

POST-JUDGMENT INTERROGATORIES INSTRUCTIONS & FAQ

(Please Read Carefully)

1. Post judgment collection is the responsibility of the judgment creditor. Post-Judgment Interrogatories allow the prevailing party to ascertain what assets, if any, the judgment debtor has in order to satisfy the judgment debt.
2. The Magistrate Court has the authority to enforce a response to post-judgment interrogatories with its contempt powers.
3. Venue is appropriate in the county where the garnishee (employer or bank) is located, or its Registered Agent for Service of Process must be located within Pickens County.
4. The filing **MUST** be verified by a signature, dated, and notarized if mailed; or if filing in person, must be sworn to and verified by a Judge, Clerk, or Deputy Clerk.
5. **What is the cost of filing Post-Judgment Interrogatories?**
 - a. If the judgment for which the interrogatories are being submitted was issued by magistrate court, the judgment creditor may, after entry of judgment in the magistrate court, file the interrogatories specified in O.C.G.A. §15-10-50(d) with the same Magistrate Court with advance costs of **\$10.00**. These interrogatories must be served on the judgment debtor by certified mail or statutory overnight delivery.
 - b. Interrogatories filed pursuant to a judgment entered in **any other court** must be filed as a new civil action and served upon the judgment debtor like process in any other civil in the Magistrate Court. The cost to file a civil action is **\$110.00 (additional Sheriff's Service fees of \$50.00 may apply)**.
6. **What is the procedure for filing?**
 - a. Plaintiff files the Post-Judgment Interrogatories in the Pickens County Magistrate Court.
 - b. If the Interrogatories are not answered within 30 days from the date of service, the Plaintiff may file a Motion to Compel Answers to Post-Judgment Interrogatories together with a Notice of Hearing (Plaintiff **only** fills out the first section, the Court will schedule the Hearing). This is served upon the Defendant by the Magistrate Court by certified mail, return receipt requested. **It is the Plaintiff's responsibility to determine where the Defendant resides so they can be served.**
 - c. If the Defendant fails to appear at the hearing or appears without a valid legal reason for failing to answer the Interrogatories, the Court may, in appropriate circumstances, issue an Order requiring the Defendant answer the Interrogatories within 10 days. This is served upon the Defendant by certified mail, return receipt requested.
 - d. If there is no response to the Court Order requiring answers to the Interrogatories, then the Plaintiff must file a Motion to Incarcerate Defendant / Corporate Officer for Failing to Comply with Order Compelling Answers to Post-Judgment Interrogatories with the appropriate notice. These documents must be personally served upon the Defendant / Corporate Officer. A copy of the previous order is served upon the Defendant as well.
 - e. If the Defendant / 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 not answering the Interrogatories, then the Court may enter an Order for Incarceration for Contempt of Court. The Defendant is then arrested by the sheriff and held in the Pickens County Jail until the Interrogatories are answered and approved by the Magistrate.
7. **This is an overview of the various procedures available to you. You should consult legal counsel if you have difficulties in collecting the judgment lawfully.**
8. There is a Free Form Generator provided by the Georgia Magistrate Court Council for the public to use and print forms (www.georgiamagistratecouncil.com). The program guides the user by questions and providing background information and definitions. At the end, the user may print off a form to take to the Magistrate Court and file, or it may be E-filed using our website.
9. Employees of the Magistrate Court of Pickens County, including Judges themselves, are prohibited by law from providing legal advice (**legal advice includes defining terms**) at any time during your contact with the Court. If you have questions about your legal rights, legal remedies available to you, what legal documents to file, or how to present evidence at a hearing, you **must** contact an attorney or conduct research on your own.



Chief Magistrate Judge Alan Morris
Pickens County Magistrate Court
50 North Main Street
Jasper, GA 30143
(706) 253-8747

**IN THE MAGISTRATE COURT OF PICKENS COUNTY
STATE OF GEORGIA**

CASE #: _____

Plaintiff's name and address

VS

**POST-JUDGMENT
INTERROGATORIES**

Defendant's name and address

Original Case Number: _____

Court where original judgment entered: _____

COMES NOW, the Plaintiff in Judgment, and hereby submits the Post-Judgment Interrogatories set forth below to the Defendant, the Judgment Debtor.

The Plaintiff in Judgment in the above styled action requests that the Judgment Debtor answer the following interrogatories, separately, fully, and under oath and serve such answers upon the Plaintiff in Judgment at Plaintiff's address shown above, by mail or hand-delivery within thirty (30) days after service of these interrogatories.

The Plaintiff in Judgment states that the original principal amount for the original judgment does not exceed the principal amount of \$15,000.00 and was issued by a Court of this State.

The original judgment was entered ☐ within the last 30 days; ☐ more that 30 days ago; on the following date: _____.

This _____ day of _____, 20____.

☐ Plaintiff; ☐ Plaintiff's Attorney or Agent

NOTICE TO JUDGMENT DEBTOR

You are required to provide complete answers to the above-stated questions to the plaintiff within **30 days** after service of these interrogatories upon you. If you do not answer, or do not answer completely, you may become subject to the sanctions provided by law for contempt of court. If you need further instruction or if you need assistance in answering the questions, contact the court at once. File written answers with the clerk of this court.

WITNESS, the Honorable Alan Morris, Chief Magistrate Judge.

This _____ day of _____, 20____.

Judge, Clerk, Deputy Clerk

To the Judgment Debtor: The Plaintiff in Judgment in the above-styled action requests that you answer the following interrogatories separately, fully, and under oath and serve such answers on said plaintiff at plaintiff's address shown above by mail or hand delivery within 30 days after the service of these interrogatories.

1. List your full name, home phone number, and address of your residence(s).
2. List the name, address, and phone number of your employer(s).
3. Describe and state the location of each piece of real estate in which you own any interest.
4. List year, make, model and tag number of all vehicles and to whom you are making payments to.
5. Give the name(s), address(es), phone number(s), and a description of the nature of any business venture in which you own any interest.
6. List the names(s), addresses(es), and phone number(s) of all persons who owe money to you and specify the amounts owed.
7. List the names and addresses of all banks or savings institutions where you have any sums of money deposited and identify the accounts by number.
8. List and give the present location of all items of personal property owned by you that have a value of more than \$100.00.
9. List the names(s), addresses(es), and phone number(s) of all persons who you owe money to (list all creditors).

VERIFICATION

_____, being first duly sworn on oath, says the foregoing are true and complete answers to the interrogatories propounded by Plaintiff to Defendant.

☐ I have attached additional sheets.

Sworn and subscribed before me,
this ____ day of _____, 20____.

Notary Public or Attesting Official
My commission expires: ____/____/____

Defendant