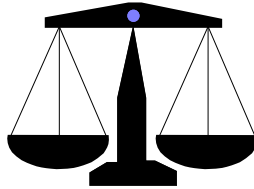


**HOW TO COLLECT A
JUDGMENT
IN THE MAGISTRATE COURT
OF HOUSTON COUNTY**



*Robert E. Turner, Chief Magistrate
Brenda H. Morton, Magistrate
John W. Geiger, Magistrate*

**Magistrate Court of Houston County
89 Cohen Walker Drive
Warner Robins, Georgia 31088
(478) 987-4695**

Welcome to the Magistrate Court of Houston County. We are here to serve you and will do anything in our power to assist you with the procedures of this Court. This information is 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. In many cases collecting the judgment is harder than proving a case in court. The Court does not collect the judgment for you. 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 cost \$2.00. The fi fa should be filed in any Superior Court in which the debtor has property, an additional \$5.00 in each 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 employer, 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 four types of garnishments: (1) **Regular garnishment**-must be refilled every month and is often referred to as a one-shot garnishment. These are usually used against a person or business holding a lump sum of money or property of the debtor. You may file a number of garnishments from one affidavit, incurring only the service costs with each subsequent filing. (2) **Regular garnishment against a financial institution.** This is a one-shot garnishment the same as a regular garnishment but is against a financial institution such as a bank or credit union. It requires additional information in order to file including account, identification, or tracking number known or suspected by the plaintiff to be used by the financial institution in the identification or administration of the debtor's funds or property, the social security number or federal tax identification number of debtor, and all names and addresses the debtor may have used. (3) **Continuing garnishment.** This 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. Since there are complex rules about how much of the debtor's wages are subject to a garnishment, 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. (4) **Continuing garnishment for support.** This is the same as a continuing garnishment except it can only be used for collecting support (alimony, child support, etc.) and is good until paid off or obligation terminates. The garnishment must be supported by a certified copy of the judgment or order requiring the support, and the debtor must be in arrears in an amount equal to or greater than one month's ordered support.

The wages of employees of the United States (Military or Civilian) are **NOT** subject to garnishment, except for alimony and child support. You may obtain help with civilian employees by sending a copy of your judgment and a letter requesting that the employee be contacted about his indebtedness, addressed to:

**CIVILIAN PERSONNEL BRANCH
ROBINS AFB, GA 31098**

You may obtain the same help with military personnel by writing to the commanding officer of his unit.

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 to you. After the levy, a newspaper advertisement will be prepared and you will be required to provide the Court the **funds for advertising.**

COURT COSTS

MAGISTRATE COURT OF HOUSTON COUNTY FILING FEES

Statement of Claim	\$73.00*
Dispossessory	\$73.00*
Writ of Possession	\$73.00*
Motion to Set Aside Default	\$73.00*
Garnishment	\$79.00*
<i>*Includes one service attempt at \$25 per person. For additional person to be served, add \$25.00</i>	
Subpoenas (If Court Prepares it)	\$1.00 per subpoena
with service if Court serves it	\$7.00 per subpoena
FIFA'S	\$7.00
Bad Check Application (per check)	\$10.00
Criminal Warrant Application	\$10.00