

# MAGISTRATE COURT OF THOMAS COUNTY

R. Carlton Powell Public Safety Complex  
921 Smith Avenue, Thomasville, GA 31792  
(229) 225-3330

Matthew T. Shiner  
Chief Magistrate

Cristy M. Wright  
Clerk

## NEW GARNISHMENT REQUIREMENTS

### For Continuing (Wage) Garnishment

- Affidavit and Summons of Continuing Garnishment (minimum of 3 properly labeled copies)
- Certified Copy of Default Judgment or copy of FIFA (if not from our Court)
- Copy of Notice to Garnishee (employer) letter
- Notice to defendant, claim form, and list of exemptions
- Military Affidavit: <https://scra.dmdc.osd.mil/scra/#/home>
- Filing Fee
- Return Service Letter on Defendant
  - Copy of Certified Mail to defendant – which should be sent with a copy of the affidavit and summons of continuing garnishment, the claim form, and a copy of the Notice to defendant with exemption list - (to be sent within 3 days of service of the summons of garnishment)

**Please make sure you have everything with your garnishment. If you do not, we will not process it and will send the garnishment back to be corrected. Also, make sure you send the appropriate number of copies and mark them accordingly (1 original, 1 garnishee copy, 1 return copy / copy for defendant). If you have any questions about the new garnishment requirements, please feel free to call the Magistrate Court. Please remember the Court will not release any garnishment funds if you have not sent the proper notices above and mailed a Request for Release of Funds.**

Thank You, Magistrate Court

MAGISTRATE COURT OF THOMAS COUNTY
STATE OF GEORGIA
P.O. Box 879, Thomasville, Georgia 31799
(229) 225-3330

Plaintiff Name

Garnishment Number:

Address

Phone Number/ Bar Number

vs.

CONTINUING GARNISHMENT

Defendant(s) Name

Address

AFFIDAVIT OF CONTINUING GARNISHMENT

Personally appeared the undersigned affiant 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 ..., County, Georgia, 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. (5) The affiant believes that the Garnishee is an employer of or under periodic payment obligations for payment of funds to the defendant.

Sworn to and subscribed before me

This ... day of ..., 20...

This ... day of ..., 20...

Affiant

Notary Public/Deputy Clerk of Court

Print Name of Affiant

SUMMONS OF CONTINUING GARNISHMENT

TO:

Garnishee Name

Address

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

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 1,095 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. You must file additional answers until the sooner of: the payment of the balance shown on the summons of garnishment, the expiration of 1,095 days, or the termination of any relationship between garnishee and defendant which includes periodic payment obligations from garnishee to defendant. Money, including wages or other property admitted in an answer to be subject to continuing garnishment must be sent or 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 S. Andrews Seery, Judge of said Court this ... day of ..., 20...

Magistrate

I have this day served the garnishee above with a copy of the within summons, by handing the same to ...

This ... day of ..., 20...

Lawful Constable/Sheriff's Deputy

**Garnishment Information and Authorization**

Please fill in information, sign & date.

Fee: \$105.00

VS

PLAINTIFF

DEFENDANT

Defendant's Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Current Balance on Court Records: \$ \_\_\_\_\_

(Garnishment costs will be added below)

Payments Made Directly to Plaintiff -\$ \_\_\_\_\_

Not reported to court

Interest added upon principal amount from date of judgment +\$ \_\_\_\_\_

At legal rate (**Section 7-4-23 Official Code of Georgia**)

Subtotal =\$ \_\_\_\_\_

Court Costs to be added for this garnishment filing +\$ 105.00

**Total** =\$ \_\_\_\_\_

PLACE OF EMPLOYMENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Agent for) PLAINTIFF

**IN THE MAGISTRATE COURT OF THOMAS COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Plaintiff*

VS

Case Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*Defendant*

**AFFIDAVIT OF MILITARY SERVICE**

I being the plaintiff, or agent for the plaintiff, in the above-styled action declare under penalty of perjury that the defendant(s):

- IS NOT** a member of the Armed Forces of the United States on active duty.
- IS** a member of the Armed Forces of the United States on active duty.
- UNABLE TO DETERMINE** if defendant is a member of the Armed Forces of the United States on active duty.

This Affidavit is executed pursuant to the Soldiers and Sailors Civil Relief Act, 50 USC App a520 as required before any Judgment in default may be entered by the Court. Any person who shall made an Affidavit required under this section, or statement, declaration, verification, or certificate certified or declared to be true under penalty of perjury, knowing it to be false, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000.00 or both.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff / Attorney for Plaintiff

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Clerk/Deputy Clerk

**IN THE MAGISTRATE COURT OF THOMAS COUNTY  
STATE OF GEORGIA**

**Case Number:** \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

VS

\_\_\_\_\_  
*Defendant*

**DESIGNATION OF AGENT FOR BUSINESS ENTITY**

Pursuant to O.C.G.A. §15-10-43(i) and Uniform Magistrate Court Rule 31, this is to certify that \_\_\_\_\_ is a full-time employee or officer of the above-named corporation, limited liability company, sole partnership, partnership, unincorporated association or other legal entity. I have been designated by said business to represent it in the above-styled civil action. I have the authority to act on its behalf and to bind it in the same manner as myself to any and all matters related to this case.

Under penalty of perjury, signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

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

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

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk/Notary Public

**IN THE MAGISTRATE COURT OF THOMAS COUNTY  
STATE OF GEORGIA**

Case Number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Plaintiff,*

VS

\_\_\_\_\_  
\_\_\_\_\_

*Defendant,*

\_\_\_\_\_  
\_\_\_\_\_

*Garnishee*

**PLAINTIFF'S APPLICATION FOR DISBURSEMENT OF FUNDS**

Now comes the Plaintiff in the above-styled case and files this Application for payment of all funds due plaintiff paid by Garnishee and states no claim has been filed and no traverse has been filed within twenty (20) after Garnishee's Answer was filed.

Moreover, Plaintiff states Garnishee and Defendant have been properly served with the Garnishment pursuant to O.C.G.A. §18-4-8 and that proof of such service has been filed with this Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff or Plaintiff's Attorney

**CERTIFICATE OF SERVICE**

This is to certify I have this day served the Defendant 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\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff or Plaintiff's Attorney

**IN THE MAGISTRATE COURT OF THOMAS COUNTY  
STATE OF GEORGIA**

Garnishment Number: \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

VS

\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
*Garnishee*

**RETURN OF SERVICE UPON THE DEFENDANT**

This is to certify that on behalf of the Plaintiff in this action, I have served upon the Defendant a copy of the notice of filing of this summons of garnishment as required by O.C.G.A. §18-4-64 along with a copy of the Court's Notice to Debtors Subject to Garnishment containing a list of exempt funds as follows:

\_\_\_\_\_ Service pursuant to O.C.G.A. §9-11-4 where the deputy or constable serves the Defendant. \$50.00 service fee made payable to the Thomas County Magistrate Court is provided and a Service copy to the defendant is attached.

\_\_\_\_\_ Service upon the Defendant at the Defendant's last known address by registered or certified mail or statutory overnight delivery, **return receipt requested**, not more than three business days after service of the summons of garnishment on the Garnishee. A copy of the green card and certified mail receipt, or unclaimed envelope is attached.

\_\_\_\_\_ Service upon the Defendant by ordinary mail not more than three business days after the service of the summons of garnishment on the Garnishee sent to the address at which the defendant was served the action resulting in the judgment on which the garnishment proceeding is based, AND the garnishment has been commenced within sixty (60) days after said judgment was obtained. A copy of the underlying judgment is attached.

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

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Printed Name and Title

### **NOTICE TO GARNISHEE EMPLOYERS**

There are certain exemptions to garnishment provided by state or federal law. The applicable exemption to earnings is as follows:

Disposable Earnings. O.C.G.A. §18-4-20 and 15 U.S.C. §1673. Garnishment of earnings from employment is limited to 25% of disposable earnings for a week or the amount by which disposable earnings for a week exceed 30 times the federal minimum wage.

Note: More money may be taken out of a paycheck for child support payments or if a Chapter 13 bankruptcy provides for a higher amount.

You should notify the Court in your answer if you believe an exemption applies to any such funds.

### **NOTICE TO GARNISHEE FINANCIAL INSTITUTIONS**

There are certain exemptions to garnishments provided by state or federal law. You should notify the Court in your answer if you believe an exemption applies to any such funds. Financial Institutions should be aware of federal regulations requiring such financial institutions to determine with respect to electronic payments within the preceding two months, whether certain funds are exempt. See 76 Fed. Reg. 9939 (Feb. 23, 2011), 31 CFR §212.1 to §212.12.

Exemptions are listed below for the benefit of financial institutions to the extent such exempt funds are identifiable.

**IN THE MAGISTRATE COURT OF THOMAS COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_  
*Plaintiff Name*

**Case Number:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
VS

***GARNISHMENT***

\_\_\_\_\_  
*Defendant Name*

\_\_\_\_\_  
*Garnishee Name*

**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 on the website for the Attorney General ([www.law.ga.gov/garnishment-exemption](http://www.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 \$217.50. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support, 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 the Magistrate Court office at the R. Carlton Powell Public Safety Complex formerly known as the Bobby Hines Jail & Justice Center located at 921 Smith Avenue in Thomasville, Georgia 31792.

***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 MAGISTRATE COURT OF THOMAS COUNTY  
STATE OF GEORGIA**

**DEFENDANT'S CLAIM FORM**

**Case Number:** \_\_\_\_\_

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:

\_\_\_\_\_

I further state: (check all that apply)

- 1. The Plaintiff does not have a judgment 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.

\_\_\_\_\_, 20\_\_\_\_  
Defendant's signature Date

\_\_\_\_\_  
Print name of Defendant

**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 or Defendant's Attorney

## **Most Common Exemptions from Garnishment**

- (1) Disposable Earnings. O.C.G.A. §18-4-20 and 15 U.S.C. §1673. Garnishment of earnings from employment is limited to 25% of disposable earnings for a week or the amount by which disposable earnings for a week exceed 30 times the federal minimum wage. Note: More money may be taken out of a paycheck for child support payments or if a Chapter 13 Bankruptcy provides for a higher amount.
- (2) Social Security Retirement, Social Security Disability Insurance, Supplemental Security Income, Social Security Survivor Benefits. 42 U.S.C. §407.
- (3) Unemployment Benefits. O.C.G.A. §34-8-252.
- (4) Workers Compensation. O.C.G.A. §34-9-84
- (5) Joint Accountholders. O.C.G.A. §7-1-812  
Note: Depending on the circumstances such funds may or may not be subject to garnishment.
- (6) Child Support. *Richards v. Richards*, 281 Ga. 285, 286 (2006); *Stewart vs. Stewart*, 160 Ga. App. 463 (1981).
- (7) Medicaid Payments. O.C.G.A. §49-4-147.
- (8) Veterans Benefits including Military Pensions, Retirement Pay, and Disability Payments. 38 U.S.C. §5301.
- (9) Veterans Survivor Annuities. 10 U.S.C. §1450.
- (10) Federal Student Loans, Grants, and Work Assistance. 20 U.S.C. § §1095a.

## **Other Exemptions**

- (11) ERISA Qualified Retirement and Pension Benefits – 401(k), IRA, and Employer Provided Pensions. O.C.G.A. §18-4-22.
- (12) Crime Victim Compensation Funds. O.C.G.A. §17-15-8.
- (13) Wages Due to a Deceased Employee of the State up to \$2,500. O.C.G.A. §34-7-4.
- (14) Accident, Sickness, or Disability Insurance Benefits up to \$250.00 a Month During Disability. O.C.G.A. §33-29-15.
- (15) Benefits, Charity, Relief, or Aid from Fraternal Benefit Societies. O.C.G.A. §33-15-62.
- (16) Cash Value/Benefits Payable to Life Insurance Policy Beneficiary. O.C.G.A. §33-25-11.
- (17) Aid to the Blind. O.C.G.A. §49-4-58
- (18) Aid to the Disabled. O.C.G.A. §49-4-84.
- (19) Old Age Assistance. O.C.G.A. §49-4-35.
- (20) State Pension – State or Local Government Employees Under Employees Retirement System. O.C.G.A. §47-2-332.
- (21) State Pension – Municipal Employees under Employee Retirement System. O.C.G.A. §47-5-71.
- (22) State Pension – Teachers Retirement System. O.C.G.A. §47-3-25.
- (23) State Pension – Public School Employees. O.C.G.A. § 47-4-120.
- (24) State Pension – Firefighters Retirement System. O.C.G.A. §47-7-122.
- (25) State Pension – Members of the General Assembly Retirement System. O.C.G.A. §47-5-71.

- (26) State Pension – District Attorneys Retirement System. O.C.G.A. §47-6-100.
- (27) State Pension – Superior Court Clerks Retirement System. O.C.G.A. §47-14-91.
- (28) State Pension – Sheriffs Retirement System. O.C.G.A. §47-16-122.
- (29) State Pension – Peace Officers Retirement System. O.C.G.A. §47-17-103
- (30) State Pension – Judicial System Employees Retirement System. O.C.G.A. §47-23-121.
- (31) State Pension – Probate Judges Retirement System. O.C.G.A. §47-11-91.
- (32) State Pension – Magistrate Court Retirement System. O.C.G.A. §47-25-101.
- (33) FEMA Disaster Assistance to Individuals and Households. 44 CFR §206-110(g)
- (34) Federal Worker’s Compensation. 5 U.S.C. §8130.
- (35) Federal Employee Thrift Savings Plan. 5 U.S.C. §8437(e)(2).
- (36) Federal Judges Survivor Annuities. 26 U.S.C. §7448.
- (37) Veterans Appeals Court Survivor Annuities. 38 U.S.C. §8346
- (38) Federal Civil Service Survivor Annuities. 5 U.S.C. §8346.
- (39) Railroad Retirement Pensions, Annuities, and Disability Benefits. 45 U.S.C. §231m.
- (40) Railroad Unemployment and Sickness Benefits. 45 U.S.C. §1717.
- (41) Longshore and Harbor Workers’ Compensation Benefits. 33 U.S.C. §916.
- (42) Merchant Seamen Wages and Benefits. 46 U.S.C. §11109.
- (43) Compensation for Injury/Death of U.S. Contractor outside U.S. 42 U.S.C. §1717.
- (44) Money Held by Receivers Appointed by the Court. O.C.G.A. §9-8-12.