

THE MAGISTRATE COURT OF HOUSTON COUNTY

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JUDGMENT COLLECTION IN THE MAGISTRATE COURT

Welcome to the Magistrate Court of Houston County. The information contained herein is intended to provide you with a general knowledge of the collection processes offered in the Magistrate Court. It is not a complete disclosure of all legal action available to you. Every case is different, with some legal procedures being more effective than others. Therefore, you should carefully research your options and understand the consequences of any action you take to collect your judgment. **The clerks are available to assist you. However, they cannot advise you how to handle your case, nor are they authorized to offer legal advice. If you are unsure how to proceed with collection of your judgment, please seek counsel from an attorney.**

The jurisdictional limit of the Magistrate Court is \$15,000.00. This includes the principal, interest, attorney's fees, late charges, and other amounts contained in your judgment. The following legal procedures are collection options available in the Magistrate Court.

Fi.Fa. : A Plaintiff may request a fi.fa. for judgments issued in the Magistrate Court of Houston County. The cost of a fi.fa. is \$4.00. A fi.fa. can be recorded in the Clerk's Office of any Superior Court in Georgia. A recorded fi.fa. is a lien on all real property owned by the defendant in the county where the fi.fa. is on record. The Superior Courts charge \$5.00 each time a fi.fa. is recorded.

Interrogatories: These are a set of questions sent to the defendant requesting information concerning his employment and assets. The interrogatory forms provided by the Magistrate Court are specified by statute. *Official Code of Georgia Annotated 15-10-50*. The defendant must swear to the truthfulness of the interrogatory answers and provide them to the Plaintiff within 30 days of service of the interrogatories. If interrogatories are not answered, a hearing may be held to determine if the defendant is in contempt of Court. If the judgment for which the interrogatories are being propounded was issued by the Magistrate Court, the cost for serving the defendant by certified mail is \$10.00. If the plaintiff wishes the interrogatories to be served by the Sheriff's Department, the cost of service is \$50.00.

If the interrogatories are issued pursuant to a judgment entered in any other court, the interrogatories shall be filed as a new civil action. The cost for propounding

the interrogatories shall be the same as the filing fee for a civil suit.

Garnishment: This is a court action ordering a third party, such as an employer or a bank, to pay into the Magistrate Court, any non-exempt wages, money, or property of the defendant, it is holding. If the judgment being collected is from another court, it is helpful for the Plaintiff to bring a copy of the judgment to the Magistrate Court when the garnishment is filed. The Plaintiff must pay all garnishment fees at the time the garnishment is filed. The Garnishment Department of the Magistrate Court has an information sheet available with more details about the process.

Levy and Sale: To request a levy the Plaintiff must first obtain a fi.fa. A levy occurs when the Sheriff seizes property belonging to the defendant to be sold on the courthouse steps. Before a levy can occur, the Plaintiff must advise the levying officer of the property which is the subject of the levy and its location. After the seizure, the property is stored, a legal advertisement giving notice of the sale is published, and then the property is sold. The Sheriff's fee for a levy is \$50.00. The Plaintiff is also responsible for all costs of the levy, including Sheriff's fees, storage costs, and publication costs. When the property is sold, the proceeds are applied to the costs of the levy and the balance due on the judgment. An information sheet is available with more details about the levy process in the Civil Department of the Magistrate Court.

Payment in Full: Upon payment in full of a judgment, the fi.fa. must be released and cancelled of record. If the fi.fa. has been recorded in Superior Court, the cancellation must be placed on record in each county where the fi.fa. appears.

We hope this information is helpful. However if you are unsure how to proceed, please seek the advice of an attorney.