

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

GARNISHMENT

Plaintiff Name, Address
vs.

**GARNISHEE'S MOTION TO MODIFY
DEFAULT JUDGMENT**

Defendant Name, Address

Garnishee Name, Address

Pursuant to O.C.G.A. § 18-4-91, Garnishee submits this Motion to Open and Modify Default Judgment within 60 days of receiving actual notice of the entry of the Default Judgment. Garnishee states:

[] A default judgment has been entered against the garnishee for failure to answer a garnishment summons in the above case; AND
[] The garnishee received actual notice of the entry of this judgment against the garnishee on the _____ day of _____, 20____; AND

[] The garnishee is filing this motion within sixty (60) days of the date that garnishee received actual notice of the entry of the default judgment; AND

[] The garnishee has paid all accrued costs of the court in the amount of \$_____ which have been paid into the registry of the Clerk of Court; AND

[] The garnishee has attached to this motion an answer to the garnishment proceeding setting forth all remaining sums, if any, that the garnishee should have paid into the registry of the court pursuant to this garnishment, IF an answer had been timely submitted, which equals the sum of \$_____, which equals all sums owed defendant, from the time of original service through and including the last day on which a timely answer could have been made out, less any exemption allowed the defendant by law, less any previous payments made to the registry of the court, if any. (ATTACH A COPY OF THE ANSWER SHOWING THE SUMS THAT WOULD HAVE BEEN PAID HAD THE ANSWER BEEN TIMELY FILED.)

Wherefore, Garnishee prays:

(a) That the court modifies the prior default judgment issued against the garnishee to the sum of \$_____ plus the sum of \$_____ as all accrued court costs plus the additional sum of \$_____, which equals all sums owed defendant, from the time of original service through and including the last day on which a timely answer could have been made out, less any exemption allowed the defendant by law, less any previous payments made to the registry of the court.

(b) and for such other relief as the court deems just and proper.

This ____ day of _____, 20____.

[] Garnishee [] Garnishee's Agent [] Attorney

(print name)

(day-time phone #)