

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

**PLEASE READ CAREFULLY!**

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 Registered Agent for the Garnishee **must** be located in Meriwether County. **If** the judgment was issued outside the Magistrate Court of Meriwether 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 the 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 or summons of garnishment of any type, the garnishment **shall** be invalid and the garnishee shall be released of all liability. ***Any and ALL affidavits MUST provide a place for the Judge to sign approval.***

3. The cost of filing a garnishment in this Court is \$101.00. This includes all filing fees and service of the garnishment on the Garnishee.

4. To file a Continuing Garnishment, You will need the following forms to file with the Court:

1 original and 1 service copy of the Affidavit of Garnishment for Garnishee OCGA §18-4-72

1 original and 2 service copies of the Summons of Garnishment for Garnishee OCGA §18-4-78

1 original and 7 copies of "Garnishee Answer to a Continuing Garnishment" Form

1 original of the Attachment for Summons on Continuing Garnishment (*DO NOT send copies of this form*)

1 original and 1 copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages and other Property and Defendant's Claim Form OCGA §18-4-82. If the Plaintiff requires a copy to be returned once filed, please include those as well and please identify them as "FILE COPY". **Plaintiff is responsible for providing all proper copies to be served.**

**\*IF THERE IS ANY CONFUSION OR QUESTIONS ABOUT FILING ANY GARNISHMENT IN THIS COURT, PLEASE CONSULT AN ATTORNEY.**

**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 and Defendant's Claim Form. 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 Meriwether County and you wish for the Meriwether County Sheriff's Office to serve him/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.

9. All correspondence should be addressed to: Meriwether County Magistrate Court, PO BOX 702, Greenville, GA 30222. If using UPS or FEDEX please use our physical address: 100 Court Square, Greenville, GA 30222. You may contact our office at (706) 672-1247 for general information about a case.

**Please be advised that the clerk(s) of Magistrate Court are not lawyers and are prohibited by law from giving you legal advice: O.C.G.A. §15-19-51.**

\*\* THIS FORM IS TO AID IN ADJUSTING TO THE CHANGES IN GARNISHMENT LAWS AND THE NEW DOCUMENTS.

\*\* IF THE MISFILING OF THESE FORMS CONTINUE, THE COURT WILL SCHEDULE A SHOW CAUSE HEARING ON THE MATTER AND COULD RESULT IN A DISMISSAL OF THE CASE.