

Senate Bill 240

By: Senators Lamutt of the 21st, Gingrey of the 37th, Tanksley of the 32nd and Tate of the 38th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga.
2 L. 1964, p. 3211), as amended, particularly by an Act approved March 23, 1977 (Ga. L.
3 1977, p. 3188), and an Act approved April 13, 1989 (Ga. L. 1989, p. 5003), so as to change
4 certain costs and the provisions relating to costs in such court; to provide an effective date;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p.
9 3211), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3188),
10 and an Act approved April 13, 1989 (Ga. L. 1989, p. 5003), is amended by striking Section
11 20 in its entirety and inserting in lieu thereof the following:

12 "SECTION 20.

13 (a) CLERK

14 Each party at the time of filing an action or proceeding of any character in the State Court
15 of Cobb County, irrespective of how it shall be terminated, shall deposit with the clerk of
16 said court the total cost, which shall include judgment and all fees required by law to be
17 paid by the clerk out of said costs, to be determined as follows:

18	Civil actions of every character (includes suits, all garnishments, proceedings	
19	against tenants holding over, foreclosures of personalty, distress warrants, and	
20	any other action which by law may be filed in the State Court of Cobb	
21	County)	\$ 50.00
22	Marshal’s first entry of service – each party to be served (service to same party	
23	at two addresses equals two services)	20.00
24	Additional service attempt after two diligent searches	20.00

1	Third party complaint	15.00
2	Garnishment reissue	20.00
3	Plaintiff's traverse of garnishment	15.00
4	Exemplified copy	5.00
5	Certified copy--stamp and seal	3.00
6	Plus each page copied25
7	Alias fi. fa.	5.00
8	Supplemental proceedings to be served by marshal	20.00
9	Rush papers	5.00
10	Notice of appeal	5.00
11	Preparing Department of Public Safety letter	5.00
12	All bonds filing and approving	10.00
13	Motion for a new trial and docketing same	15.00
14	Motion for judgment notwithstanding the verdict and docketing same	15.00
15	Affidavit where no cause is pending	10.00
16	Each subpoena issued	1.00
17	The clerk shall not be required to file any of the above documents until the full cost has	
18	been paid.	
19	The clerk may charge and collect the same fees clerks of the superior courts are authorized	
20	to charge and collect under Chapter 6 of Title 15 of the O.C.G.A., for any fee not specified	
21	in this Act.	
22	(b) MARSHAL	
23	For levying each fi. fa.	\$ 15.00
24	For each search and return of nulla bona	10.00
25	For advertising personal property for sale	15.00
26	Plus actual expense(s) incurred	
27	For settling fi. fa. from Cobb County	13.00
28	For marshal's bill of sale to personalty	15.00
29	For settling fi. fa. from other counties	13.00
30	For serving subpoenas	4.50
31	For serving dispossessory	20.00
32	Plus for each additional defendant	20.00
33	For serving motions and orders from other counties or courts or any	
34	pleading after judgment from this court	15.00

1 For serving copy of process from other counties and returning original (to
2 be paid in advance) 15.00
3 For settling execution from magistrate’s court 15.00
4 Following property out of county with attachment, for every mile going and
5 returning, a per mile rate of25
6 For commission on sale of personal property on sum of \$1,000.00 or less . 10%
7 For commission on sale of personal property on sum in excess of \$1,000.00. 7 %
8 Service of certified copies from other counties 15.00
9 Third party complaint to be served 10.00
10 For certified copy 5.00
11 Plus, per page25
12 For levying on writ of possession from Cobb County 15.00
13 For dispossessing tenant 20.00
14 Plus for each additional defendant 20.00
15 For keeping and feeding animals – the actual expense(s) incurred
16 For service of process by an officer of this court out of Cobb County,
17 mileage going and returning at a per mile rate of25
18 For levying on writ of possession from other counties 15.00
19 The marshal may charge and collect the same fees that the sheriff or marshal are
20 authorized to charge and collect under Chapter 16 of Title 15 of the O.C.G.A. for any fee
21 not specified in this Act.
22 Provided, further, the clerk of said court is hereby authorized to deduct from the total
23 costs of each and every suit or proceeding filed in said court and pay to the treasurer of
24 the Cobb County Law Library the amount as by law provided to be withheld.
25 In all cases requiring the transport and storage of personalty, the fee and costs therefor
26 shall be such reasonable costs as shall be required of the officer to obtain such service.
27 All costs not provided for herein shall be charged for and collected by said court on the
28 same basis as costs now fixed or which may hereafter be fixed by law for the Superior
29 Court of Cobb County. The costs in criminal matters in said court, and before the judge
30 thereof, not already provided for herein, shall be the same as is now provided for, or
31 which may hereafter be provided for, by law, in criminal matters in the Superior Court
32 of Cobb County.”

33 **SECTION 2.**

34 This Act shall become effective on July 1, 2001.

1

SECTION 3.

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