

# WHITFIELD COUNTY MAGISTRATE COURT

P O BOX 386  
Dalton GA, 30722

## **INSTRUCTIONS FOR PLAINTIFF**

You have filed a garnishment case in the Magistrate Court of Whitfield County. As the Plaintiff, you are required to notify the Defendant of the garnishment action in order for the Court to pay out funds that are received from the Garnishee. Below is a list of the documents to be mailed for each type of garnishment. The attached Certificate of Service upon Defendant in Garnishment Action can be used. Please return the form to the Clerk's Office once you have notified the Defendant. Pursuant to O.C.G.A. § 18-4-8(b)(1), this notice to the Defendant must be sent not more than three (3) business days after service of the summons of garnishment on the garnishee. However, to ensure the Defendant is properly notified, you may mail notice to the Defendant upon this receipt from the Court. You may mail these forms to the Defendant's last known address.

**Continuing Garnishment** – The enclosed Affidavit of Continuing Garnishment, Summons of Continuing Garnishment, Attachment for Summons of Continuing Garnishment, Notice to Defendant of Right against Garnishment of Money, Including Wages, and Other Property, and Defendant's Claim Form must be served upon the Defendant.

**Continuing Garnishment for Support** - The enclosed Affidavit of Continuing Garnishment for Support, Summons of Continuing Garnishment for Support Governed by Article 3 of Chapter 4 of Title 18, Attachment for Summons of Continuing Garnishment for Support, Notice to Defendant of Right against Garnishment of Money, Including Wages, and Other Property, and Defendant's Claim Form must be served upon the Defendant.

**One-Time Garnishment (Bank)** - The enclosed Affidavit of Garnishment, Summons of Garnishment on a Financial Institution, Attachment for Summons of Garnishment, Notice to Defendant of Right against Garnishment of Money, Including Wages, and Other Property, and Defendant's Claim Form must be served upon the Defendant.

Once you have received the date-stamped United States Postal Service return mail receipt or unclaimed mail, attach a copy to the Certificate of Service upon Defendant in Garnishment Action and return to the Court. Pursuant to O.C.G.A. § 18-4-8(c)(3), no money shall be distributed until the Court receives the Certificate of Service upon Defendant in Garnishment Action. The Court will have the Whitfield County Sheriff's Office serve the Garnishee. The Plaintiff will receive a copy of the Sheriff's Entry of Service upon service or attempted service by the Sheriff's Office.

**If you have any questions, please contact the Clerk's Office at (706)278-5052.**

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

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Civil Action File Number

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Garnishee

**CERTIFICATE OF SERVICE UPON  
DEFENDANT IN GARNISHMENT ACTION**

I hereby certify that I have served the Defendant in the above-styled case with a copy of the Affidavit of Garnishment, a copy of the summons of garnishments, a copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property, an a copy of the Defendant's Claim Form by:

- Registered or certified mail or statutory overnight delivery, return receipt requested. A copy of the return mail receipt or unclaimed mail is attached hereto.
  
- Hand delivered to the Defendant by:
  - An individual who is not a party and is not younger than 18 years of age
  
  - An individual who has been appointed by the court
  
  - The sheriff of the where the Defendant is located, or by the sheriff's deputy

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Plaintiff / Agent / Plaintiff's Attorney

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Printed name