

House Bill 1025 (AS PASSED HOUSE AND SENATE)

By: Representatives Oliver of the 83rd, Mosby of the 90th, Stephenson of the 92nd, Dawkins-Haigler of the 93rd, Benfield of the 85th, and others

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the State Court of DeKalb County, formerly known as the Civil and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3677), so as to change certain fees; to provide for certain fees; to provide for related matters; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the State Court of DeKalb County, formerly known as the Civil and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3677), is amended by revising Section 11B and substituting in lieu thereof a new Section 11B to read as follows:

"SECTION 11B.

Each party filing a suit or proceeding of any character in the state court, for the services rendered by the clerk, shall deposit with the clerk of said court, except as provided for in this section, the costs, which includes the first judgment, fi. fa., and recording of same, for all suits or proceedings of any character, irrespective of how they shall be terminated, which shall be \$65.00, plus all applicable fees. The sums provided in this section are exclusive of cost for service of process or other additional sums as may be provided by law. Cost for filing dispossessory and distress warrants shall be \$57.00, plus all applicable fees, plus \$10.00 for each defendant more than one which includes service. Each time a case is checked or continued and is stipulated back to the trial calendar, there shall be a fee of \$10.00 as a stipulation fee, and the same shall be charged as part of the cost. Each time the case is stipulated to the calendar, said \$10.00 is to accompany the letter of stipulation and in addition thereto shall be a certificate of service attached to said letter notifying the opposing party or the attorney of record.

26	In addition to the foregoing costs, the clerk of said court shall charge and collect costs as	
27	follows:	
28	For filing and docketing each third-party	
29	complaint	\$10.00
30	For filing all motions subsequent to any	
31	complaint in any case	1.00
32	For filing and docketing scire facias	
33	each defendant	10.00
34	For verdict rendered more than one	
35	and docketing same	1.00
36	For each judgment more than one and	
37	docketing same	8.00
38	For affidavit to obtain alias fi fa	
39	and issuing same	8.00
40	For affidavit where no cause is pending	5.00
41	For certified copy	5.00
42	For taking and approving supersedeas bond	5.00
43	For answering each writ of certiorari	3.00
44	For filing and docketing each appeal, civil or	
45	criminal, and such fee shall be paid at the	
46	time of filing the notice of appeal	25.00
47	For preparation of record and transcript to the	
48	Supreme Court and Court of Appeals,	
49	per page	1.50
50	Where a transcript of the evidence and proceedings is	
51	filed with the clerk and does not require recopying, the	
52	clerk shall not receive the fee herein prescribed with	
53	respect to such transcript but shall receive, for filing	
54	and transmission of such transcript, a fee of	5.00
55	For entering judgment or remittitur from	
56	Supreme Court or Court of Appeals	3.00
57	For certification or exemplification of record,	
58	including certificates and seals	5.00
59	For clerk's certificate	1.00
60	For court seal	1.00
61	For issuing subpoena, signed and sealed	1.00

62	For filing and docketing each	
63	writ of possession	10.00
64	For filing and docketing each	
65	additional summons of garnishment	10.00
66	For filing and docketing each traverse to	
67	answer of garnishment	10.00
68	For preparing Department of Public	
69	Safety Letter	3.00
70	For providing uncertified computer or photocopies	
71	of documents, per page50
72	For uncertified copies, if transmitted telephonically or	
73	electronically, first page	2.50
74	For each page, after the first	1.00

75 MARSHAL

76	To provide for the services of the marshal, the following fees shall be charged:	
77	For serving copy of process or other pleading and	
78	returning original, per copy	\$35.00
79	For serving action from another county, including	
80	second original	35.00
81	For backing order	13.00
82	For serving subpoena	35.00
83	For each levy or writ of fieri facias	35.00
84	For settling fi fa before sale of property	13.00
85	For search and return of nulla bona	20.00
86	For serving summons of garnishment or	
87	plaintiff's traverse of garnishee	35.00
88	For each arrest in civil cases	35.00
89	For taking and approving bond in any civil case,	
90	including forthcoming bond	13.00
91	Commission on sales of property:	
92	On sums of \$50.00 or less	8%
93	On excess above \$50.00 up to \$550.00	6%
94	For all sums exceeding \$550.00, on excess	3%
95	No commission shall be charged unless property is actually sold.	

96 For removing or storing or removing and storing property and
97 keeping and feeding animals, the cost shall be actual expense incurred.
98 For making out and executing titles to land 25.00
99 If presented by purchaser 13.00
100 For executing bill of sale to personal property, when
101 demanded by purchaser 13.00
102 For dispossessing tenant or intruder 75.00
103 Provided, however, that the cost for serving any paper or proceeding not provided for in
104 this Act shall be \$35.00.
105 All costs provided for under this section shall be paid to the clerk's office at the time of
106 filing."

107 **SECTION 2.**

108 This Act shall become effective on July 1, 2012, and shall apply to requests for services
109 made on or after such date.

110 **SECTION 3.**

111 All laws and parts of laws in conflict with this Act are repealed.