



## Office of the Sheriff - Henry County

# Writ of Fieri Facias and Property Levy

The Henry County Sheriff's Office (HCSO) does not have the authority to enforce a judgement. All judgments must be changed to a Fi-FA by the Clerk of the Court, where the judgment was obtained.

### Definitions:

1. A Writ of Fieri Facias (FI-FA) is an order issued by the courts that requires the Sheriff to collect judgment by either getting the money or levying and selling a debtor's property named in the Fi-Fa to satisfy a judgment.
2. LEVY - to seize or attach property by judicial order and convert into dollars to satisfy a debt.
3. Plaintiff- a person who brings suit in court.
4. Defendant - a person whom a claim or charge is brought against in court.
5. UCC - Uniform Commercial Code search.

### Requirements for Personal Property LEVY:

The Sheriff's Office will make a 10-day money demand on the defendant by personal contact with the person(s) named in the Fi-Fa or by leaving a door hanger at the person's home if contact is unable to be made. If the defendant cannot or will not pay, then we will return the Fi-Fa to you (Plaintiff) with the results of our money demand. It is then up to you, the (Plaintiff) or your agent to identify and provide the Henry County Sheriff's Office with any known assets of the defendant that are unencumbered (no security interest, no UCC filing, no secured debt, no liens, etc.). You can contact the Georgia Department of Revenue (DOR), Motor Vehicle Division at ([dor.georgia.gov](http://dor.georgia.gov)), to determine if the defendant has any motor vehicles that are in their name or the name of a business, (if applicable). You will have to complete the appropriate paperwork provided by the DOR.

**Note:** The HCSO does not identify the items to be levied or assume any liability as to the items levied upon. The plaintiff or plaintiff's agent proceeds at their own peril, and should acquaint themselves with the following Georgia Statutes: [O.C.G.A. 9-13-50](#) & [O.C.G.A. 9-13-16](#)

### After you have determined any assets, you must:

- Provide a letter to the HCSO requesting that we do a levy. The letter must describe the assets and the address where you would like the HCSO to do the levy.
- We will need a printout from the Motor Vehicle Division showing what vehicles the defendant owned, or a letter certifying that a UCC search was completed and that there are no liens on the assets you are asking to levy.
- Sign a Hold Harmless Agreement absolving the HCSO of any liability with this process.

### Before levying, the plaintiff must pay specific fees in advance. They are generally, but not limited to:

- Legal Advertising in the [Henry Herald](#) for {30-days}.
- Wrecker and wrecker lot storage fees if a vehicle is to be seized.
- Storage fees at a place deemed safe and secure by the HCSO, located in Henry County.
- All labor and transportation cost for the physical seizure and movement of any property levied upon.



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### At the time of LEVY:

- The defendant must be present.
- The plaintiff or plaintiff's agent must be present.
- A Sheriff's Officer deputy and the original Fieri Facias must be present.
- No items can be levied that has an outstanding lien.
- The plaintiff must show there has been an adequate investigation to determine the existence of liens upon the property sought.

### After the LEVY:

Once the LEVY is completed, the items will be placed in a secure area within Henry County, selected by the HCSO, but paid for by you, the plaintiff. This process is the same for any identified vehicles that are subject to LEVY.

The seized property is then advertised for 30-days in the Henry Herald News Paper (legal organ of Henry County). After which the property will be sold on the first Tuesday of the month.

The Henry County Sheriff's Office does not identify specific property to levy; however, we do make a money demand. Any type of tracing or identifying property is solely the responsibility of the plaintiff. Please refer to O.C.G.A. 9-13-50 and O.C.G.A 9-13-16.

### NULLA BONA:

A Writ of Fieri Facias will expire after seven years from the date of filing with the Clerk's Office. You can renew the Fi-Fa by requesting a Nulla Bona from the HCSO. That is a determination by the HCSO, based on the documentation submitted, that there is no property identified by the plaintiff which can be found to levy upon. Once filed with the Clerk's Office, the Fi-Fa can renew for another seven years.

There is a \$20 dollar renewal fee to be paid by check or cahiers check for requesting a Nulla Bona renewal. Additionally, there is \$25 dollar filing fee that must be paid to the Clerk's Office. Both fees should be on separate checks or cahiers checks. The HCSO will forward the Fi-Fa to the Clerk's Office. If requesting a Nulla Bona, the Fi-Fa must be received no later than thirty (30) days before expiration date. The Sheriff's Office cannot enter a finding of Nulla Bona on a formant Fi-Fa.

### Real Property Levy:

Henry County Civil Unit Requirements for a Real Property Levy:

- A request, in writing, to the Henry County Sheriff's Office Civil Unit to levy and sell real property to satisfy a Fi-Fa. The request must include a statement that there is either no personal property to be levied upon to satisfy the judgement or that there is insufficient personal property found to be levied upon to satisfy the judgement.
- The original Fi-Fa must be provided. HCSO cannot accept copies of a Fi-Fa. The Fi-Fa must have been recorded in the county where the judgment originated. If the judgment originated outside of Henry County, the foreign judgment must also be recorded in Henry County. If the original Fi-Fa is lost, HCSO will accept a properly marked "Alias"<sup>11</sup> issued by the original issuer (Clerk of Court) with the same judgment date as the original Fi-Fa and endorsed as an "alias."<sup>11</sup>



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- A Certificate of Title, certified by an attorney, authorized to practice law in the State of Georgia. The Certificate of Title must be less than 30-days old, and the name of the current owner of the property must be shown. Additionally, it must include a list of all lien holders with their name(s), address(es), and the date the lien(s) were recorded.
- A detailed and complete, full legal description of the real property that the plaintiff wants to levy upon and sell. This description should include the "metes and bounds" in the legal description. A certified copy of the deed from the Clerk of Henry County Superior Court for the subject property to be levied is preferred.
- Please note that any mortgage (security deed) must be resolved before levying can take place by the HCSO. You, the plaintiff, will need to provide a certified copy of the cancelled security deed, if applicable.
- A check for \$50 dollars made out to the HCSO for statutory levy fee must be presented.
- The cost and advertising in the legal organ, the Henry Herald, will be the responsibility of the plaintiff.

Sheriff's sales are held on the first Tuesday of each month unless that day falls on a holiday, in which case it is held the following day. We are required to publish the sale notice for 30 consecutive days prior to the first Tuesday of the month, on the designated legal origin of the County, which is the Henry County Herald newspaper.

To place the ad promptly, the designated Civil person will coordinate with the plaintiff or the plaintiff's attorney as to the cut off time and date.

**Note:** The Henry County Sheriff's Office reserves the right to add, change, or delete from this list.