

# CONTINUING GARNISHMENT

1. Plaintiff files the case and **must** have:
  - A. Affidavit of Continuing Garnishment (1 page)
  - B. Summons of Continuing Garnishment (2 pages)
  - C. Garnishee Answer to Continuing Garnishment (2 pages)
  - D. Notice to Defendant of Rights against Garnishment & Claim Form (3 pages)

Plaintiff **may** also include:

- E. Attachment for Summons of Continuing Garnishment (1 page)

2. Prepare copies of the following for the Plaintiff to serve on the Defendant:
  - A. Affidavit of Continuing Garnishment (1 page)
  - B. Summons of Continuing Garnishment (2 pages)
  - C. Notice to Defendant of Rights against Garnishment & Claim Form (3 pages)

Plaintiff can serve this package on the Defendant not more than three business days after service of the garnishment on the Garnishee as follows per O.C.G.A. § 18-4-8(b)(1):

- A. Send by **BOTH** regular mail and registered or certified mail or statutory overnight delivery, return receipt requested.
- B. Personal service.
- C. Send to the Defendant by regular mail at the address at which the defendant was served on the return of service in the action resulting in the judgment when it shall appear by Affidavit to the satisfaction of the clerk of the court that the defendant resides out of this state, has departed this state, cannot, after due diligence, be found within this state, or has concealed his or her place of residence from the Plaintiff. A certificate of such mailing shall be filed with the clerk of the court in which the garnishment is pending by the person mailing such notice.

Once you have completed service upon the Defendant, please complete and return the enclosed Certificate of Service Upon the Defendant and mail it to the Magistrate Court along with the necessary supporting documents **AND** the enclosed Motion to Condemn Funds.

**NO GARNISHMENT MONIES CAN BE PAID TO THE PLAINTIFF UNLESS WE HAVE BOTH OF THESE DOCUMENTS COMPLETED AND FILED IN THE CASE.**