

SUMMARY OF HOW TO PERFECT A JUDGMENT LIEN OR LEVY UPON JUDGMENT DEBTOR'S AUTOMOBILE & RELEASE OF LIEN

How do I perfect a lien against the judgment debtor's motor vehicle(s), or have the sheriff levy upon the judgment debtor's motor vehicle(s)?

First, you must obtain a Writ of Fi.Fa.. This is a document that is issued by the clerk of court which entered the judgment. It can be used for the purpose of recording a lien on the judgment debtor's property (in this case, their motor vehicle). It is also the legal instrument by which the sheriff of the county may seize the assets of the judgment debtor, including motor vehicles, IF the motor vehicles are owned by the judgment debtor and have no other liens upon the motor vehicle(s),

Where do I obtain a writ of Fi.Fa.?

The clerk's office which issued the original judgment will issue a writ of Fi.Fa. However, the writ of Fi.Fa. must be recorded on the General Execution Docket in Superior Court.

For a default judgment, the writ may be issued immediately, but for a contested case, the writ of Fi.Fa. cannot be issued until 10 days after the date of judgment.

How much does a writ of Fi.Fa. cost?

Currently, a writ of Fi.Fa. costs \$2.00 to issue the Fi.Fa and \$5.00 to record the Fi.Fa on a General Execution Docket.

Can I record the writ of Fi.Fa. in more than one county?

Yes, you can record the writ. of Fi.Fa. on the General Execution Docket in the Superior Court of any county where you reasonably believe that the judgment debtor may own property or possess assets. You will need to pay the recording fee to each county in which your writ. of Fi.Fa. is recorded.

How can I find out if the judgment debtor owns any motor vehicles in the state of GA? You can go to <http://www.dmv.state.ga.us/forms/motor.asp> and download any forms you need, including the MV-20 form, which is a search for motor vehicles. You may also go in person to the Georgia Department of Motor Vehicle Safety, Motor Vehicle Services located at 1200 Tradeport Blvd, Hapeville, GA 30354. Be sure to take the original writ of Fi.Fa or a certified copy of your writ of Fi.Fa. with you, if you go in person. You may also request that a MV-20 form be mailed to you. Send a self-addressed envelope, a check for \$1.00 for each vehicle, and a certified copy of your writ of Fi.Fa. to: Georgia Department of Motor Vehicle Safety, Motor Vehicle Services, PO Box 740381, Atlanta, GA 30374.

What information will I get from the MV-20 report?

You will get a list of vehicles owned by the defendant along with any liens on any of the vehicles. The form will also provide any information on boats or boat trailers.

What is the cost for this information?

Currently, this cost is \$1.00 per vehicle IF you search for tag and title information, which is recommended. See the DMVS website to confirm current costs.

What if I don't know how many vehicles the defendant owns?

You should make your best reasonable guess and submit check(s) in the amount of \$1.00 for each vehicle.

To whom should I make my check(s) payable?

Georgia Department of Motor Vehicles

What should I include with my completed MV-20 form?

You must include a certified copy of your writ of Fi.Fa. with the MV-20 form.

Does the name on the Fi.Fa. have to match the name on the MV-20 form?

Yes, it must match EXACTLY or the DMVS will not release any information to you.

If the judgment debtor owns motor vehicles "free and clear" of any other liens, can I levy upon the motor vehicles or put liens on them?

Yes.

#1. You can use your writ of Fi.Fa to have the sheriff levy upon the motor vehicle for sale at public action. Please get with your local sheriff's department on their procedures to conduct such levies.

#2. If you can't find the vehicle, or if you don't wish to ask the sheriff to levy upon the motor vehicle, you can begin process of placing a judgment lien on the vehicle. You can go to <http://www.dmv.state.ga.us/forms/motor.asp> and download any forms you need, including the MV-1 and T-53A forms. Fill out these forms, typewritten, and mail them via registered mail along with \$18.00 and a copy of the writ of Fi.Fa. to the DMVS directly: Georgia Department of Motor Vehicle Safety, Motor Vehicle Services, PO Box 740381, Atlanta, GA 30374.

What else am I required to do if there are no prior liens recorded?

You must send, via registered mail, notice to the owner of record of this lien.

How do I determine if anyone else has a lien against the defendant's vehicle(s)?

This information is only available from the Georgia Department of Motor Vehicles. Their website is <http://www.dmv.state.ga.us>. To find out if there are any liens against the defendant's vehicle(s), you must complete form MV-20, "Request for Motor Vehicle Data" and submit it to the Dept. of Motor Vehicles.

There is already a lien on the defendant's vehicle. What should I do now?

You can go to <http://www.dmv.state.ga.us/forms/motor.asp> and download any forms you need, including the MV-1 and T-53A forms. Fill out these forms, typewritten, and mail them via registered mail along with \$18.00 and a copy of the writ of Fi.Fa. to the listed lien holder.

Do I have to type the MV-1 and T-53A forms?

Yes, you must type them, either on a computer or typewriter.

If there is another lien holder already on the title, what does the lien holder do once I've mailed the lien holder the MV-1 and T-53A forms?

The lien holder is required to forward these forms, together with the original title certificate, to the Department of Revenue, Motor Vehicle Unit. The department will then enter you as a junior lien holder on the title.

I am a judgment lien holder on a defendant's vehicle and the judgment has been satisfied (paid off). What do I do now?

After the judgment has been satisfied, you are required to sign off on the title and send it to the DMVS: Georgia Department of Motor Vehicle Safety, Motor Vehicle Services, PO Box 740381, Atlanta, GA 30374.

What does the DMVS do after they receive the title once the judgment has been paid?

The DMVS will record that the judgment has been satisfied and will delete the lien from the records.

I still have questions after reading these questions and answers. Who can I contact?

If you have any other questions about this process, the DMVS Judgment Lien Department can be reached at (404) 362-6482 OR by mail:

Attention: RESEARCH*
Motor Vehicle Services
P.O. Box 740381
Atlanta, GA 30374-0381

OR email, at <http://www.dmv.state.ga.us/contact/> (go to attached form)

What must a judgment creditor do when the judgment is paid in full?

Duties of judgment creditor: Upon payment of the entire debt upon which a judgment or FiFa has been issued, the judgment creditor shall timely (within 60 days) direct the clerk(s) of the appropriate court(s) in writing to: (1) cancel the writ of FiFa, if a writ was issued; (2) mark the judgment satisfied. Failure to timely comply may subject the judgment creditor to monetary damages, O.C.G.A 9-13-80.

You will be required to pay a nominal court cost to cancel the writ. of Fi.Fa in each clerk of superior court where the writ was recorded. Currently, the statutory fee to cancel the writ is \$5.00.