

IN THE MAGISTRATE COURT OF HENRY COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
MAGISTRATE COURT  
HENRY COUNTY, GA

SEP 29 2015

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

In Re:

FEDERAL DISTRICT COURT RULING ON  
CONSTITUTIONALITY OF  
GEORGIA GARNISHMENT STATUTE


AMENDED STANDING ORDER

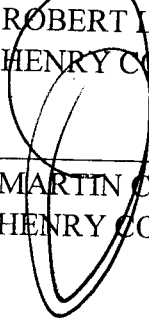
Each garnishor, garnishee and defendant-in-judgment in each regular garnishment and each continuing garnishment pending in the Court having been notified to appear and show cause why the maintenance of the pending regular and continuing garnishment action under the Georgia garnishment statutes doesn't violate the defendant-in-judgment's rights to Due Process of Laws; and why each such pending regular and continuing garnishment action should not be dismissed, the garnishee released, all funds in the registry of the Court be paid to the defendant-in-judgment, and all undeposited checks and remittances be returned to the garnishee; and after a hearing in which each garnishor, garnishee and defendant in judgment had an opportunity to be heard, and after considering the arguments and submissions of the parties; and

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 September 8, 2015 holding Georgia's garnishment statutes are unconstitutional as violative of the defendant-in-judgment's rights to Due Process of Laws guaranteed under the 14<sup>th</sup> Amendment to the United States Constitution. One of the defendants in Strickland is the Clerk of the State Court of Gwinnett County, Georgia who has been enjoined by the District Court from issuing "any summons" of garnishment. That defendant has moved the District Court to amend its Order to clarify whether "any summons" encompasses the issuance of summons of continuing garnishment, and to date the District Court has not ruled on the motion to amend; and

NOW THEREFORE IT IS ORDERED AND ADJUDGED that, 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 summons of garnishment, regular and continuing; and IT IS FURTHER ORDERED that, except as may be controlled by a consent judgment entered into between the parties in this Court, each pending regular garnishment action is hereby DISMISSED, and the garnishee released and discharged from any duty to withhold, collect, remit funds or file answers to any and all summons of regular garnishment previously issued by this Court; and IT IS FURTHER ORDERED that, except as may be controlled by a consent judgment entered into between the parties in this Court, each pending continuing garnishment action in this Court is STAYED until further Order of the Court, with the garnishee released from any duty to withhold, collect, remit funds or file answers to any and all summons of continuing garnishment previously issued by this Court, pending the ruling of the District Court on the motion to amend judgment; and during the interim period the Clerk is directed to deposit all funds previously remitted with answers to continuing garnishments; and IT IS FURTHER ORDERED that the Clerk, following a stay period to end October 5, 2015, commence remitting all funds on deposit in the registry of the Court from regular garnishments to be paid to the defendant-in-judgment, in the regular course of the Clerk's business (typically up to ten days) and to return all undeposited checks and remittances to the garnishee. During the stay period, each aggrieved garnishor, garnishee, defendant-in-judgment and interested party may take an appeal from this Order, or otherwise take action to protect their rights and interests.

SO ORDERED this 29<sup>th</sup> day of September, 2015.

  
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ROBERT L. GODWIN, CHIEF MAGISTRATE  
HENRY COUNTY MAGISTRATE COURT

  
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MARTIN C. JONES, MAGISTRATE  
HENRY COUNTY MAGISTRATE COURT