

THE MAGISTRATE COURT OF HOUSTON COUNTY

89 Cohen Walker Drive
Warner Robins, Georgia 31088
Phone (478) 987-4695 Fax (478) 987-5255
Hours: 8:30 am - 4:30 pm
magistrate@houstoncountyga.gov

The following is a list of current Civil Suit filing fees for the Magistrate Court of Houston County.
The Court allows the following payment options:
Cash (exact amount), Company Checks and/or Money Orders.

CIVIL SUIT FILING FEES:

One Defendant	\$109.00
plus (2) COPIES OF ALL SUPPORTING DOCUMENTS	
Two Defendants.....	\$159.00
plus (3) COPIES OF ALL SUPPORTING DOCUMENTS	
Three Defendants	\$209.00
Plus (4) COPIES OF ALL SUPPORTING DOCUMENTS	
Each additional defendant to be served.....	\$50.00
Re-Serve Fee	\$50.00
(per Defendant)	

MILITARY AFFIDAVITS ARE REQUIRED ON ALL DEFENDANTS

***Online Case Search is now available ***

<http://www.houstoncountyga.gov>

(Click the online services tab and from the drop down menu you can select
the Magistrate Court Case Search)

MAGISTRATE COURT OF HOUSTON COUNTY, GEORGIA

DATE FILED _____

CASE NO. _____

STATEMENT OF CLAIM

Plaintiff's Name & Address

Vs.

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

[] Suit on Note [] Suit on Account [] Other _____

1. The Court has jurisdiction over the defendant(s) [] the Defendant(s) is a resident of _____ County;

[] other (please specify) _____

2. Plaintiff(s) claims the Defendant(s) is indebted to the Plaintiff(s) as follows (You must include a brief statement giving reasonable notice of the basis for each claim contained in the Statement of Claim):

3. That said claim is in the amount of \$ _____, principal \$ _____ interest, plus _____ costs to date, and all future costs of this suit.

State of Georgia, _____ County:

_____ being duly sworn on oath says the foregoing is a just and true statement the amount owing by defendant(s) to plaintiff(s), exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me this

_____ day of _____ 20 _____

Plaintiff(s) or Agent (If Agent, Title or Capacity) _____

Notary Public/Attesting Official _____

Daytime Phone Number _____

NOTICE AND SUMMONS

TO THE ABOVE-NAMED DEFENDANT (s):

You are hereby notified that Plaintiff(s) herein, has/have made and filed a claim and is requesting judgment against you in the sum shown by the foregoing statement. The court will hold a hearing on this claim at a time to be set after your answer is filed.

YOU ARE SUMMONED AND REQUIRED, WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU, TO FILE OR PRESENT AN ANSWER TO THE COURT AT 89 COHEN WALKER DRIVE, WARNER ROBINS, GEORGIA 31088.

YOUR ANSWER MAY BE FILED IN WRITING OR GIVEN ORALLY TO THE MAGISTRATE. IF YOU FAIL TO ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED BY PLAINTIFF.

The Court will hold a hearing upon the claim at a time to be set after your answer is filed. If you have witnesses, books, receipts, or other writing bearing on the claim, you should bring them with you at the time of the hearing. If you wish to have witnesses summoned, see the Court at once for assistance. If you have any claim against the Plaintiff, you should notify the Court at once. If you admit the claim, but desire additional time to pay, you must come for the hearing in person and state the circumstances to the Court unless you and the Plaintiff present the Court with a consent judgment, you may come with or without an attorney.

WITNESS THE HONORABLE JUDGES, MAGISTRATE COURT OF HOUSTON COUNTY.

This _____ day of _____ 20 _____

(Deputy) Clerk of Court, Magistrate Court of Houston County

IN THE MAGISTRATE COURT OF HOUSTON COUNTY
STATE OF GEORGIA

Plaintiff,

v.

Case Number _____

Defendant,

MILITARY AFFIDAVIT

The undersigned, after first being duly sworn, states the following:

1.

I am of age, of sound mind, and legally authorized to sign this affidavit on behalf of the Plaintiff.

2.

This affidavit is executed pursuant to the Service Members Civil Relief Act, 50 U.S.C.App. 521. Affiant further acknowledges any false statement made in this affidavit may subject the affiant to imprisonment not to exceed one year and a fine.

3.

Affiant states the Defendant, _____, () is, () is not, or () unable to determine, a member of the military forces of the United States.

4.

Affiant is personally knowledgeable of the facts contained in this affidavit and affirms the information contained herein is true and correct.

This _____ day of _____, 20____.

Signature _____

Printed name: _____

Title: _____

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

NOTARY PUBLIC/ DEPUTY CLERK
<https://scra.dmdc.osd.mil/scra/#/home>

THE MAGISTRATE COURT OF HOUSTON COUNTY

89 Cohen Walker Dr.
Warner Robins, Georgia 31088
Phone (478) 987-4695
Fax (478) 987-5255 & (478) 987-5249

Angela W. Sammons
Chief Magistrate

Gina Stout
Magistrate

INSTRUCTIONS FOR FILING A CIVIL SUIT IN THE MAGISTRATE COURT OF HOUSTON COUNTY

Welcome to the Magistrate Court of Houston County. The information contained herein is intended to provide you with general knowledge of the process for filing a civil lawsuit and conducting a trial in the Magistrate Court. It is not a complete disclosure of all legal action available to you. Therefore, you should carefully research your options and understand the consequences of any action you undertake. **The clerks are available to assist you. However, they cannot advise you how to handle your case, nor are they authorized to offer legal advice. If you are unsure how to proceed with your case, please seek counsel from an attorney.**

1. The jurisdictional limit of the Magistrate Court is \$15,000.00. This includes principal, interest, attorney's fees, late charges, and any other amounts sought in your claim.

2. The Court will provide you with complaint and application forms. You are not required to use the Court's complaint form. However, the complaint form may be helpful in preparing your lawsuit. It is the Plaintiff's responsibility to properly complete the complaint form. If the Plaintiff uses the Court's complaint form, the application must also be completed.

3. The Plaintiff is the party who initiates a lawsuit. The Defendant is the party who is being sued. Please be advised, the Defendant may also file a counterclaim along with an answer to the complaint, if the Defendant believes he is entitled to recover from the Plaintiff. If the Defendant prevails in his counterclaim, the Plaintiff could have a judgment entered against him.

4. The Defendant must be a resident of Houston County, Georgia, or subject to the jurisdiction of this Court. It is important to correctly name the parties when you file your lawsuit. If the party filing the lawsuit or being sued is an individual, the correct legal name of the party must be used. When the party filing the suit or being sued is a business, several things must be considered. First, are any of the parties operating as a corporation or a limited liability company? If so, the Georgia Secretary of State's website provides information including the legal status of the entity, the actual name of the business, and the name and address of the registered agent. If the business is not incorporated, you must determine who owns the business and how the business is operating. For example, if "John Doe" owns an unincorporated business with a trade name of "John's Repair Shop," the lawsuit should be filed in the name of "John Doe, dba John's Repair Shop." However, an unincorporated business without an owner listed is not a proper party. If you are unsure about the proper name of the parties, you should seek legal advice. Filing a lawsuit against the wrong party could potentially subject the Plaintiff to civil liability.

5. If a note, account, lease or other written contract is the subject of the lawsuit, a copy of that document and a payment ledger, should be attached to the complaint. The Plaintiff is responsible for providing the Clerks with copies of all supporting documents. There should be copies of supporting documents for the original complaint and each Defendant.

6. When a lawsuit is filed, the Plaintiff should provide the Court with an address for service of the complaint. All court costs must be paid when the case is filed. The court costs include the costs for serving the Defendant with the summons and complaint. The Houston County Sheriff's Office serves the lawsuits filed in the Magistrate Court. A post office box is not a valid address for service of a civil suit. If the Sheriff is unable to perfect service of the summons and complaint on the Defendant, there will be an additional service fee for any other attempted service. Therefore, it is very important to provide a correct address to the Clerk. After the Sheriff's Office attempts service, the Plaintiff is mailed a copy of the Sheriff's entry of service. The entry of service will show the method of service, the date of service, and a docket number for the case. Each case is assigned its own docket number.

7. If the Defendant files an answer or a counterclaim, the parties will notified of the trial date by mail. Failure of the Plaintiff to appear for trial will likely result in dismissal of the case. If the Defendant fails to appear, the case will be tried and a judgment could be entered against him.

8. Failure to file an answer to the complaint within the time allowed by law, may result in entry of a default judgment against the Defendant. If the Plaintiff is seeking liquidated damages and has provided all of the necessary supporting documents, a default judgment will likely be issued. Liquidated damages are a particular amount, such as past due rent or the balance owed on a promissory note. If the Plaintiff is seeking unliquidated damages, the case will be placed on a trial calendar. Unliquidated damages are not a particular sum, such as pain and suffering in a personal injury case.

9. Please be advised if the Defendant does not file an answer to the Plaintiff's complaint, a default judgment will not be issued unless a Military Affidavit has been filed by the Plaintiff. Furthermore, if the Military Affidavit indicates the Plaintiff is unable to determine the military status of the Defendant or if the Defendant is in the military, the case will be scheduled for trial.

10. If the parties reach a settlement of all issues raised in the Plaintiff's complaint and the Defendant's counterclaim, if applicable, then a consent judgment can be issued. To enter into a consent agreement, the parties must agree on the total amount owed and the way the debt will be repaid. The court has consent judgment forms available to be used by the parties.

11. In some cases mediation is available to the parties as a means to settle their dispute. If the court orders the parties to participate in mediation, it must be completed within 60 days of the court's order. Failure by either party to participate in mediation could result in dismissal of the Plaintiff's lawsuit or the Defendant's answer. Mediation is generally not available to parties in a dispossessory action.

12. Please be aware if you prevail in you case, you may not automatically be paid by the other party. Collection of your judgment may require additional legal action on your part. There is also an information sheet for procedures available for collecting judgments in Magistrate Court. Be advised, no legal action is taken by the Magistrate Court independently to collect your judgment. Additionally, the Clerks do not accept payments for judgments except through garnishments filed in the Court.

COURT PROCEDURE

1. The Plaintiff presents his case first. His case is made by testifying, calling witnesses and presenting any relevant, admissible evidence. The Plaintiff should also bring any exhibits he believes will prove he is entitled to recover in his case. Exhibits can include items such as contracts, leases, canceled checks, promissory notes, photographs, and payment ledgers. The Defendant has the right to question or cross examine anyone who testifies for the Plaintiff.

2. After the Plaintiff presents his case, the Defendant has the right to present his defense and/or counterclaim. This Defendant presents his defense and/or counterclaim in the same manner as the Plaintiff. He can offer his testimony, witness testimony, and any other relevant, admissible evidence. Like the Plaintiff, the Defendant can also present exhibits. After each witness testifies, the Plaintiff also has the right to question each of the Defendant's witnesses.

3. Please be advised witnesses have to be present to testify. **Affidavits signed in the presence of a notary are not a substitute for witness testimony.** Additionally, estimates of repair bills without the person who created the estimate are considered hearsay and may not be admissible. All parties are allowed to request subpoenas from the Clerks to compel witnesses to attend the trial. There is a small fee for issuance of subpoenas.

4. It is important to be organized and prepared when presenting evidence at your trial. Each party is responsible for proving all of the claims and contentions he or she makes at trial. The Judge cannot base a decision on an assumption. If you claim damages were caused by particular actions of the other party, there must be evidence or a witness to prove your claim. Be aware the rules of evidence as established by the *Official Code of Georgia Annotated* apply in Magistrate Court.

5. After all of the evidence is presented, each party will have the opportunity to make a closing argument to the Court. The purpose of the closing argument is to explain why he or she should prevail. The closing argument is based on the applicable law and the evidence presented at trial.

6. After all of the evidence is presented, the Judge will make a decision in your case. Sometimes the case will be decided in Court and sometimes the Judge will choose to review the evidence after court. The Court understands each case is important. Therefore, the Judge wants to make the correct decision based on the law and evidence. If your case is not decided in Court, it is because the Judge wants to give additional attention to the evidence. When a decision is reached in the case, a judgment is prepared showing the results from the trial.

7. If you are not satisfied with the results of trial, you may appeal to the State Court or the Superior Court. There is no charge assessed by the Magistrate Court to appeal your case. However, the State Court and the Superior Court charge additional court costs for appeals. The Magistrate Court Clerks cannot tell you the amount of court costs assessed by other courts for appeals. The cost of an appeal to the State Court or Superior Court can be determined by contacting a Clerk from each of those courts. Please be advised an appeal must be filed in a timely manner.

8. The Magistrate Court Clerks cannot calculate interest or payoff amounts for the parties after a judgment has been issued. Additionally, the Court does not accept payments or payoffs directly from the parties. The Magistrate Court also does not independently take any action to collect your judgment. If you do not know how to collect a judgment, there is an information sheet with a list of collection procedures available in the Magistrate Court.

We hope this information is helpful. Again, if you are unsure how to proceed, please seek the advice of an attorney.