



# **HOUSTON COUNTY SHERIFF'S OFFICE**

## **Warrant/Civil Division**

**202 Carl Vinson Parkway**

**Warner Robins, Ga. 31088**

**Phone (478) 542-2095 Fax (478) 329-8990**



### **Fieri Facias (Fi.Fa.) Collection Procedures**

H. Cullen Talton  
Sheriff

William H. Rape Jr.  
Chief Deputy

Col. R.J. McGhee  
Chief Administrator

Maj. Charlie Holt  
Detention Center  
Administrator

Capt. Randall Banks  
Juvenile Investigations  
Commander

Capt. Robert Clark  
Criminal  
Investigations  
Commander

Capt. Alan Everidge  
Warrant/Civil  
Records  
Commander

Capt. Ricky Harlowe  
911 Communications  
Commander

Capt. Tommy  
Jackson  
Patrol Commander

Lt. Dottie Harden  
Training

1. You must first have received a monetary judgment from the court before a Writ of Fieri Facias (Fi. Fa.) will be issued. A Fi. Fa. is not valid until after 10 days of the judgment being issued. The Houston County Sheriff's Office only executes Fi.Fa's issued by Houston County Superior, State Courts and other counties of the State of Georgia once recorded in Houston County. Judgments from Houston County Magistrate Court are to be executed by the Magistrate Court's Constables.
2. Plaintiff may pursue a garnishment of a defendant's payroll check by their employer and or bank account.
3. If Plaintiff is not familiar with defendant's employer, bank accounts, or property owned, defendant may be served with post-judgment interrogatories. Interrogatories are a set of questions whereby the defendant must list any assets and file the answer with the court. These can be filed with the court that issued the (Fi. Fa.)
4. When the Fi. Fa. has been recorded on the General Execution Docket (G.E.D.) at the Houston County Superior Court Clerk's Office it can be taken to the Houston County Sheriff's Office for execution. There is a fee of \$50.00 under Georgia Code 15-16-21 that must be paid prior to execution by the plaintiff. To execute a levy the Houston County Sheriff's Office must possess the original Fi. Fa..
5. Upon receiving a Fi. Fa. our policy is to attempt to make a cash demand to settle the Fi. Fa. in hopes the defendant will respond accordingly. This step is not required by law, but does produce some results in collections.
6. It is the responsibility of the plaintiff to locate any property of the defendant that is not subject to any prior outstanding lien or that the defendant is not under bankruptcy protection. The judgment can be taken to the tag office where the plaintiff can check vehicle registration and liens.
7. The defendant has first choice to designate which property to be levied on to satisfy the Fi. Fa. If there is no decision by the defendant or they fail to designate enough property to be levied upon to satisfy the Fi. Fa. the plaintiff or his agent should be prepared to designate the property on which to levy.
8. Any towing, transport, storage, etc, are the responsibility of the plaintiff to arrange and pay for. Storage of vehicles will be at the Houston County Sheriff's Office impound lot unless otherwise decided. Storage of personal property will be done in storage area deemed safe and secure by the Houston County Sheriff's. The Sheriff's Office will control access into the storage area once items seized are stored. Insurance coverage may be required for property being stored if deemed necessary by the Houston County Sheriff's Office.
9. The property that has been seized to satisfy the Fi.Fa must be published in a Notice of Sheriff's Sale in the legal organ of the county currently the Houston Home Journal for four consecutive weeks prior to the sale and be sold at public auction on the first Tuesday at 10am the month following. The legal advertisement costs are the responsibility of the plaintiff. A copy of the receipt for payment of the legal ad must be turned over to the Houston County Sheriff's Office.
10. A copy of all receipts for storage, towing, or removing property must be given to the Houston County Sheriff's Office to be given credit against the sales proceeds.
11. If a sale is conducted on a Fi. Fa. per Georgia Code 15-16-21 there will be a fee of 8% on sales of \$50 or less, 6% on sales in excess of \$50 but not exceeding \$550 and 3% for all sums exceeding \$550. No commission fee will be charged unless the property is sold.
12. Under Georgia Code 15-16-10 Sheriff Deeds cannot be issued until 30 days after the sale and Georgia Code 15-16-21 requires a \$50 fee for Sheriffs Deeds unless the purchaser presents it and the fee is reduced to \$20.
13. Fi. Fa's are in force for seven years and renewable every seven years. If the full amount is not collected, additional levies can be made.
14. The Houston County Sheriff's Office provides this information as procedural guide but cannot provide legal advise to any party involved.



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### **Execution of Writ of Possession/Evictions Policy and Procedures of Houston County Sheriff's Office**

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| <p>H. Cullen Talton<br/>Sheriff</p> <p>William H. Rape Jr.<br/>Chief Deputy</p> <p>Col. R.J. McGhee<br/>Chief Administrator</p> <p>Maj. Charlie Holt<br/>Detention Center<br/>Administrator</p> <p>Capt. Randall Banks<br/>Juvenile Investigations<br/>Commander</p> <p>Capt. Robert Clark<br/>Criminal<br/>Investigations<br/>Commander</p> <p>Capt. Alan Everidge<br/>Warrant/Civil<br/>Records<br/>Commander</p> <p>Capt. Ricky Harlowe<br/>911 Communications<br/>Commander</p> <p>Capt. Tommy<br/>Jackson<br/>Patrol Commander</p> <p>Lt. Dottie Harden<br/>Training</p> | <ol style="list-style-type: none"> <li>1. The Plaintiff or the Plaintiff's Agent is responsible for bringing the Writ of Possession to the Sheriff's Office either in person or by mail.</li> <li>2. Per Georgia Code 15-16-21 a fee of \$25 is charged for execution of a Writ of Possession.</li> <li>3. Defendants will be given notice 3 business days prior to the eviction and will notified of the day the eviction will take place unless there are exigent circumstance for officer safety.</li> <li>4. Evictions are scheduled and executed by the Sheriff's Office Monday through Friday and should be completed by 5:00pm. Evictions normally can be started as early as 8:00am unless deputies are not available.</li> <li>5. The Plaintiff will provide the name and telephone number of the person responsible for coordinating the scheduling of the eviction to the Sheriff's Office.</li> <li>6. The Plaintiff or the Plaintiff's agent must provide a large enough crew to complete eviction in 4 hours or less. A general rule of thumb is two workers per bedroom for a home. Some situations may require larger crews or require more time.</li> <li>7. If there is an insufficient crew size when the deputy arrives, the eviction will be rescheduled with the Sheriff's Office. If the eviction crew is not at the address within 15 minutes of the scheduled time for the eviction then the deputy will cancel the eviction. If the plaintiff wants to cancel or reschedule the eviction for any reason then the Sheriff's Office must be contacted immediately. Calling 478-542-20095 or faxing notice to 478-329-8990 with the following information can do this. The case number, plaintiff's name, defendant's name and address. If the plaintiff does not cancel the eviction before the deputy arrives, the plaintiff will be charged a \$25 fee.</li> <li>8. Evictions are not done in inclement weather. The eviction will be canceled and must be rescheduled with the Sheriff's Office.</li> <li>9. The plaintiff must remove vehicles at the eviction site or plaintiff's agent who must arrange for a wrecker to take them to a storage lot as provided by law. Vehicles cannot be left on the property or placed on the right of way or roadway.</li> <li>10. Property that is removed from the defendant's residence shall be place at the nearest property next to the roadway in a container. Failure to provide a container will result in the eviction being halted. After 24 hours the plaintiff can have the property removed permanently. Sanitation will not pick up trash or remains from the site they will have to be taken the landfill by the plaintiff or the plaintiff's agent.</li> <li>11. Vehicles or that are being seized pursuant to a writ of possession must be removed from the defendant's property at the plaintiff's expense. Vehicles that are seized and the plaintiff or plaintiff's agent is not present will be secured in the Houston County Sheriff's Office impound lot. They may only be picked up Monday through Friday 8am-5pm excluding holidays. Vehicles left over 3 business days will be charged a storage fee in addition to the wrecker fee.</li> <li>12. Mobile Homes that are being seized pursuant to a writ of possession must be removed from the property unless the land is being seized in addition to the mobile home. Or unless there is a prearranged written agreement between the landowner and the plaintiff. If there is a written agreement a copy must be turned over to the Sheriff's Office for the writ of possession file.</li> </ol> |
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