

MAGISTRATE COURT OF OCONEE COUNTY

23 N. MAIN STREET / P O BOX 1099

WATKINSVILLE, GA 30677

(706) 769-3940

Angela Elder-Johnson, Clerk

Contact Stacy via email- scarson@oconee.ga.us with questions

PROCEDURES FOR FILING A ONE-TIME GARNISHMENT

The filing Fee is \$108.00 per garnishment. Check made payable to: Oconee County Magistrate Court.

The Defendant's bank must be located in Oconee County for the garnishment to be filed with this court.

The jurisdictional limit for filing a garnishment in the Magistrate's Court is \$15000.00. Any claims exceeding this amount must be filed with the Clerk of Superior Court.

The Plaintiff is the party filing the garnishment, the Defendant is the party that the original claim was against, and the Garnishee is the name of the financial institution the defendant holds an account with.

The Garnishment papers must be completely filled out and notarized including the complete street address of Garnishee (no P.O. Boxes acceptable) and the mailing address for the Plaintiff. Please include a copy of the Judgment you are basing the Garnishment filing on.

Deliver or mail the original of the Garnishment forms along with the filing fee to the Magistrate Court. **ANY FORMS RECEIVED THAT ARE NOT FILLED OUT CORRECTLY WILL BE RETURNED TO YOU. THIS INCLUDES THE FILING FEE.**

Once your garnishment has been filed with the Court, the forms will be processed and forwarded to the Sheriff's Department for service. Once the forms are processed, no refunds will be made. Garnishments must be served personally on the garnishee; they cannot be tacked and mailed.

You **MUST** give the defendant notice that you have filed a garnishment against them. This must be done via certified mail to the defendant's last known address. Upon receipt of either the green card or the returned undelivered envelope, you must provide the court with either the original or a copy of the green card or envelope. **WE WILL NOT DISBURSE ANY FUNDS TO THE PLAINTIFF UNTIL WE RECEIVE PROOF OF NOTIFICATION ON THE DEFENDANT BY CERTIFIED MAIL.**

Once service is completed, the Court will mail you a copy of the Sheriff's Entry of Service form. The garnishee has 45 days to answer the garnishment to the court in writing. This could either be with or without money. Any money we receive must stay in the magistrate registry account for a minimum of fifteen (15) days before we can disburse the money to you. We must have a written request for the money to be disbursed to you. We do not automatically send out the money. Keep in mind also that you can only receive as much money from the bank that is currently in the defendant's account. Therefore, if all the money owed to you is not currently in the account, you will only receive the amount that is in the account at that time. To receive any further money from the bank, you will have to file another garnishment.

IN THE MAGISTRATE COURT OF OCONEE COUNTY
STATE OF GEORGIA

Plaintiff

v.

Defendant

Civil Action

File No. _____

Garnishee

Address

AFFIDAVIT OF GARNISHMENT

Personally appeared the undersigned affiant who on oath says that he is the above plaintiff, his agent, or his attorney at law and that he has personal knowledge that the above defendant is indebted to said plaintiff in the sum of _____ Dollars, Principal, \$ _____ Interest, \$ _____ Attorney's Fees, and \$ _____ Cost; and that said Plaintiff has -- a suit pending -- or judgment obtained in case number _____ in _____ Court of _____ County, that no agreement has been made with the defendant for payment of the judgment, or if an agreement was made, the defendant is in default and that Affiant has reason to apprehend the loss of said sum or some part thereof unless process of garnishment issues.

Affiant

Sworn to and Subscribed Before me,

This _____, 20____.

_____, Notary Public

Approved:

This _____, 20____.

MAGISTRATE Court of OCONEE County

Judge, Magistrate

Plaintiff's Attorney

IN THE Magistrate COURT OF Oconee COUNTY
STATE OF GEORGIA

Plaintiff

v.

Civil Action

File No. _____

Defendant

Garnishee

Amount Claimed Due by Plaintiff \$ _____

Address

Court Cost Due _____

Social Security No. _____

TOTAL COST DUE \$ _____

SUMMONS OF GARNISHMENT

To: _____ Garnishee

YOU ARE HEREBY COMMANDED to hold immediately all property, money, wages, except what is exempt, belonging to the defendant, or debts owed to the defendant named above at the time of service of this summons and between the time of service of this summons and the time of making your answer. Not sooner than 30 days but not later than 45 days after you are served with this summons, you are commanded to file your answer in writing with the clerk of this court and serve a copy upon the plaintiff or his attorney named below. Money or other property subject to this summons should be delivered to the court with your answer. Should you fail to answer this summons, a judgment will be rendered against you for the amount the plaintiff claims due by the defendant.

Witness the Honorable _____, Judge Magistrate of said Court.

This _____ day of _____, 20 ____.

Clerk

Court of _____ County

Plaintiff's Attorney

Address

Service perfected on garnishee, this _____ day of _____, 20 ____.

Deputy, Sheriff, or Constable

MAGISTRATE COURT OF OCONEE COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

GARNISHMENT

Defendant(s) Name, Address

Court Information:
Angela Elder-Johnson, Clerk
Oconee Co Superior, Magistrate and Juvenile
Courts
P.O. Box 1099
Watkinsville Ga 30677

Garnishee Name, Address

FINANCIAL INSTITUTION GARNISHEE ANSWER

1. At the time of service of the Summons of Garnishment on a Financial Institution and including the next five days, the Garnishee had in its possession the following described money and property of the Defendant:

_____.

2. \$ _____ is the amount herewith paid into court.

3. () Check if the Defendant is not presently an account holder of the Garnishee.

4. The Garnishee further states: _____.

Garnishee,
Garnishee's Attorney, or
Officer or Employee of Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Defendant and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This ____ day of _____, 20__.

Garnishee (Attorney) (Officer/Employee)

IN THE MAGISTRATE COURT OF OCONEE COUNTY
STATE OF GEORGIA

Plaintiff

Vs

Garnishment File No: _____

Defendant

Vs

Garnishee

AFFIDAVIT OF COMPLIANCE

PERSONALLY APPEARED before the undersigned, an officer duly authorized to administer oaths, plaintiff, who, being duly sworn under oath, stated that service upon Defendant has been completed pursuant to Georgia Law in the following manner:
The Defendant is being served by certified mail at:

Plaintiff

Sworn to and subscribed before me
This ____ day of _____, 200__

Notary Public/Deputy Clerk