

STATE COURT
TIFT COUNTY, GEORGIA

GARNISHEE'S RESPONSIBILITIES FOR GARNISHMENT

By law, you have specific legal responsibilities, which are listed below. Failure to comply with the law may subject you to penalties. The following information is provided by this office to assist you with your responsibilities. It is provided for informational purposes so, if you have a specific legal question about your responsibilities as a garnishee, you should consult with an attorney.

DEFINITIONS OF TERMS

Defendant – The party against whom relief or recovery is sought.

Garnishee – A third party who has been notified that money or property in his or her hands but belonging to the defendant has been attached and is subject to garnishment.

Garnishment – A court order directing a third party who holds money or property belonging to a defendant to withhold it and/or appear in court to answer inquiries.

Plaintiff – The party seeking relief or recovery against the defendant.

Summons of garnishment – A summons from a court directing the garnishee to file with the court an answer to the summons stating what property, money, or other affects the garnishee has that belongs to the defendant.

RESPONSIBILITIES AS GARNISHEE

The Clerk of this court has issued a summons to you directing you, as garnishee, to do what the law requires to withhold money or property belonging to the defendant that is subject to the attached garnishment. You must do the following to comply with the law:

- File an answer to the first garnishment no sooner than 30 days but not later than 45 days after service. Your answer must be in and must be accompanied by the money or property subject to garnishment.
- Under circumstances in which the defendant has been an employee but is not longer employed by you or your company and in which you, as garnishee, have no money or property belong to the defendant subject to garnishment, you, as garnishee, must still file an answer no later than 45 days after the date when you were served.

PAYMENTS

Please mail all payments to:

Clerk of Courts
P.O. Box 354
Tifton, GA 31793

EARNINGS SUBJECT TO GARNISHMENT

Subject to the limitation set forth in Code Section 18-4-6 and 18-4-53, the maximum part of disposable earnings for any work week which is subject to garnishment shall not exceed the lesser of

- 25% of the defendant's disposable earnings for that week or, if the judgment upon which the garnishment is based arose from a private student loan, then 15% of the defendant's disposable earnings for that week; or
- The amount by which the defendant's disposable earnings for that week exceed \$217.50.

In case of earnings for a period other than a week, the proportionate fraction or multiple of 30 hours per week at \$7.25 per hour shall be used.

CONSEQUENCES OF FAILING TO ANSWER SUMMONS OF GARNISHMENT

If you, as garnishee, fail to file an answer with this office within 45 days after you are served with the summons of garnishment, you shall automatically be in default. You may open default by filing an answer within 15 days of the day of the default and paying all costs.

If the case is still in default after the expiration of the period of 15 days, judgment by default may be entered against you at any time for the amount remaining due on the judgment obtained against the defendant.