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## GEORGIA GARNISHMENT EXEMPTIONS

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### RETIREMENT:

- (1) 42 U.S.C. § 407: Social security retirement benefits, social security disability insurance benefits, supplemental security income benefits, or social security survivor benefits;
- (2) 29 U.S.C. § 1002(2)(A) and O.C.G.A. § 18-4-22: Funds or benefits from a pension or retirement program as defined or funds or benefits from an individual retirement account as defined in Section 408 or 408A of the United States Internal Revenue Code of 1986;
- (3) O.C.G.A. § 47-2-332: State pension - state or local government employees under the Employees' Retirement System of Georgia;
- (4) O.C.G.A. § 47-3-28: State pension - Teachers Retirement System of Georgia;
- (5) O.C.G.A. § 47-4-120: State pension - public school employees;
- (6) O.C.G.A. § 47-5-71: State pension - municipal employees under the Georgia Municipal Employees Benefit System;
- (7) O.C.G.A. § 47-6-100: State pension - members of the Georgia Legislative Retirement System;
- (8) O.C.G.A. § 47-7-122: State pension - Georgia Firefighters' Pension Fund;
- (9) O.C.G.A. § 47-11-91: State pension - Judges of the Probate Courts Retirement Fund of Georgia;
- (10) O.C.G.A. § 47-12-101: State pension - District Attorneys Retirement Fund of Georgia;
- (11) O.C.G.A. § 47-14-91: pension - Superior Court Clerks' Retirement Fund of Georgia;
- (12) O.C.G.A. § 47-16-122: State pension - Sheriffs' Retirement Fund of Georgia as provided in Code Section 47-16-122;
- (13) O.C.G.A. § 47-17-103: State pension - Peace Officers' Annuity and Benefit Fund;
- (14) O.C.G.A. § 47-20-10.1: State pension - Other post-employment benefits;
- (15) O.C.G.A. § 47-23-121: State pension - Georgia Judicial Retirement System;
- (16) O.C.G.A. § 47-25-101: State pension - Magistrates Retirement Fund of Georgia.

### MILITARY:

- (1) 38 U.S.C. § 5301: Veterans benefits, including military pensions, retirement pay, and disability payments;
- (2) 10 U.S.C. § 1450: Veterans survivor annuities;
- (3) 38 U.S.C. § 7297: Veterans Appeals Court Survivor Annuities;
- (4) O.C.G.A. § 16-17-9: Wages earned by members of the United States military or their spouses in connection with payday lenders.

**WORKERS COMPENSATION:**

- (1) 5 U.S.C. § 8130; O.C.G.A §§34-9-84 and 34-9-382: Workers' compensation benefits;

**GOVERNMENT BENEFITS:**

- (1) O.C.G.A. § 34-8-252: Unemployment benefits;
- (2) 42 U.S.C. § 407: Social security retirement benefits, social security disability insurance benefits, supplemental security income benefits, or social security survivor benefits;
- (3) O.C.G.A. § 49-4-147: Medicaid payments;
- (4) O.C.G.A. §49-4-35: Old-age assistance;
- (5) O.C.G.A. § 49-4-58: Aid to the blind;
- (6) O.C.G.A. § 49-4-84: Aid to the disabled;
- (7) 44 C.F.R. § 206.110(g): Federal Emergency Management Agency disaster assistance to individuals and households;

**CERTAIN FINANCIAL ACCOUNTS:**

- (1) O.C.G.A. § 7-1-812: Joint account holders, depending on the circumstances of such account;
- (2) 5 U.S.C. § 8437(e)(2): Federal Employee Thrift Savings Plan;
- (3) O.C.G.A. § 9-8-12: Money held by a receiver appointed by the court;
- (4) O.C.G.A. § 32-2-76: Certain escrow accounts held by the Department of Transportation;
- (5) O.C.G.A. § 43-40-20: Real estate brokerage escrow accounts.

**FAMILY SUPPORT:**

- (1) Child support payments *See Stewart v. Stewart*, 160 Ga. App. 463 (1981); *Richards v. Richards*, 281 Ga. 285, 286 (2006).

**INSURANCE & ANNUITIES:**

- (1) O.C.G.A. § 33-29-15: Accident, sickness, or disability insurance benefits, up to \$250.00 a month during such disability;
- (2) O.C.G.A. § 33-25-11: Cash value and benefits payable to a life insurance policy beneficiary;
- (3) 26 U.S.C. § 7448: Federal Judges Survivor Annuities;
- (4) 5 U.S.C. § 8346: Federal Civil Service Survivor Annuities;
- (5) O.C.G.A. § 34-7-4: Wages due to a deceased employee of the state, up to \$2,500.00;
- (6) O.C.G.A. § 33-28-7: Annuity, reversionary annuity, or pure endowment contracts;
- (7) O.C.G.A. § 33-37-56: An insurer's liquidation proceeding.

**RAILROAD:**

- (1) 45 U.S.C. § 231m: Railroad retirement, annuities, and disability benefits;
- (2) 45 U.S.C. § 1717: Railroad unemployment and sickness benefits.

**MISCELLANEOUS:**

- (1) O.C.G.A. § 17-15-8: Crime victim compensation funds;
- (2) O.C.G.A. § 33-15-62: Benefits, charity, relief, or aid from fraternal benefit societies;
- (3) 20 U.S.C. § 1095a : Federal student loans, grants, and work assistance;
- (4) 33 U.S.C. § 916: Longshore and Harbor Workers' Compensation Act benefits;
- (5) 46 U.S.C. § 11109: Merchant seamen wages and benefits;
- (6) 42 U.S.C. § 1717: Compensation for injury or death of United States contractor outside of the United States as provided in;
- (7) O.C.G.A. § 46-3-261: Property of members of electric membership corporations for the debt of an electric membership corporation.

IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff

VS

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Garnishee

**ATTACHMENT FOR SUMMONS OF GARNISHMENT**

Other known names of the Defendant:

\_\_\_\_\_

Current and past addresses of the Defendant:

\_\_\_\_\_

Social security number or federal tax identification number of the Defendant:

\_\_\_\_\_

**THIS PLEADING SHALL NOT BE FILED WITH THE COURT**

IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
\_\_\_\_\_  
Address

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Phone Number      Bar #

Vs

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Garnishee

\_\_\_\_\_  
\_\_\_\_\_  
Address

Civil Action No. \_\_\_\_\_

Garnishment Court Information:

201 PERRY PARKWAY  
PERRY, GA 31069  
478-218-4970

**AFFIDAVIT OF GARNISHMENT**

- Check if the Garnishee is a financial institution.
- Check if garnishment is for the collection of child support or alimony. See OCGA. § 18-4-50. et seq.

Personally appeared (Print Name) \_\_\_\_\_ who on oath says:

1. I am the  Plaintiff  Attorney for Plaintiff  Agent for Plaintiff.
2. The Plaintiff obtained a judgment against the Defendant in Case Number \_\_\_\_\_, in the STATE, Court of HOUSTON, County, Georgia State, and no agreement requires forbearance from garnishment which is applied for currently.
3. \$0.00 is the balance due, which consists of the sum of \$0.00 Principal, \$0.00 Post Judgment interest, and \$0.00 Other (e.g., prejudgment interest, attorney's fees, costs[exclusive of the cost of this action]).
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

This

\_\_\_\_\_  
Affiant

Sworn to and Subscribed Before Me,

This

\_\_\_\_\_  
Notary Public or Deputy Clerk

IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff

VS

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Garnishee

**CERTIFICATE OF SERVICE OF NOTICE TO DEFENDANT OF RIGHT  
AGAINST GARNISHMENT OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY**

This is to certify that I have this day served the Defendant in the foregoing matter with a copy of the garnishment summons and affidavit, together with Notice to Defendant of Right Against Garnishment of Money, Including Wages and Other Property, and a copy of the Defendant's Claim Form as required in Georgia Code Annotated, Section 18-4-8(a), by:

depositing in the United States Mail pursuant to OCGA 18-4-8(b)(1)(A) or (C)

or

personal service pursuant to OCGA 18-4-8(b)(1)(B).

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Agent for) Plaintiff

Sworn to and Subscribed Before Me,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public or Deputy Clerk

IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Phone Number      Bar #

Vs

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Garnishee

\_\_\_\_\_  
Address

**Garnishment Court Information:**

**201 PERRY PARKWAY  
PERRY, GA 31069  
478-218-4970**

**NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT  
OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY**

You received this notice because money, including wages, and other property belonging to you have been garnished to pay a court judgment against you. **HOWEVER, YOU MAY BE ABLE TO KEEP YOUR MONEY, INCLUDING WAGES, OR OTHER PROPERTY. READ THIS NOTICE CAREFULLY.**

State and federal law protects some money, including wages, from garnishment even if it is in a bank. Some common exemptions are benefits from social security, supplemental security income, unemployment, workers' compensation, the Veterans' Administration, state pension, retirement funds, and disability income. This list of exemptions does not include all possible exemptions. A more detailed list of exemptions is available at the Clerk of Court's office located at the above address, and on the website for the Attorney General ([www.law.ga.gov](http://www.law.ga.gov)).

Garnishment of your earnings from your employment is limited to the lesser of 25 percent of your disposable earnings for a week or the amount by which your disposable earnings for a week exceed \$217.00. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support or alimony or if a Chapter 13 bankruptcy allows a higher amount.

**TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY  
FROM BEING GARNISHED, YOU MUST:**

1. Complete the Defendant's Claim Form as set forth below; and
  2. File this completed claim form with the Clerk of Court's office located at the above address.
- FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE.** You may lose your right to claim an exemption if you do not file your claim form within 20 days after the Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim form to the Plaintiff and the Garnishee at the addresses listed on this notice. The Court will schedule a hearing within ten days from when it receives your claim form. The Court will mail you the time and date of the hearing at the address that you provide on your claim form. You may go to the hearing with or without an attorney. You will need to give the Court documents or other proof that your money is exempt. The Clerk of Court cannot give you legal advice. **IF YOU NEED LEGAL ASSISTANCE, YOU SHOULD SEE AN ATTORNEY.** If you cannot afford a private attorney, legal services may be available.





IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff

Vs

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Garnishee

**GARNISHEE ANSWER TO GARNISHMENT**

1. At the time of service or from the time of service to the time if this Garnishee Answer, the Garnishee had in its possession the following described property of the Defendant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. At the time of service or from the time of service to this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of \$ \_\_\_\_\_.

3. \$ \_\_\_\_\_ is the amount herewith paid into court.

4. The Garnishee further states: \_\_\_\_\_.

Signed \_\_\_\_\_  
Garnishee,  
Garnishee's Attorney, or  
Officer or Employee of Garnishee

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_  
Garnishee,  
Garnishee's Attorney, or  
Officer or Employee of Garnishee

IN THE STATE COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
PLANTIFF

Vs

CIVIL ACTION FILE NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
GARNISHEE

REQUEST FOR PAYMENT OF FUNDS

Now comes the Plaintiff in the above and foregoing case and states that no claim has been filed and no traverse has been filed within 20 days of the funds being delivered by the above Garnishee and request that the funds in the amount of (\$\_\_\_\_\_) paid into the court on \_\_\_\_\_ and now held by the Court, be paid to \_\_\_\_\_ in accordance with O.C.G.A. §18-4-20(1).

x \_\_\_\_\_  
Title Plaintiff/Plaintiff's Attorney  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_