

STATE COURT OF COBB COUNTY
AFFIDAVIT OF CONTINUING GARNISHMENT

GEORGIA, COBB COUNTY

DO NOT USE THIS FORM FOR A CONTINUING GARNISHMENT FOR CHILD SUPPORT OR ALIMONY. SEE O.C.G.A. § 18-4-73.

Plaintiff (Name & Address)

Case Number _____

VS

Plaintiff's Attorney (Name, Address, Phone & Email)

Defendant (Name & Address)

Bar Number _____

Garnishee (Name & Address)

1. Personally appeared _____, who on oath says that I am (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff) [Circle one] herein, and that the above named Defendant, is indebted to said plaintiff in the sum of and no agreement requires forbearance from the garnishment which is applied currently.
2. \$ _____ Principal
3. \$ _____ Other [Prejudgment Interest, Attorney's Fees]
4. \$ _____ Cost of this action [exclusive of the cost of this action]
5. \$ _____ Total [Balance due]
6. Judgment was obtained in the _____ Court of _____ County.
7. _____ is the case number.

Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid. The Affiant believes that the garnishee is an employer of or under periodic obligations for payment of funds to the Defendant.

This _____ day of _____, 20_____.

Affiant

Print Name of Affiant

Sworn to and subscribed before me,

This _____ day of _____, 20_____.

Notary Public
Commission Expires: _____

STATE COURT OF COBB COUNTY

GEORGIA, COBB COUNTY

Case Number _____

Plaintiff (Name & Address)

Plaintiff's Attorney (Name, Address, Phone & Email)

VS

Defendant (Name & Address)

Bar Number _____

Garnishee (Name & Address)

SUMMONS OF CONTINUING GARNISHMENT

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 GARISHEE 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 JUDGES OF THIS COURT.

This _____

Clerk, State Court of Cobb County

To the above-named Garnishee:

- 1. \$ _____ is the total amount claimed due by plaintiff.
2. \$ _____ Plus court costs due on this summons
3. \$ _____ Total garnishment claim

Court of Judgment _____ and Judgment case number _____

STATE COURT OF COBB COUNTY

GEORGIA, COBB COUNTY

Case Number _____

Plaintiff (Name & Address)

Plaintiff's Attorney (Name, Address, Phone & Email)

VS

Defendant (Name & Address)

Bar Number _____

Garnishee (Name & Address)

Mail Completed Form To:
State Court of Cobb County
12 East Park Square
Marietta, GA 30090-9630
770-528-1218

ANSWER OF 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 this box if the Defendant is not presently employed by or owed periodic payments by the Garnishee.
6. Check this box if the Defendant was employed by or owed periodic payments by the Garnishee on or after service of the Summons of Continuing Garnishment but was terminated as of the day of, 20.
7. Check this box 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. Garnishee further states:

Signed
Garnishee, Garnishee's Attorney, or Officer or employee of an entity 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 in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This day of, 20

Signed
Garnishee, Garnishee's Attorney, or Officer or employee of an entity Garnishee

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

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

Case Number _____

Plaintiff (Name & Address)

Plaintiff's Attorney (Name, Address, Phone & Email)

VS

Defendant (Name & Address)

Bar Number _____

Garnishee (Name & Address)

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 Cobb County State Court Clerk's Office 12 East Park Square, Marietta, GA 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 \$217.50. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support or alimony or if Chapter 13 bankruptcy allows a higher amount. **TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY FROM BEING GARNISHED, YOU MUST:** Complete the Defendant's Claim Form as set forth below and file this completed claim form with the Clerk of Court's Office located at Cobb County State Court Clerk's Office 12 East Park Square, Marietta, GA 30090.

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 legal advice. **IF YOU NEED LEGAL ASSISTANCE, YOU SHOULD SEE AN ATTORNEY.** If you cannot afford a private attorney, legal services may be available.

DEFENDANT'S CLAIM FORM

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 benefit
- 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. Exemptions for taxes due on income or earnings not subject to employer withholding
- 12. 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 hearing on my claim to me at:

Address: _____

Phone Number: _____

Email Address: _____

The statements made in this claim form are true to the best of my knowledge and belief.

Defendant's Signature Date _____ 20 _____

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 in the United States Mail in a properly addressed envelope with adequate postage thereon.

This _____ day of _____, 20 _____.

Signed: _____
Defendant or Defendant's Attorney

IN THE STATE COURT OF COBB COUNTY
STATE OF GEORGIA

Case Number _____

Plaintiff

VS

Defendant

Garnishee

ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT

Other known names of the Defendant:

Current and past addresses of the Defendant:

Social Security number or Federal Tax Identification number of Defendant:

**THIS PLEADING SHALL NOT BE FILED WITH THE COURT
O.C.G.A. § 18-4-79**