

**IN THE MAGISTRATE COURT OF WHITFIELD 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 WHITFIELD County.
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 if an Employer/Employee relationship exists between the garnishee and the defendant.
Affidavit of Garnishment
Affidavit of Garnishment on a Financial Institution

Please choose the correct affidavit and summons pursuant to O.C.G.A. § 18-4-7(d). If the Plaintiff chooses the incorrect forms, 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 \$97.00. This includes all filing fees and service of the garnishment on the Garnishee.
4. You will need the following forms, **with an additional copy for service**, to file with the Court:
 1. Affidavit of Garnishment (The Affidavit of Garnishment must be notarized.)
 2. Summons of Garnishment
 3. Attachment of Summons
 4. Notice to Defendant of Right against Garnishment of Money, Including Wages and Other Property
 5. Defendant's Claim 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). Please visit our website, <http://www.whitfieldcountyga.com/mc/magcourt.htm> or speak with a Deputy Clerk to obtain forms.

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; (**This does not include cost of garnishment.**)

6. Pursuant to O.C.G.A. 18-4-8(b), the Plaintiff **must** serve the Defendant, **not more than three (3) days of the service to the garnishee**, by regular **AND** certified mail with a copy of the Affidavit of Garnishment, the Summons of Garnishment, and the Notice to Defendant of Rights Against Garnishment of Money, Including Wages and Other Property and Defendant's Claim Form. If the Defendant is not served within this time period the garnishment may be dismissed. If the Defendant is a resident of WHITFIELD County and you want our Constables 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 on document, 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: WHITFIELD County Magistrate Court, P O Box 386, Dalton, GA 30722. You may contact the Magistrate's office at (706) 278-5052 for general information. You may view the status of your case on our website at <http://www.whitfieldcountyga.com/mc/magcourt.htm>.

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