

SUPERIOR COURT · STATE COURT · MAGISTRATE COURT
LIBERTY COUNTY, GEORGIA

GARNISHEE'S RESPONSIBILITIES FOR GARNISHMENT

COURT RECORDS INDICATE THAT YOU ARE THE GARNISHEE IN THE CASE REFERENCED IN THE ATTACHED 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 only for informational purposes so, if you have a specific legal question about your responsibilities as a garnishee, you should consult 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. A summons of garnishment may be issued on the same affidavit until the judgment is paid or the garnishment proceeding is otherwise terminated. If no affidavit has been issued for two years or more, the garnishment proceeding based on that affidavit shall automatically stand dismissed, O.C.G.A. § 18-4-63 a & b.

YOUR 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 writing on the answer form provided and must be accompanied by the money or property subject to garnishment.
- Under circumstances in which the defendant has been an employee but is no longer employed by you or your company and in which you, as garnishee, have no money or property belonging to the defendant subject to garnishment, you, as garnishee, may immediately file an answer. Your answer in this case should be filed no later than 45 days after the date when you were served.
- If the garnishee is a bank or other financial institution and the defendant does not have an active account with, and is not the owner of any money or property in possession of, the bank or financial institution, then an answer may be filed immediately but not later than 45 days after the date of service.

EARNINGS SUBJECT TO GARNISHMENT

The most amount that can be garnished from the defendant's weekly pay is the *lesser* of:

- 25% (1/4th) of his or her earnings ("take home pay"); or
- The remainder of his or her earnings after subtracting 30 times the amount of the federal minimum wage.

Example: Defendant brings home \$250.00 every week after deducting social security and withholding taxes:

- $25\% \times \$250.00 = \62.50
- $30 \times \text{current federal minimum wage } (\$7.25 = \$217.50)$

Since \$62.50 is the lesser of the two figures, \$62.50 is deducted from the defendant's pay.

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 continuing 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 claimed to be due on the judgment obtained against the defendant.

PAYMENTS

Mail all payments to:

Clerk of Courts
Liberty County Justice Center
201 South Main Street, Suite 1200
Hinesville, Georgia 31313
Phone: (912) 876-3625