant

Sworn to and subscribed before me

this _____ day of _____, 20__.

Notary Public/Deputy Clerk of Court

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SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION

**DO NOT USE THIS FORM IF THIS IS A CONTINUING GARNISHMENT
(SEE O.C.G.A. §§ 18-4-72 and 18-4-78) OR CONTINUING GARNISHMENT FOR
CHILD SUPPORT OR ALIMONY (SEE O.C.G.A. §§ 18-4-73 and 18-4-80).**

Check this box if other allegations are made against a nonjudgment Defendant pursuant to O.C.G.A. 18-4-23.

Check this box if this is a garnishment for child support or alimony.

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff \$ _____
Plus court costs due on 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, 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 five days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than five days and not later than 15 days after 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 you hold beginning on the day of service of this summons and including the next five 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, in 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 James E. Drane, III, Chief Judge of said Court.

This ____ day of _____, 20_____.

Hon. Patty Baker, Clerk of Court

By: _____

Deputy Clerk of Court

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**ATTACHMENT FOR SUMMONS OF GARNISHMENT
ON A FINANCIAL INSTITUTION**

Other known names of the Defendant:

Current and past addresses of the Defendant:

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

Account or identification numbers of accounts of the Defendant used by the Garnishee:

Other allegations pursuant to O.C.G.A. Sec. 18-4-23:

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff
Plaintiff's Contact Information

Name

Street Address

City State Zip Code

E-mail Address

Phone Number

Bar number

vs

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court Information:
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Cherokee County Magistrate Court
90 North Street, Suite 150
Canton, Georgia 30114-2786
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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 Cherokee County Magistrate Court, 90 North Street, Suite 150, Canton, Georgia 30114, and on the web site of 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 Cherokee County Magistrate Court, 90 North Street, Suite 150, Canton, Georgia 30114.

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 ANSWER

1. At the time of service or from the time of service to the time if this Garnishee Answer, the Garnishee had in its possession the following described property of the Defendant:

_____.

2. At the time of service or from the time of service to this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of \$_____.

3. \$_____ is the amount herewith paid into court.

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 Plaintiff or 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 (Attorney) (Officer/Employee)