

MAGISTRATE COURT OF LIBERTY COUNTY
Melinda Anderson
Chief Magistrate

Filing a suit in the Magistrate Court is simple. The format and form prescribed by the law are uncomplicated and easy to follow.

There are several practical preliminary considerations, which each Plaintiff should review prior to filing the claim. He/She must remember that the collectibility of his / her claim or debt will depend on more than merely obtaining a judgment or a Fi Fa against the Defendant. Collecting the judgment can be difficult work when the Defendant has no job or owns no property. Before filing a suit and investing further money in the case a Plaintiff should evaluate his / her case and the collectibility of a judgment against the Defendant. A Plaintiff should determine the correct home address of a Defendant because the Plaintiff accomplishes nothing if he files a suit and service cannot be perfected on the Defendant.

If the claim is based on a writing, whether it is a promissory note, an Industrial Loan Contract or other type of document, the Plaintiff should furnish the court with a copy of the instrument to attach to the claim. It is also helpful to include a copy of a ledger card or written record showing a history or payment record with the claim. Whether it is an action on an open account or on a note, have these items ready when the claim is filed. If the claim is based on a Tort (damages to person or property of Plaintiff) or a Trover action (Defendant holding property of Plaintiff) all evidence and witnesses necessary to prove your case or defend yourself must be brought to court at the time of the hearing.

The jurisdictional limit in Magistrate Court is \$15,000.00. If the claim exceeds the jurisdictional limit the court does not have jurisdiction to hear the case.

Remember that the Plaintiff must prove his / her case. He / she should evaluate all of the proof prior to filing the claim. The Plaintiff can present documents and valid testimony to support his / her case. He / she should have available all of the documents evidencing the transaction, or incident. Consumers should retain copies of their written warranties, sales tickets, and canceled checks, as well as any other documents, which concern the transactions on which a claim is based.

1. Your claim must be in the amount of \$1.00 to \$15,000.00. The Defendant must reside in Liberty County, in order for this court to have jurisdiction. The Defendant's complete name and address must be provided at the time of filing your claim. A route number and box number are sufficient. A Post Office Box will not be sufficient, but if you have very good directions to the actual residence it may be used. If your claim is against a Corporation, you must have the name of the owner or registered agent. Action is commenced by signing an affidavit under oath by the Plaintiff or agent. We will serve at place of employment but the Defendant must be served in person for the service to be valid.

2. All costs paid by Plaintiff are added to the sum owed by the Defendant if the Plaintiff is awarded judgment at the time of the hearing. The Defendant has 30 days from the date of service in which to answer the claim. If an answer contesting the claim is received, the case file along with the Defendants answer will be forwarded to the Chief Magistrate's office for review. After the file is reviewed the Judge will determine whether the case needs to be scheduled for a court hearing or scheduled for a mediation hearing. The time and place of the hearing will be mailed to the Plaintiff and the Defendant. If no answer is received, a judgment by default will be entered upon the written request of the Plaintiff. The default judgment is not entered unless requested by the Plaintiff. The Defendant, by law, has 15 days to reopen a default judgment upon payment of costs. If no request to reopen is received the court may issue a Fi Fa at the request of the Plaintiff, and have it recorded on the General Execution Docket.

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3. In the event judgment is rendered in your favor, either by trial or default, you may:

- 1- Levy on personal or real property (land) and sell through court.
- 2- Garnish wages on his/her job (cannot be self-employed).
- 3- Garnish a bank account, or anyone who owes money to the judgment debtor, or is holding money belonging to the judgment debtor.

Your judgment is good for seven years and if it is still not satisfied in the seven years, you may have it renewed. You may file post judgment interrogatories to get information on the judgment debtor. Otherwise, this office has no facilities to assist you in locating property of the Defendant or locating a job or bank account of the Defendant and cannot by its' judgment guarantee collection of the money which may be found owing to you. This information is furnished to you through the courtesy of this office in an effort to help you better understand your position and what to expect from your court action.

COURT COSTS

Civil Claims.	\$99.00
For 2 Defendants at different addresses.	add \$50.00 for each additional Defendant
Dispossessory warrants.	\$74.00
For 2 Defendants at different addresses.	add \$25.00 for each additional Defendant
Garnishments.	\$105.00
Writs of Possession.	\$99.00

Optional: Dispossessory may be electronically filed on www.libertyco.com for an additional \$15.00 convenience fee.

The following information is provided to help you better understand the law governing the operation of the Magistrate Court.

The major differences between The Magistrate Court and other courts are:

- 1) Neither the Plaintiff nor the Defendant are required to be represented by an attorney.
- 2) The Magistrate Court is the only court that has discretionary power to stay execution of a judgment to order partial payments based on a reasonable conclusion for a steady reduction and final satisfaction of a judgment.

It is the duty of the court system in Georgia in civil cases to render judgments. It is not the duty or purpose of any court to function as a collection agency on behalf of the judgment holder. Once a judgment has been rendered the court has completed its responsibility in that action. It is the responsibility of the judgment holder to collect the judgment by using the methods described in # 3 above.

Good luck in your use of the court. If you have questions not answered in the above information do not hesitate to contact us. We will be happy to help you in any way we can.

**Melinda Anderson
Chief Magistrate**