

PROCEDURE FOR FILING A REGULAR OR CONTINUING GARNISHMENT
PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT ANY
FORMS
ALL FORMS MUST BE FILLED OUT IN BLACK INK

1. You **must** have a judgment against someone before you can file a garnishment **and** the bank/employer or someone you can serve on their behalf **must** be located in DeKalb County. Please see the information on service entitled "Serving a Defendant in a Garnishment Case."
2. Cost for filing a garnishment in State Court is \$222.00. **We do not accept personal or 3rd party checks.** The cost for filing a garnishment in Magistrate Court is \$54.00. If the Defendant is a resident of DeKalb County and you want us to serve him/her with his/her copy of the garnishment, please add an additional \$35.00 to the cost. You may add additional banks/employers to your regular garnishment if you wish. It will cost an additional \$35.00 for each additional Garnishee served. The service fee for State and Magistrate Court is the same. All costs paid by you for the filing of the garnishment may be recovered from the Defendant if any funds are received.
3. You will need the following forms: one (1) Affidavit for Garnishment, one (2) Summons of Garnishment, along with two (2) copies of the summons for each garnishee, and one Marshal's Entry of Service Sheet for each garnishee. If you are filing a Continuing Garnishment you will need seven (7) additional Answer Forms. **A Continuing Garnishment may be filed only where an Employer/Employee relationship exists between the garnishee and the defendant.**
4. The amount that you were awarded in your judgment, the cost of your judgment, and any interest and court costs to which you may be entitled must be added together. This is the amount you file your garnishment for. We will add the garnishment cost.
5. You must attach a self-addressed stamped envelope to the service sheet. This is in order for you to receive your copy back showing the date the bank/employer was served. It may take up to 60 days from the date of service before the Court hears from the party served. 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. An employer will withhold twenty five (25%) per cent of the net pay and send it to the Court at the proper time.
6. If you find out the person has more money in another bank you may file an additional Summons of Garnishment for \$35.00 (including service on Garnishee).
7. The Court will not contact you if no money is received, or no answer is filed. If after 60 days, you have not received a check from us, you may call to see if an answer has been filed. If no answer has been filed, you will need to contact an attorney to be advised of your next step.
8. If you are not an attorney and you have not hired an attorney, then you are acting as your own attorney, and the court clerks cannot give you any legal advice concerning garnishments.
9. The Court cannot guarantee that you will receive any money when you file a garnishment. But if the Court receives funds for you, the funds will be mailed in a timely manner. If the Court does not have proof in its files that the Defendant has been served, the funds will be held until proof of service is filed. Funds remain in the registry for fifteen (15) days prior to payment. A letter to condemn is required before funds are paid. A sample letter is available on the Clerk's Office's website at www.dekalbstatecourt.net Due to the large number of checks the Court processes, all checks are mailed.

10. You may contact the Garnishment Office at 404-371-2261 for general information about a case. It can take up to 60 days before any information regarding funds is available.
11. All correspondence should be addressed to: the State Court Clerk's Office, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, GA 30030.

Please visit our web site at www.dekalbcountymagistratecourt.com
or the case information website at www.ojs.dekalbga.org

