

INSTRUCTIONS FOR SERVING DEFENDANT WITH A COPY OF SUMMONS OF GARNISHMENT/ CONTINUING GARNISHMENT

O.C.G.A. 18-4-64. (See code section. Partial listing of most commonly used provisions-- paraphrased.)

(a) ...The defendant shall be given notice of the filing of the first summons of garnishment on an affidavit for garnishment; AND of the issuance of an additional summons of garnishment (if applicable) on such affidavit when no notice has been given to the defendant within 90 days immediately preceding the issuance of such additional summons, using any one or more of the following methods:

(1) Sheriff's Dept. service: The plaintiff can have the defendant served by the sheriff's department in the county where the defendant resides. The Plaintiff must pay the cost of service, currently \$25.00 and prepare a sheriff's entry of service form. The Sheriff's Dept. will file the return with the clerk.

(2) Certified Mail: The plaintiff, after issuance of the summons of garnishment and not more than three business days after service of the summons of garnishment on the garnishee, shall cause a written notice to be sent to the defendant at the defendant's last known address by registered or certified mail or statutory overnight delivery, return receipt requested. Either the return receipt indicating receipt by the defendant or the envelope bearing the official notification from the United States Postal Service of the defendant's refusal to accept delivery of such registered or certified mail or statutory overnight delivery shall be filed with the clerk of the court in which the garnishment is pending. The defendant's refusal to accept such registered or certified mail or statutory overnight delivery addressed to defendant shall be deemed notice to defendant; **PUT THE GARNISHMENT CASE FILE # , WHICH IS ON THE SUMMONS AND SHERIFF'S ENTRY OF SERVICE SHEET, ON THE ORIGINAL CERTIFIED MAIL RECEIPT AND THE RETURN MAIL RECEIPT FOR PROPER REFERENCE TO YOUR CASE FILE.**

(3) Personal Service, Hand Delivery: The plaintiff, after the issuance of the summons of garnishment and not more than three business days after service of the summons of garnishment on the garnishee, shall cause a written notice to be delivered personally to the defendant by the plaintiff or by the plaintiff's attorney at law or other agent. A certification by the person making the delivery shall be filed.

(6) 1st Class Mail if Garnishment Commenced within 60 days of judgment: After issuance of the summons of garnishment and not more than three business days after service of the summons of garnishment on the garnishee, the plaintiff shall send by ordinary mail a written notice of the garnishment to the defendant at the address at which the defendant was served in the action resulting in the judgment on which the garnishment proceeding is based; provided, however, this paragraph may be used only when the garnishment proceeding is commenced within 60 days after the judgment upon which the garnishment is based was obtained. A certification by the person mailing the notice shall be filed.

(c) "Written notice," as referred to in paragraphs (2) through (7) of subsection (a) of this Code section, shall consist of a copy of the summons of garnishment or of a document which includes the names of the plaintiff and the defendant, the amount claimed in the affidavit of garnishment, a statement that a garnishment against the property and credits of the defendant has been or will be served on the garnishee, and the name of the court issuing the summons of garnishment. (All this is on the summons.)

(e) (The Clerk must hold all funds for a minimum of 15 days.) (However), no money or other property delivered to the court by the garnishee shall be distributed; nor shall any judgment be rendered against the garnishee until after the expiration of ten days from the date of compliance with at least one method of notification provided by subsection (a) of this Code section. (See Certificate of Service - MAG 35.01.)