

Plaintiff's responsibility regarding garnishments:

18-4-8.

(a) **The plaintiff shall serve the garnishee**, as provided in Code Section 9-11-4, or, when the garnishment is filed in a magistrate court, the plaintiff may serve the garnishee by using the constable of the magistrate court in the manner set forth in Code Section 9-11-4, with a copy of the affidavit of garnishment, summons of garnishment, Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property, and Defendant's Claim Form. The plaintiff shall fill in the style of the case, except for the civil action file number, and the garnishment court information on such notice and claim form. Such notice and claim form are set forth in Code Section 18-4-82.

(b)(1) Not more than three business days after service of the summons of garnishment on the garnishee, **the plaintiff shall cause a copy of the affidavit of garnishment, a copy of the summons of garnishment, a copy of the Notice to Defendant of Right Against Garnishment of Money, Including Wages, and Other Property, and a copy of the Defendant's Claim Form as described in subsection (a) of this Code section, using one of the following methods:**

(A)(i) To be sent to the defendant at the defendant's last known address by:

(I) Regular mail; and

(II) Registered or certified mail or statutory overnight delivery, return receipt requested.

(ii) The return receipt indicating receipt by the defendant, 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, the envelope bearing the official notification from a commercial firm of the defendant's refusal to accept such statutory overnight delivery, or an official written notice from the United States Postal Service of the defendant's refusal to accept delivery of such registered or certified mail shall be filed with the clerk of the court in which the garnishment is pending.

(iii) The defendant's refusal to accept or failure to claim such registered or certified mail or statutory overnight delivery addressed to such defendant shall be deemed notice to such defendant;

(B)(i) To be delivered personally to the defendant by:

(I) An individual who is not a party and is not younger than 18 years of age;

(II) An individual who has been appointed by the court to serve process or is a permanent process server;

(III) The sheriff of the county where the action is brought or where the defendant is found or by such sheriff's deputy;

(IV) The marshal or sheriff of the court or by such official's deputy;

(V) The constable of the magistrate court, when the garnishment is filed in a magistrate court, or by the constable's deputy; or

(VI) A certified process server as provided in Code Section 9-11-4.1.

(ii) A certification by the person making the delivery shall be filed with the clerk of the court in which the garnishment is pending; or

(C) To be sent to the defendant by regular mail at the address at which the defendant was served as shown on the return of service in the action resulting in the judgment when it shall appear by affidavit to the satisfaction of the clerk of the court that the defendant resides out of this state, has departed this state, cannot, after due diligence, be found within this state, or has concealed his or her place of residence from the plaintiff. **A certificate of such mailing shall be filed with the clerk of the court in which the garnishment is pending by the person mailing such notice.**

(2) The methods of notification specified in this subsection shall be cumulative and may be used in any sequence or combination. When it appears that a plaintiff has reasonably, diligently, and in good faith attempted to use one method, another method thereafter may be utilized; for the time during which the attempt was being made, the time limit shall be tolled for the subsequent method.

(3) No money or other property paid or delivered to the court by the garnishee shall be distributed nor shall any judgment be rendered against the garnishee until:

(A) Ten days have elapsed from the date of compliance with at least one method of notification provided by this subsection; and

(B) If a garnishee answer was filed:

(i) Twenty days have elapsed from the filing of the garnishee's answer without a claim having been filed by any defendant or third party and without a traverse having been filed by the plaintiff; or

(ii) All traverses filed prior to the twenty-first day from the filing of the garnishee's answer have been adjudicated and all claims have been adjudicated.