

OCT 07 2015

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MICHELE B. GAHNER, CLERK
MAGISTRATE COURT, HENRY COUNTY, GA

**IN THE MAGISTRATE COURT OF HENRY COUNTY
STATE OF GEORGIA**

In Re:)
)
FEDERAL DISTRICT COURT RULING ON)
CONSTITUTIONALITY OF)
GEORGIA GARNISHMENT STATUTE)
)
)
_____)

SECOND AMENDED STANDING ORDER

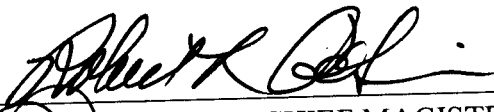
IT APPEARING that the United States District Court for the Northern District of Georgia entered an Order in Strickland v. Alexander, 12-CV-02735-MHS on October 5 amending its previous Order holding Georgia's garnishment statutes are unconstitutional to specifically limit its ruling to regular garnishments, and not to continuing garnishments; and

NOW THEREFORE IT IS ORDERED AND ADJUDGED that the Court's previous Standing Orders are AMENDED and, until further Order of the Court, the Clerk of this Court is to continue to accept regular garnishment and continuing garnishment actions for filing, but the Clerk shall withhold the issuance of all summonses of garnishment for regular garnishments; and IT IS FURTHER ORDERED that the previous STAY of the issuance of summons of continuing garnishments and the release of the garnishee from any duty to withhold, collect, remit funds or file answers to any and all summons of continuing garnishment previously issued by this Court, is hereby LIFTED; and each garnishee in a continuing garnishment case pending in this Court is directed to recommence answering the summonses of continuing garnishments previously issued and served; and the Clerk of Court is directed to re-commence the processing of continuing garnishments, including the issuance of summonses of continuing garnishment and the condemnation of funds paid into the registry of the Court pursuant to answers of continuing garnishment; and IT IS NOTED that the District Court did not rule upon the constitutionality of the Georgia garnishment statutes as applied to continuing garnishments, and therefore any party alleged to be aggrieved by the unconstitutionality of the Georgia garnishment statutes as applied

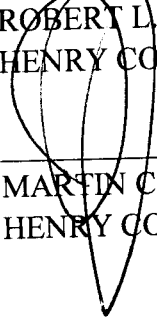
to continuing garnishments retains the right to contest the same by intervening in the continuing garnishment action or traversing an answer of continuing garnishment and raising their constitutional claims and arguments; and

EXCEPT AS AMENDED, the Court's previous Standing Orders shall remain in FULL FORCE AND EFFECT.

SO ORDERED this 7TH day of October, 2015.



ROBERT L. GODWIN, CHIEF MAGISTRATE
HENRY COUNTY MAGISTRATE COURT



MARTIN C. JONES, MAGISTRATE
HENRY COUNTY MAGISTRATE COURT