

## COURT COSTS

### INTERROGATORIES

(within 30 days of judgment)	\$60.00
(more than 30 days after judgment)	\$60.00
(from another court)	\$96.00

**GARNISHMENT** \$96.00

**FI FA** \$15.00

**CANCELLATION OF FI FA** \$7.00

## HOW TO COLLECT A JUDGMENT IN THE MAGISTRATE COURT OF MILLER COUNTY



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## HOW TO COLLECT YOUR JUDGMENT IN THE MAGISTRATE COURT OF MILLER COUNTY

Welcome to the Magistrate Court of Miller County. We are here to serve you and will do anything in our power to assist you with the procedures of this Court. This brochure is provided to you as information of a general nature and is not meant to be a complete disclosure of the services of this Court or of legal principles and procedures of this Court. If you have any questions, please do not hesitate to ask us.

1. After obtaining a money judgment in any court in Georgia, you may seek the use of the Magistrate Court in attempting to collect your judgment. This brochure will attempt to advise you of the options available to you.
2. The first step should be to establish and make known to all persons your lien on the judgment debtor's property by applying to the Court for a Writ of Execution (called a "fi fa"), which costs \$15.00. The fi fa should be filed in any Superior Court in which the debtor has property, an additional \$15.00 in each additional Superior Court it is filed. If the defendant has real property in that county, he will generally be unable to sell the property without first paying off your fi fa. After the debt is satisfied, the fi fa must be canceled of record wherever it was filed, the cost of which can be included in the debt owing to you.
3. Additional steps in the collection process follow, all of which require that you have information on the debtor. In order to get that information, you might wish

to proceed with Interrogatories to Defendant. This is a set of questions to the debtor concerning his assets and other resources from which the judgment may be paid. These forms are provided by the Court or you may use your own (if allowed under the law). The debtor is required to swear to his answers to the questions. If the debtor fails to answer the questions, you may have him brought to Court, where the Court may punish the debtor for contempt.

4. **GARNISHMENTS** This procedure is an order to a third party ("Garnishee"), such as a bank or credit union, to turn over to the Court any non-exempt wages, money or property of the judgment debtor which the Garnishee may have in their hands from the time they are served with the garnishment to the time that they answer, which is set by statute. A recorded fi fa is not required for this procedure, however you will need a copy of the judgment from the court which rendered the verdict.

There are two types of garnishments, one-shot garnishments and continuing garnishments. One shot garnishments usually are banks or credit unions or anyone holding a lump sum of money or property of the debtor. You may file a number of garnishments from one affidavit in one-shot garnishments, incurring only the service costs with each subsequent filing.

A continuing garnishment is against an employer of the judgment debtor. The employer will continue to deduct from the debtor's wages until your judgment is paid or 179 days after service of the garnishment, whichever is first. There

are complex rules about how much of the debtor's wages are subject to a garnishment, therefore most garnishee's are careful about their answers. However, if you wish to contest an answer, you must do so within 15 days of service of the answer on you.

The wages of employees of the United States (Military or Civilian) are now subject to garnishment. As of the printing of this notice, all of the rules and regulations have not been developed for garnishing federal employees. You may obtain help by contacting the Magistrate Court clerks.

5. **LEVY AND SALE** The Sheriff or constable seizes property of the debtor to be sold, after advertising, on the courthouse steps. A recorded fi fa is necessary to use this procedure. In the Magistrate Court, you may request for the constables to do this by delivering the original fi fa to the constables with directions as to the debtor's property and its location which is available to be seized and sold. It will be necessary for you to provide the manual labor in moving the property and you will be responsible for any storage or towing cost. If the sale of property produces any proceeds, you are reimbursed for any expenses and court costs before any credit on the judgment is given to the debtor for the debt owing you. After the levy, a newspaper advertisement will be prepared and you will be required to provide the Court the funds for advertising.