

DOUGLAS COUNTY MAGISTRATE COURT

HOW DO I GET MY JUDGMENT PAID?

A judgment is a finding by the court that one party has a legal obligation to pay the other party a specified amount of money. It may not be redeemed with the clerk of court for money nor is it a court order to pay that money by a date certain. However, the judgment does give you certain rights to try to collect that money from the other side using the assistance of the courts.

Many people have the mistaken belief that "the court" will collect any judgment that may be entered in their behalf. That belief is inaccurate. A court could not legally fulfill its constitutional duty of impartiality in all proceedings if it was to act as an agent on behalf of any party, including post judgment collection proceedings. Post judgment collection is the responsibility of the judgment creditor.

BASIC OUTLINE OF POST-JUDGMENT COLLECTION PROCEDURES (FEES ARE COUNTY-SPECIFIC)

A writ of Fi Fa is a document that is issued by our clerk's office for the purpose of recording a lien on the judgment debtor's property. It is also the legal instrument by which the sheriff of a county may seize the assets of a judgment debtor. A writ of Fi Fa may be issued on a default judgment case immediately. If the case was contested, then a writ of Fi Fa may not be issued until 10 days after the date of judgment. The cost for a writ of Fi Fa is \$4.00 to the Magistrate Court and \$2.50 to the Superior Court for the cost of recording in the General Execution Docket.

A writ of Fi Fa may also be used to perfect a lien upon any motor vehicles that the judgment debtor owns. There is a special process to go through in perfecting that judgment lien. Appropriate forms are available to you through the Georgia Department of Revenue, Division of Motor Vehicles.

A writ of Fi Fa is recorded for you upon the General Execution Docket, which is maintained by the Clerk of Superior Court. If you know of any other real property or seizable assets the judgment debtor owns in other counties, you should apply to the clerks of such counties to have the writ of Fi Fa recorded upon the General Execution Dockets of those counties, as well.

When the judgment is paid in full, you as the judgment creditor have the duty to see that the writ of Fi Fa is canceled on the appropriate General Execution Docket(s). There is an additional fee for this service and that matter is handled through the Clerk of Superior Court in the respective counties where the writ of Fi Fa is filed.

GARNISHMENTS:

A garnishment is a separate legal action that is filed against the garnishee. The garnishee is a person or business entity that either owes funds to the judgment debtor, or is holding funds on behalf of the judgment debtor. A garnishment could be used against a bank, credit union, employer, general contractor, etc. A garnishment is filed in the county where the garnishee is located. Cost for filing is \$103.00.

CONTINUING GARNISHMENT:

A continuing garnishment is used when the judgment debtor is a wage-earner. It last for a period of 180 days and the appropriate sums will be deducted from the judgment debtor's wages on a 30-day recurring basis until the entire judgment amount is collected, or until the expiration of 180 days from the date of service, whichever event shall first occur. A continuing garnishment is filed in the county where the garnishee is located. Cost for filing is \$103.00.

POST-JUDGMENT INTERROGATORIES:

The purpose of Post-Judgment Interrogatories is to ascertain what assets, if any, the judgment debtor has to satisfy this judgment debt. The process is as follows:

1) Plaintiff files the Post Judgment Interrogatories. They are available on the internet, www.CelebrateDouglasCounty.com, and in the Clerk's Office of the Magistrate Court. The cost varies according to when the interrogatories are filed. If filed under the original case number the cost is \$10.00, plus cost of service \$7.00. The Clerk's office will serve the judgment debtor by certified mail with return receipt requested, or the paperwork may be served by the Sheriff's Office. If filed as a new case the cost of filing is \$103.00. The judgment debtor will be served with the Interrogatories by the Sheriff's Office.

2) If the Interrogatories are not answered within 30 days from the date of service, the judgment creditor may file a Motion for Contempt. A Rule Nisi and Order to Answer Interrogatories will be served personally by the Sheriff's Office upon the judgment debtor.

3) If the judgment debtor / corporate officer fails to appear at the hearing, or in the event he/she does appear and does not have a bona fide reason for failing to answer the Interrogatories, then the Court may enter an Order for Incarceration for Contempt of Court. The judgment debtor is then arrested by the Sheriff and held in the Douglas County Jail until the Interrogatories are answered and filed with the Magistrate Court.

Please note that this is only an overview of the various procedures available to you. You may wish to consult legal counsel if you have difficulties in collecting the judgment lawfully due you. Also, please confirm costs of court before filing any proceedings.

**SUSAN S. CAMP
CHIEF MAGISTRATE JUDGE**