

INSTRUCTIONS FOR FILING A DISPOSSESSORY IN MAGISTRATE COURT

The Magistrate Court of Bibb County does not accept PERSONAL CHECKS.

An individual cannot act as an agent for another individual unless a POWER OF ATTORNEY is presented at the time of filing.

The cost for filing a dispossessory is \$79.00 for one defendant and \$112.00 for two. A charge of \$33.00 is added for each additional defendant.

In order to file a dispossessory, you will need a LEGAL SIZE (#10) ENVELOPE, STAMPED and addressed to the defendant with your return address on it (one for each defendant). You must furnish a COMPLETE ADDRESS (such as house/street number and apartment number.

In order for the Sheriff's Department to serve a dispossessory the building must be MARKED (SUCH AS 1234 State Street, Apt 1-A). HOUSE NUMBERS AND APARTMENT NUMBERS MUST BE CLEARLY POSTED ON THE BUILDING.

You cannot include any charges into the principal amount except that which is rent owed. If there are any additional charges (such as late fees, utilities, etc.) owed they must be broken down separately.

The dispossessory must have the Plaintiff's full name, address and phone number listed on the front side.

After the dispossessory has been served the defendant has seven (7) days to respond. The defendant can either pay the rent owed to the landlord, move or file a written answer to the court. If the defendant files an answer, both parties will be notified by mail by the Judge's Assistant of the date and time of the hearing.

- a. After the hearing, if the judge grants the plaintiff a judgment. The plaintiff must submit a completed writ of possession and exhibit B to the clerk's office.
- b. If the defendant does not answer, move or pay rent, the plaintiff may file judgment and writ on the 8th day from the date of service.
- c. When the judge signs the judgment it will be sent to the sheriff's Office for a set-out date to be schedule. The Sheriff's Office will contact the plaintiff before proceeding with the eviction.

There is a \$25.00 (NON-REFUNDABLE) fee for the JUDGMENT & WRIT OF POSSESSION.

IT IS THE RESPONSIBILITY OF THE PLAINTIFF TO FOLLOW UP ON ALL CASES FILED.
THE DISPO. IS GOOD FOR 30 DAYS AFTER SERVICE OR 30 DAYS FROM THE JUDGMENT DATE
IF ANSWER FILED. CASE WILL BE DISMISSED FOR WANT OF PROSECUTION ON THE 31ST DAY.

INSTRUCTIONS FOR FILING IN THE MAGISTRATE COURT OF BIBB COUNTY

REVISED OCTOBER 17TH, 2019

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1. The maximum for filing in the Magistrate Court is \$15,000.00
2. The Magistrate Court of Bibb County does not accept PERSONAL CHECKS.
3. There is a \$100.00 Filing Fee payable when you file your claim. This fee covers the filing process and one service. If there is more than one defendant, an additional charge of \$58.00 per extra defendant will be charged. If the Sheriff is unable to serve the defendant(s) at the address given at the time of filing, there will be a charge of \$50.00 for each new address given per defendant. You can include a place of employment at the time of filing with a home address at no extra charge, however you must have a home address at the time of filing.
4. YOUR DEFENDANT MUST BE A RESIDENT OF BIBB COUNTY. It does not matter where the plaintiff resides. It is the responsibility of the plaintiff to furnish all information necessary to file a complaint. The Sheriff cannot serve a P O BOX OR A ROUTE NUMBER.
5. IT IS THE RESPONSIBILITY OF THE PLAINTIFF TO FOLLOW UP ON ALL CLAIMS AND/OR GARNISHMENTS. When your case is filed, you will be assigned a Docket/Case Number. When calling to inquire about your case, give that number (EXAMPLE: 012345-S) and the information you want can be easily accessed. The number for the Clerk's Office is (478/621-5801). If a pending case has no activity for two years, it is automatically dismissed for want of prosecution.
6. This court is not a collection agency. You control your own cases. The deputy clerks will only follow your written instructions as to what you wish to have done concerning your case. We have no authority to pursue any action concerning your case. We cannot change names, addresses, money amounts, etc...
7. The plaintiff must fill out claim against defendant(s) with complete names and addresses (including zip code). Plaintiff must also provide a BRIEF description as to why a claim is being filed and furnish copies of any contracts, etc... that need to be attached. If the claim is for DAMAGES, plaintiff must state this in their claim. IF YOU ARE UNSURE THE PERSON AND/OR BUSINESS TO SUE, CONSULT AN ATTORNEY.
8. Defendant(s) have a thirty (30) days after the date of service to file an answer to the complaint. They can open the default for an additional fifteen (15) days by paying the accrued cost on the complaint. If the defendant files an answer, the parties will be notified by mail of the date and time of the hearing. If no answer is filed, the plaintiff must submit a written DEFAULT JUDGMENT against the defendant(s) for the Judge's signature. If the claim is for damages it will have to be placed on the court calendar for a hearing and the plaintiff will have to PROVE damages. If subpoenas are needed they should be applied for after you receive your notice of the hearing date.
9. If a judgment is RENDERED a FI.FA. may be issued only on the 31st day after the date of judgment. If the case is in DEFAULT a FI. FA. can be issued immediately.
10. COLLECTING ON JUDGMENT – You may attempt to collect on your judgment by garnishing the defendant wages or bank account, you also have the option to have the constable/sheriff Levy. Post Judgment Intertortories are also available, which would require a follow up by a garnishment of levy. The sheriffs' office can provide you with information on the procedure of a Levy.