

Instructions for Answering Garnishment

You have been served with a Summons of Garnishment. You are required by law to file an answer to the summons.

Failure to file an answer can result in a money judgment for the entire sum owed to the Plaintiff being entered against you by default.

A garnishment covers a 30 day period from the date of service upon you. Generally, an answer must be filed with the clerk of court no sooner than 30 days and no later than 45 days from the date of service. However, an immediate answer may be filed by: (1) where the defendant has been an employee and is not longer employed by the garnishee AND garnishee has no property or money of the defendant which is subject to the garnishment; (2) the garnishee is a bank or financial institution which does not have an active account with the defendant AND is not the owner of any money or property of the defendant which is subject to the garnishment. (O.C.G.A. 18-4-62.)

You must file an answer. You must file an answer even if the defendant has left your employment or has never been employed by you. If the defendant leaves your employment at any time during this garnishment period, you must file an answer showing the date of termination and remitting all money due as calculated above up to the date of termination. If the defendant was never an employee you should so indicate on your answer under the section, AGarnishee further states.@

Please follow these instructions in filing your answer:

1. Property: Describe the amount and type of property owned by the Defendant which you had possession. For instance, items such as cars, jewelry, furniture or other personal property, etc..		
2. Debts/Funds/Wages: Amount of money you owed the defendant, or had on deposit for the defendant. For instance, a bank holding \$1500.00 in a bank account. Or a contractor, owing a sub-contractor \$1500.00. Or, \$500.00 owed to an employee as wages. These are examples of what might be included in this section.		
3. Gross Earnings/Wages: The first space in section 3 is the gross amount of wages or earnings paid by the Garnishee to the defendant. The second space is for the rate of earning. The third space is for the frequency of earnings, such as per <u>A</u> week. <u>@</u> For the purposes of this worksheet, insert the gross amount of earnings on this form in the adjacent space to the right. You will also insert this same amount in the first space on Line 3 and then in the section entitled Gross Earnings.		
4. Subtract Social Security, State, Federal, and FICA and Medicare taxes on above earnings (Do not deduct any other withholdings such as insurance, 401K, savings, etc.)		
5. This equals, total Disposable Earnings Subject to Garnishment (Line 3 - Line 4)		
6. Multiply 25% X Total Disposable Earnings (From Line 5)		
7. 30 times Federal Minimum Wage (\$7.25) times number of weeks of earnings covered by this answer		
8. Disposable Earnings (Line 5) minus Minimum Wage Calculation (Line 7)		
9. Wages Subject to this Garnishment (The LESSER of Line 6 or Line 7)		
10. Minus Garnishment Handling Fee Retained by You (the greater of \$25.00 or 10%, not to exceed \$50.00) should you elect to take out this fee. (Describe and insert in section, <u>A</u> Garnishee further states: <u>@</u> See O.C.G.A. 18-4-97.		
11. Calculate the amount you need to pay to the Clerk of Court.		

The above worksheet is intended as a guide to assist you in filing your answer. Please note that neither the Clerk of Court nor any Magistrate may provide you with legal advice. The Georgia garnishment code is contained in O.C.G.A. ' 18-4-1 *et seq.* If you have any questions regarding the above calculations or your responsibilities in this case you should consult with an attorney.