

HOW TO FILE A CONTINUING 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 obtain the services of an attorney.
3. If the person does not make **minimum wage** you cannot garnish their wages.
4. The person's employer 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 employer is located in Fulton County. You may also file on anyone employed by the **Federal Government** thru Fulton County. In this case, you must serve the garnishee by certified mail, and furnish the Court with a copy of the signed green card.
5. Cost for filing a garnishment is **\$130.50**. 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.
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 three-part form, containing the affidavit, summons and defendants copy, one answer of garnishee, and one green Marshal's service sheet.**
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. 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 Judges 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 a 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 employer was served. Service information is not given over the phone. It can take up to **sixty days** from **date of service** for the employer to respond to the Court. If the person is working, the Court will receive **25%** of the person's take home pay for approximately seven months. If you **do not** receive your full amount in that time, you will have to file **another** garnishment for the balance.
11. The court **will not contact you** if no payments are received. If, **after sixty days** from the **date of service** you **have not** received a check from us, and the employer has not filed any response, 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. You must allow at least **one month** between each check. As we process a large number of checks, **none 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 days** before they may have any information for you.
14. All correspondence should be addressed to: **GARNISHMENT DIVISION, State Court of Fulton County, TG900 Justice Center Tower, 185 Central Avenue, SW., Atlanta, Georgia, 30303. Be sure your complete case number, including judges code, is on all correspondence.**
15. 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.

