

House Bill 1450 (AS PASSED HOUSE AND SENATE)

By: Representatives Oliver of the 83<sup>rd</sup>, Mayo of the 91<sup>st</sup>, Williams of the 89<sup>th</sup>, Stephenson of the 92<sup>nd</sup>, Henson of the 87<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the State Court of DeKalb County, formerly known as the Civil  
2 and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401),  
3 as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4607), so as to  
4 change certain fees; to provide for certain fees; to provide for related matters; to provide an  
5 effective date; 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 DeKalb County, formerly known as the Civil and  
9 Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as  
10 amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4607), is amended  
11 by revising Section 11B and substituting in lieu thereof a new Section 11B to read as follows:

12 "SECTION 11B.

13 Each party filing a suit or proceeding of any character in the state court, for the services  
14 rendered by the clerk, shall deposit with the clerk of said court, except as provided for in  
15 this section, the costs, which includes the first judgment, fi. fa., and recording of same, for  
16 all suits or proceedings of any character, irrespective of how they shall be terminated,  
17 which shall be \$65.00, plus all applicable fees. The sums provided in this section are  
18 exclusive of cost for service of process or other additional sums as may be provided by law.  
19 Cost for filing dispossessory and distress warrants shall be \$57.00, plus all applicable fees,  
20 plus \$10.00 for each defendant more than one which includes service. Each time a case is  
21 checked or continued and is stipulated back to the trial calendar, there shall be a fee of  
22 \$10.00 as a stipulation fee, and the same shall be charged as part of the cost. Each time the  
23 case is stipulated to the calendar, said \$10.00 is to accompany the letter of stipulation and  
24 in addition thereto shall be a certificate of service attached to said letter notifying the  
25 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 page .....	.50
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 .....	\$25.00
79	For serving action from another county, including	
80	second original .....	25.00
81	For backing order .....	13.00
82	For serving subpoena .....	25.00
83	For each levy or writ of fieri facias .....	25.00
84	For settling fi fa before sale of property .....	13.00
85	For search and return of nulla bona .....	13.00
86	For serving summons of garnishment or	
87	plaintiff's traverse of garnishee .....	25.00
88	For each arrest in civil cases .....	25.00
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 ..... 25.00

103 Provided, however, that the cost for serving any paper or proceeding not provided for in

104 this Act shall be \$25.00.

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, 2010.

109 **SECTION 3.**

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