

## **JUDGMENT AND GARNISHMENT ASSISTANCE AND DEFENSE**

When a creditor obtains a judgment against a consumer, garnishment is their first line of attack for trying to collect on the judgment. Generally, there are two types of garnishment methods allowed by law and employed by creditors (1) garnishment on bank accounts and (2) continuing [wage] garnishment. These actions are filed against either the bank or your employer and if they have money, they tender it into the registry of the court. Once it is paid to the creditor, it should be credited against your account.

Having either your funds in the bank or your wages garnished can be devastating. Without counsel, the course of action may seem daunting and the choices are typically limited to either going bankrupt or just letting the garnishment process run its course and paying the amount of the judgment in full. Neither option is ideal and more often than not consumers fare poorly. You can fight back when garnished and it starts by consulting with an experienced consumer attorney. Our firm has the necessary expertise and offers consultations at no cost to you.

Often we are contacted by a client with a judgment against them who is trying to obtain a loan or a job that requires demonstrated financial responsibility and has been advised by the lender or employer that their judgment must be satisfied before they can borrow money or get the job or promotion. While this is typically less urgent than a garnishment situation where they are draining your resources, it still can pose dramatic problems and often time is of the essence.

If a judgment has been entered against you or your spouse, and you need to satisfy it in order to obtain a loan or job, contact us before you pay the full amount of the judgment. Often our firm can find significant defenses to the original case even years after the fact that will enable us to obtain you leverage to negotiate and ultimately settle the judgment for a fraction of the face amount it was originally awarded for. In a fair percentage of cases, we are able to find absolute defenses that if successful, often eliminate the debt in full.

One of the common defenses we often run into are when we are contacted by consumers that were never properly personally served with the lawsuit in the first original case. While service on a spouse or a teenage child may likely be good service on you under Georgia law, if the suit was served on a friend visiting the house, a next-door neighbor, a housesitter, a young minor that failed to give the

suit to the parent and was not of suitable age or discretion, or an elderly person with mild to moderate dementia, etc. it is likely bad. When improper or bad service happens, it can provide you with a compelling basis for setting aside the original judgement aside. We file such motions, and if successful, they can often render the debt for practical reasons as uncollectible due to the passage of time.

Additionally, sometimes we look for offensive consumer claims when a creditor or judgment holder tries to work around the law in a way that is beneficial to them but detrimental to the consumer. For instance, if the creditor obtains a judgment in one state and looks to register it in another state with a longer statute of limitations (allow for a longer time period to collect) when it is about to go stale in the state of rendition. That is problematic and may form a basis for suing the creditor for having attempted work around the law. Often these offensive cases can provide relief not only to our client but also to a class of similarly situated individuals.

If we consult with you on reviewing a judgment or responding to a garnishment, we typically are able to quote you a flat fee rather than provide you with some amorphous hourly fee so that you can lock in, limit and control your out of pocket expense. Frequently our fees are only a modest percentage of the original judgment.

If you have either a judgment you would like to speak to one of our attorneys about or if your wages or bank have been garnished and you would like to know what your legal options are.

**CALL US FOR A FREE CASE EVALUATION**

**(404) 373-1970**