

## Instructions for Answering Continuing Garnishment

You have been served with a Summons of Continuing 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 continuing garnishment covers a 179 day period from the date of service upon you. It must be answered no sooner than 30 days and no later than 45 days following the date of service. Subsequent answers must be filed at least once every 45 days, with the last answer due on or before the 195<sup>th</sup> day following service.

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 the garnishment period you must file a final 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.

Please follow these instructions in filing your answer:

1. <b>First Answer only:</b> Amount of money you owed the defendant (or property of the defendant in your possession) from the date of service to the date of this answer. (No earlier than 30 days and no more than 45 days after service.)		
2. <b>Subsequent Answers:</b> From the date of the last answer up to the date of this answer the defendant has earned wages in this amount. (Due no earlier than 30 days and no more than 45 days after your prior answer.)		
3. Gross Earnings (Line 1 for first answer; Line 2 for subsequent answers.)		
4. Subtract State, Federal, and FICA and Medicare taxes on above earnings (Do <b>not</b> deduct any other withholdings such as insurance, 401K, savings, etc.)		
5. Total Disposable Earnings Subject to Garnishment (Line 3 - Line 4)		
6. 25% of Total Disposable Earnings (From Line 5) 18-4-20(d)(1)(A)		
7. 30 times Federal Minimum Wage (\$5.15) X number of weeks covered by this answer		
8. Amount disposable earnings exceed 30 times min. wage. Disposable Earnings (Line 5) minus Min. Wage Calculation (Line 7 ) 18-4-20(d)(1)(B)		
9. Wages Subject to this Garnishment (The <b>LESSER</b> of Line 6 or Line 8)		
10. Minus Garnishment Handling Fee Retained by You (the greater of \$25.00 or 10%, not to exceed \$50.00)		

11. Amount you need to pay to the Clerk of Magistrate Court		
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The above worksheet is intended as a guide to assist you in filing your answer. Please note that neither the Clerk of Court or 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.