



2019EX001554

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA

IN RE: DIRECTION ON FILING FEES, OVERAGE PAYMENTS

File No _____

STANDING ORDER AND INTERNAL PROCEDURE: 2019-202
ABANDONED MOTOR VEHICLES

During the 2019-2020 legislative term HB307 was enacted to amend Chapter 11 of Title 40 of the Official Code of Georgia, relating to abandoned motor vehicles. The effective date of the Act is September 1, 2019.

The Act creates two separate costs for cases filed pursuant to the Abandoned Motor Vehicle Act, specifically:

1. At the time of filing, the Clerk is authorized to accept a filing fee of "no more than \$11.00." O.C.G.A. §40-11-19.1(a)
2. Once a Judgment is GRANTED, an additional fee applies ONLY if the requesting party seeks a certified copy of the Judgment.
3. At the time of providing a certified copy of the Order of Judgment, the Clerk is authorized to charge a fee of "no more than \$14.00." O.C.G.A. §40-11-19.1(d) and (e).

Further, the Act creates two classes of cases: those occurring before September 1, 2019 and those occurring on or after September 1, 2019. Accordingly:

1. All cases originating prior to the effective date of HB307 (OCGA §§ 40-11-11 et seq.) must be filed under the Abandoned Motor Vehicle Act in effect at the time the entity seeking to foreclose the lien came into possession of the vehicle.
2. The Amended Act, effective September 1, 2019 applies ONLY to those vehicles acquired, possessed or towed on or after September 1, 2019.

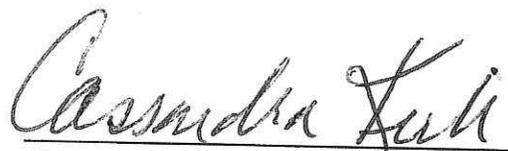
3. All other obligations, overages and filings for vehicles possessed or towed before September 1, 2019, must be handled with the statute in effect at the time of their possession, acquisition, and towing.

Based on the above:

1. The Clerk is **ORDERED** to charge the statutorily authorized filing fee of **no more than 11.00 at the time of the filing** of AMV petitions, alleging activity after September 1, 2019.
2. Filing fees for any affidavit alleging activity prior to September 1, 2019 "shall only be \$10.00 per motor vehicle upon which a lien is asserted." O.C.G.A. §40-11-5(3)(b).
3. The Clerk is **ORDERED** to charge the statutorily authorized certified copy fee of **no more than \$14.00 at the time of providing said certified copy** for cases originating after September 1, 2019.
4. The Clerk is **ORDERED** to "take affidavits in all cases permitted by law" as directed through the Magistrate Court. O.C.G.A. §15-10-105.1;
5. The Clerk is **ORDERED** to accept all overage fees and associated filings for cases pending in the court prior to the September 1, 2019 effective date of the amended act.

A copy of this order shall be filed with the Standing Orders of this Court.

SO ORDERED, this 28th day of October, 2019.



Cassandra Kirk, Chief Magistrate Judge
Fulton County Magistrate Court