

## Garnishments

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A garnishment is a proceeding against a third party ("the garnishee"). The garnishee has money or other property belonging to the judgment debtor-defendant. Garnishment is the term of the legal process by which the garnishee pays into court the money, or property, that the garnishee owes to the judgment debtor.

### Glossary of important Garnishment terms

**Collateral** - Property that guarantees payment of a secured debt.

**Default** - A failure to perform a legal duty.

**Garnishee** - A person or business entity, such as a corporation or bank which holds or owe monies or property to the judgment debtor.

**Garnishment** - A court-ordered process that takes property from a person to satisfy a debt.

**Judgment Debtor** - A person or entity (such as a bank) that owes money.

**Plaintiff** - In a garnishment action, the plaintiff is the judgment creditor who is seeking to collect a judgment wherein the judgment debtor owes money to the judgment creditor.

## Jurisdiction

The Magistrate Court has jurisdiction to handle garnishments where the value judgment is \$9999999999 or less.

## Venue

Is appropriate in the county where the garnishee (employer or bank) is located.

## Filing Fee

The filing fee is \_\_\_\_\_ for one defendant and \_\_\_\_\_ for each additional defendant per case. The Marshal charges \_\_\_\_\_ to serve one defendant and \_\_\_\_\_ for each additional service. Business checks should be made payable to \_\_\_\_\_.

## Procedures for Filing a Garnishment

The Clerk of Magistrate Court provides forms required for filing and serving of [Continuing Garnishment](#) or [Regular Garnishment](#). An applicant may appear in person in the office of the office of \_\_\_\_\_

The clerk will process your paperwork. All forms mailed must be completely filled out and properly signed and notarized.

***In order to file a garnishment in the First City Court of New Orleans, you must have a certified copy of the judgment upon which you are filing.***

## Answer

A business which has been served with a garnishment affidavit has thirty (30) days to file an answer. If an answer is not filed within thirty (30) days, the garnishee (employer or bank) will be in default. All answers must be received in our office by 5:00 p.m. on the 30th day after service. For instructions on how to answer a garnishment, please refer to the Instructions in the appropriate Garnishment Packet.

## Default

If an answer is not filed within 30 days, the garnishee is in default and the plaintiff may file a [default](#) against the garnishee (employer or bank).

## FREQUENTLY ASKED QUESTIONS

- How do I file a garnishment?
- What forms do I need?
- How long does a garnishment last?
- How long does the garnishee have to file an answer with the court?
- What happens if the garnishee fails to file an answer?
- **What amount can I file a garnishment for?**

The principal amount on the judgment may not exceed **\$999999999999** when filing a garnishment with the \_\_\_\_\_ Court.

- Are there different types of garnishment?
- What properties are subject to a garnishment?
- What is a traverse?