

HOW TO FILE A REGULAR GARNISHMENT IN THE STATE COURT OF FULTON COUNTY

1. You must have a **judgment** against someone before you can file a garnishment.
2. You are acting as your own attorney, and **the Court clerks cannot give you legal advice concerning garnishments**. If you have questions or need help in filling out the forms, you must retain the services of an attorney.
3. The Bank or someone you can serve on their **behalf must be located in Fulton County**. You must provide us with the complete and correct street address. **Court costs cannot be refunded due to wrong information!** You may call the Secretary of State's office at (404) 656-2817 to find out if the garnishee is located in Fulton County.
4. You must furnish the Bank with as much information as possible on the defendant. This is done by filling out an attachment form. This attachment form needs to be attached to the summons. This form is not provided by the Court. You may obtain a copy for .25¢.
5. Cost for filing a garnishment is \$130.50. You may add additional defendants for \$8.00 each. If you wish to have the papers rushed, there is an additional charge of \$15.00. If the Defendant is a resident of Fulton County, and you would like us to serve them with a copy of the garnishment, please add an additional \$6.00 to the cost. You may add additional banks to your garnishment, if you wish, it will cost \$14.00 for each additional Bank added.
6. All costs paid by you for the garnishment will be recovered from the Defendant, if any funds are collected. Note: If you file using a Paupers Affidavit, the Court will take its costs out first.
7. The forms that you will need are: one (1) Attachment sheet (if the garnishee is a Bank); one (1) three part Regular Garnishment set (additional copies of the summons, for each Bank other than the first); one (1) green Marshal's service sheet for each garnishee.
8. The amount you were awarded in your judgment must be added to the cost of your judgment, and any interest you are entitled to, along with any other costs. This is the amount claimed; enter this amount in the first blank titled "Notice Section". Do not place dollar amounts outside the "Notice Section". They will not be picked up. Garnishment cost goes in the second blank.
9. If you do not have us serve the Defendant with their copy of the garnishment, you must send it to them by certified mail, with return receipt requested. **This should be done immediately**. The Court must have a copy of the **signed green card** before any monies can be released to you. If the certified mail is refused, please make a copy of the front of the envelope and send it to the Court with your complete case number including Judge's code on it. **Failure to provide** the Court with proof of service on the Defendant in a timely manner **can delay** your receiving monies by up to **one (1) month**.
10. You must attach a **self-addressed stamped envelope** to the Service sheet. This is so you can receive your copy which will give you the garnishment case number, and the date the Bank was served. Service information is not given over the phone. It can take up to **sixty (60)** days from the date of service for the party to respond to the Court. A Bank will freeze the person's account, and at the proper time send the court the amount you filed your garnishment for, or the amount in the account whichever is greater, minus the cost of their processing the garnishment.
11. The Court will not contact you if no payments are received. If, after **sixty (60)** days from the **date of service** you **have not** received a check from the Court, and no response has been filed, you will need to **contact an attorney** to be advised of your legal rights.
12. The Court cannot guarantee that you will collect any money when you file a garnishment. But if we do collect funds, they will be processed and mailed to you in a timely manner. If the Court does not have proof in its files that the Defendant has been served, we will hold your check until we receive the proof. As we process a large number of checks, **NONE OF YOUR CHECKS CAN BE PICKED UP**.
13. You may contact the Garnishment Office at (404) 730-5030 for general information about your case. Remember, it can take up to sixty (60) days before they may have any information for you.
14. All correspondence should be addressed to: State Court of Fulton County, GARNISHMENT DIVISION, TG900, 100 Justice Center Tower, 185 Central Avenue SW, Atlanta GA, 30303. Be sure your complete case number including Judge's code, is on all correspondence.
15. **Federal Law exempts from garnishment monies directly deposited by the following federal benefits programs: Social Security (42 U.S.C. 407); SSI (42 U.S.C. 1383); Railroad Retirement (45 U.S.C. 231m); Black Lung (30 U.S.C. 923(b); Veterans' Benefits (38 U.S.C. 5301). Consult legal counsel if you believe one of these federal exemptions applies.**
16. **THIS INFORMATION IS ONLY A GENERAL SUMMARY. THERE ARE EXCEPTIONS TO THESE RULES. BECAUSE THE LAW IS COMPLICATED, YOU MAY WISH TO CONSULT AN ATTORNEY TO DETERMINE YOUR EXACT LEGAL RIGHTS.**