

IN THE MAGISTRATE COURT OF COBB COUNTY
STATE OF GEORGIA

Plaintiff:

Name

v.

Defendant:

Name

Street Address

City State ZIP Code

Garnishee:

Name

Street Address

City State ZIP Code

Civil Action File No. _____

Plaintiff's contact information:

Name

Street Address

City State ZIP Code

E-Mail Address

Phone Number

Bar Number

AFFIDAVIT OF GARNISHMENT

- Check this box if the Garnishee is a financial institution.
- Check this box if garnishment is for the collection of child support or alimony. See O.C.G.A. § 18-4-50 et seq.

Personally appeared _____, who on oath says:
(Print name)

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.
\$ _____ Postjudgment interest, and \$ _____ 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 or Deputy Clerk of Court

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Fax Number

SUMMONS OF GARNISHMENT

Check this box if this is a garnishment for child support or alimony. If this is intended to be continuing garnishment for support, use the form set forth in O.C.G.A. § 18-4-80.

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 or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 29 days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than 30 days and 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, or 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 beginning on the day of service of this summons and including the next 29 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 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 a judgment as shown in the Plaintiff's Affidavit of Garnishment.

WITNESS, the Honorable _____, Judge of said Court.

This _____ day of _____, 20_____.

_____, Clerk of Court

By: _____

Deputy Clerk, _____ Court

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

Plaintiff

v.

Civil Action File No. _____

Defendant

Garnishee

ATTACHMENT FOR SUMMONS OF GARNISHMENT

Other known names of the Defendant:

Current and past addresses of the Defendant:

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

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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, worker' compensation, the Veterans' Administration, state pension, retirement funds, and disability income. This list of exemptions is available at the Clerk of Court's office located at **Cobb County Magistrate Court, 32 Waddell Street, Marietta, Georgia 30090**, 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 fro 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 from with the Clerk of Court's office located at

Cobb County Magistrate Court
32 Waddell Street
Marietta, Georgia 30090-9656

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 address 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.

