

**IN THE MAGISTRATE COURT OF LEE COUNTY
PROCEDURES FOR FILING GARNISHMENTS**

1. You **must** have a judgment not to exceed \$15,000.00 against an individual or an entity before you file an Affidavit of Garnishment **and** the Garnishee **must** be located in Lee County. If the judgment was issued outside the Magistrate Court of Lee County, a copy of the judgment **must** be attached to the Affidavit of Garnishment.

2. Once you have obtained a judgment against the defendant, you must decide which type of garnishment to file:
Affidavit of Continuing Garnishment for wages: may be filed only where and Employer/Employee relationship exists between the garnishee and the defendant.

Affidavit of Garnishment

Affidavit of Garnishment on a Financial Institution

Affidavit of Continuing Garnishment for Support

Please choose the correct affidavit and summons pursuant to O.C.G.A. § 18-4-7(d). If the Plaintiff chooses the incorrect form of summons of garnishment of any type, the garnishment **shall** be invalid and the garnishee shall be released of all liability.

3. The costs of filing a garnishment in this Court is \$110.00. This includes all filing fees and service of the garnishment on the Garnishee.

4. You will need the following forms to file with the Court: The court has packets available.

1 copy of the Affidavit of Garnishment

1 copy of the Summons of Garnishment

1 copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property and Defendant's Claim Form

1 copy of the Georgia Garnishment Exemptions

1 copy of the Answer Form

The Court will retain all originals and serve the garnishee with the service copy. You will need to make a copy of all forms to serve on the Defendant as required in O.C.G.A. § 18-4-8(b).

5. The total amount of the garnishment can include the amounts that you were awarded in your judgment, any interest and court costs you may be entitled. This amount cannot exceed \$15,000.00. The Affidavit of Garnishment must be notarized.

6. Pursuant to O.C.G.A. 18-4-8(b), the Plaintiff **must** serve the Defendant with a copy of the Affidavit of Garnishment, the Summons of Garnishment, and the Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property, Defendant's Claim Form and Georgia Garnishment Exemptions. The Defendant must be served within the time of filing the affidavit and three (3) business days after the service of the garnishment on the Garnishee. If the Defendant is not served within this time period the garnishment may be dismissed. If the **Defendant** is a resident of Lee County and you want the Sheriff to serve him/her with his/her copy of the garnishment, please add an additional \$50.00 to the cost.

7. Please file a Certificate of Service with appropriate service checked, along with all required documents with the Court. The **Court will not disburse any funds until the Certificate of Service is received**. Plaintiff's obligation to provide notice of the garnishment to the Defendant is governed by O.C.G.A. § 18-4-8. Please read this code section if you are unfamiliar with garnishment law regarding notice to the Defendant.

8. If the Court receives funds from the Garnishee, the funds will be disbursed according to the law in a timely manner. The Court must receive documentation that the Defendant has been served with the garnishment before any funds will be disbursed. Also the court must receive a Plaintiff's Application Disbursement of Funds before any funds will be disbursed to the Plaintiff.

9. All correspondence should be addressed to: Lee County Magistrate Court, PO Box 522, Leesburg, GA 31763. You may contact the Clerk's office at (229) 759-6016 for general information about a case.

Please be advised that the clerks of the Magistrate Court are not lawyers and are prohibited by law from giving you legal advice.