

**IN THE MAGISTRATE COURT OF EFFINGHAM 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 Effingham County. If the judgment was issued outside the Magistrate Court of Effingham County, a copy of the judgment **must** be attached to the Affidavit of Garnishment.
2. Once you have obtained a judgment against the defendant, you must decide which type of garnishment to file:
  - a. Affidavit of Continuing Garnishment for wages: may be filed where Employer/Employee relationship exists between the garnishee and the defendant.
  - b. Affidavit of Garnishment
  - c. Affidavit of Garnishment on a Financial Institution
  - d. Affidavit of Continuing Garnishment for Support

Please choose the correct affidavit and summons pursuant to O.C.G.A. § 18-4-7(d). If the Plaintiff chooses the incorrect form of summons of garnishment of any type, the garnishment shall be invalid and the garnishee shall be released of all liability.

3. The cost of filing a garnishment in this Court is \$95.00. This includes all filing fees and service of the garnishment on the Garnishee.
4. You will need the following forms to file with this Court:
  - a. An original copy of the Affidavit of Garnishment
  - b. An original copy of the Summons of Garnishment
  - c. Attachment for Summons of Garnishment
  - d. Designation of Agent for Business Entity
  - e. A certified true copy of judgment

The Court will retain all originals and serve the garnishee with the service copy. You will be provided 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, our office, or speak with a Deputy Clerk in our office 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. The amount cannot exceed \$15,000.00. The Affidavit of Garnishment **MUST** be notarized.
6. Pursuant to O.C.G.A. § 18-4-8(b), the Plaintiff **must** serve the Defendant with a copy of the Affidavit of Garnishment, the Summons of Garnishment, and the Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property and Defendant's Claim Form. The Defendant must be served within the time of filing the affidavit and three (3) business days after the service of garnishment on the Garnishee. If the Defendant is a resident of Effingham County and you want our Constable 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, along with the required documents with the Court. The **Court will not disburse 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 received funds from the Garnishee, the funds will be disbursed according to 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: Effingham County Magistrate Court, 700 N. Pine Street – Suite 250, Springfield, GA 31329. You may contact the Clerk's office at (912) 754-2124 for general information about a case.

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