

**IN THE SUPERIOR AND STATE COURTS OF FORSYTH COUNTY
STATE OF GEORGIA**

INTERNAL OPERATING PROCEDURE 01-8

IN RE: AFFIDAVITS OF CONTINUING GARNISHMENT

O.C.G.A. § 18-4-61(5) provides that affidavits for issuance of summons of garnishment may be made before the Clerk or Deputy Clerk of the Court in which the garnishment is filed, and may be approved by the Clerk or Deputy Clerk if the Judges of the Court promulgate rules supervising the initiation of the garnishment proceedings and the affidavit is made and approved pursuant to such rules.

Additionally, Uniform Superior Court Rule 15.1 authorizes the Clerk to “supervise initiation of the garnishment proceedings and the affidavit, provided that the Clerk determines:

- a) That the affidavit is on personal knowledge and contains all elements required by Georgia law;
- b) That the garnishment proceedings are carried out through the use of proper forms in the filing of garnishments and in accord with Georgia law;
- c) That any questionable matter concerning these procedures be presented to the presiding judge for determination and in all cases a judge’s facsimile signature may be affixed to an affidavit of garnishment as determined by the presiding judge.”

The undersigned authorize the Clerk or Deputy Clerk to approve and sign such affidavits in the place of the Court if the requirement of O.C.G.A. § 18-4-61 and Uniform Superior Court Rule 15.1 are met. The affidavits are to be signed in the name of the Clerk or Deputy Clerk approving the affidavit.

SO ORDERED, this 30th day of August, 2001

Richard S. Gault, Chief Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit

Jeffrey S. Bagley, Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit

David L. Dickinson, Judge
Forsyth County State Court
Bell-Forsyth Judicial Circuit