

# MAGISTRATE COURT OF WORTH COUNTY, GEORGIA

## GARNISHMENT FILINGS

As of May 12<sup>th</sup>, 2016, the Garnishment Chapter of the Georgia Code was re-written and re-rationalized and they continue to change. If you are unaware of the changes ( New Code ) time frames, amounts of deductions, exceptions, Plaintiff/Garnishee requirements, etc., we suggest that you research the New Code requirements or contact an attorney for legal advice. Below are the requirements of filing for the Magistrate Court of Worth County.

Plaintiffs must file **(1) Complete Packet** for each Garnishment.

Packet #1 should consist of the following **ORIGINAL** forms for filing with the Court

- 1) Summons of the particular type Garnishment that is being filed
- 2) Attachment for summons of the particular type of Garnishment
- 3) Affidavit of the particular type Garnishment that is being filed
- 4) **(COPY)** of Default Judgment and FIFA
- 5) Notice to Defendant of Rights against Garnishment
- 6) (1) Copy of Garnishee Answer
- 7) Designation of Agent for Business Entity **(if you are not business owner)**
- 8) Plaintiff's application for Disbursement of Funds

The Court will be producing carbon copies of Affidavits, Summons, and Sheriff Entry of Service forms that can be provided upon request. The Service forms are available now, but the others will be ready in approx. two weeks. The Designee, Attachment, Notice to Defendant, and Defendant's Claim Forms will have to be generated by the Plaintiff or Attorney. Templates of these forms can be faxed, mailed, or emailed upon request or they are located at [georgiamagistratecouncil.com](http://georgiamagistratecouncil.com).

If the Plaintiff wants a stamped copy of the filing, the Court requests that they also provide a copy of the filing (2<sup>nd</sup> packet) with a self-addressed stamped envelope for return mail to the Plaintiff as well as an additional self addressed stamped envelope for return of the service sheet. Each "Packet" should be labeled. The. Original, Service Copy, and Plaintiff's Copy. The Court also requests that each "Packet" be individually gem clipped together, NOT stapled.

The forms and information provided are not intended as legal advice and should not be considered as such. They are provided only for reference purposes. The content and format of forms not specifically determined by a Georgia statute or court rule may require modification to suit the specific facts of a given case.

The publication of these forms is in no way a representation that they are appropriate for use in a particular case or situation, or that they are adequate for use without modification and/or elaboration. In addition, the law may change at any time, making current forms outdated. You should always research and review those statutes and procedural rules that pertain to your case to ensure that the complaint, answer, motion, or other document you are filing is accurate and in compliance with current Georgia law. To ensure the proper use of any of these forms, you should consult a licensed attorney.

Forms cannot be submitted electronically. This circuit does not utilize e-filing at this time; therefore, you may not email any form to the Clerk of Court for filing.

The information and forms available are free. They are not for sale. By using these forms, you agree not to sell or make a profit in any way from any information or forms that you obtained (this does not include licensed attorneys utilizing these forms in a specific case).

If you have questions about how any of the information and/or forms contained relate to your case, we strongly recommend that you contact a licensed attorney.

By using these forms you are certifying that you have read, understand, and agree with this **DISCLAIMER**. The Worth County Magistrate Court, its officials, employees, agents and/or anyone contributing to the creation of the forms, instructions, other materials, and all other information provided in this document shall be held harmless for, any and all damages (direct, indirect and/or consequential) resulting from your reliance and/or use of any information, forms, and/or materials.

The use of the information and forms in this document does not guarantee any particular outcome in court. If you have any questions, you should contact an Attorney, for legal advice.