

MAGISTRATE COURT OF GWINNETT COUNTY,  
STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff(s),

vs.

Civil Action File No. \_\_\_\_\_

\_\_\_\_\_  
Defendant(s),

\_\_\_\_\_  
Garnishee.

**ORDER REGARDING STAY IN BANKRUPTCY**

It appearing to the Court that the Defendant(s) \_\_\_\_\_ has/have filed a voluntary petition in bankruptcy in the United States Bankruptcy Court for the \_\_\_\_\_ District of \_\_\_\_\_, \_\_\_\_\_ Division, Case No. \_\_\_\_\_ and that said filing operates as an automatic stay of further proceedings against the bankrupt Defendant(s) in the above styled action. IT IS THEREFORE ORDERED, AS FOLLOWS:

There is only one Defendant in this action. All proceedings against the Defendant are stayed until further order of the Court. The Clerk of this Court is hereby directed to remove this case from the pending files and close this case by administrative order upon the docket of this Court. The Clerk of this Court shall hold any funds held in the registry of the Court until an order is received from the United States Bankruptcy Court regarding the disposition of such funds.

There is more than one Defendant in this action. The relief sought by the Plaintiff may not be granted as to any Defendant without affecting the rights of the Defendant in bankruptcy. All proceedings against all of the Defendants herein are stayed until further order of the Court. The Clerk of this Court is hereby directed to remove this case from the pending files and close this case by administrative order upon the docket of this Court. The Clerk of this Court shall hold any funds held in the registry of the Court until an order is received from the United States Bankruptcy Court regarding the disposition of such funds.

There is more than one Defendant in this action. The relief sought by the Plaintiff may be granted against the other Defendants without affecting the rights of the Defendant in bankruptcy. The portion of the case against other co-defendant(s) shall not be stayed. However, all proceedings against the Defendant \_\_\_\_\_, debtor, are stayed until further order of the Court. The Clerk of this Court shall hold any funds paid by or on behalf of the debtor in bankruptcy held in the registry of the Court until an order is received from the United States Bankruptcy Court regarding the disposition of such funds.

The relief sought by the Plaintiff against the Defendant(s) is for the recovery of a post-petition debt. This action is not stayed.

A judgment has already been entered by the Court. To the limited extent that there are post trial issues in this court those matters are hereby stayed and the Clerk of this Court is hereby directed not to issue a writ of fieri facias, if a writ has not yet been entered. The parties shall not proceed with any post judgment discovery arising out of this action until further order of this Court.

Parties desiring to reopen this case or to challenge the authenticity, scope or continued duration of the underlying bankruptcy stay shall file a written motion or request pursuant to Uniform Magistrate Court Rule 42, at which time said motion shall be set for a hearing.

So ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Magistrate

Copies to parties or attorneys for:  Plaintiff;  Defendant;  Garnishee.