



OFFICE OF SHERIFF WHITE COUNTY, GEORGIA

Sheriff Rick Kelley

1210 Hulsey Road
Cleveland, Georgia 30528

ADMINISTRATION

706-865-6370
706-865-6977 (FAX)

DETENTION CENTER

706-865-5177
706-865-3037 (FAX)

Writ of Fieri Facias & the Process of Levying on Property

Writ of Fieri Facias

A Writ of Fieri Facias or Fi-Fa is a writ of execution obtained by the plaintiff after a judgment is granted on their behalf through a legal action for debt or damages. A Fi-Fa gives the Sheriff the legal authority to collect a judgement by way of either a demand for money or levy. A “levy” is a legal seizure of property to satisfy a debt. Keep in mind that the White County Sheriff’s Office does not have the authority to collect on a judgement until it is converted into a Fi-Fa. This can be done through the White County Clerk of Courts.

Fi-Fa Information for the Plaintiff

The White County Sheriff’s Office will make a 10-day money demand on the defendant either in person or by mail. If the defendant says they cannot or will not pay, the Sheriff’s Office will return the original Fi-Fa to the plaintiff with the results of the money demand.

It is the Plaintiff’s responsibility to provide the Sheriff’s Office with any known assets of the defendant to be seized. The Plaintiff can take their original Fi-Fa to the Department of Motor Vehicles in Hapeville, Ga and that agency will provide a printout of any vehicle(s) owned by the Defendant and/or corporation (if applicable). These vehicles, personal or real properties must be unencumbered (no security interest, no UCC filing, no secured debt, no liens etc.).

Once the Plaintiff has identified any assets, he/she must:

- Provide the Sheriff’s Office a letter requesting the levy with a full description of these assets and the address in which the levy is to take place.
- Either provide a printout from the Motor Vehicle Division showing the vehicles owned by the defendant, or a letter certifying a UCC search was completed and that there are no liens on the assets to be levied upon.



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Prior to levying, the Plaintiff must pay specified fees to include but not limited to:

- Legal advertising in the White County News for four weeks
- Wrecker and wrecker storage lot fees (for vehicle seizure)
- Storage fees at a secured storage facility approved by the White County Sheriff's Office and located in White County if appropriate
- Labor and transportation cost for the seizure of the property to be levied upon, if applicable

These fees must be paid by the Plaintiff before levying.

Real Property Levy

Requirements for a Real Property Levy:

- A request in writing to the White County Sheriff's Office of the property to be levied upon and sold - to include an address and complete legal description (metes and bounds) of the property. In addition, 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 White County Sheriff's Office must have the original Fi-Fa. Copies will not be accepted. The Fi-Fa must be recorded in the county where the judgement originated. If the judgement originated outside of White County, the judgement must also be recorded in White County.
- 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. Also, it must include a list of all lien holders with their name(s).
- A certified copy of the warranty deed for the property.
- A check for the levy fee in the amount of \$50 to be made out to the White County Sheriff's Office.
- The cost and running of the newspaper ad will be the responsibility of the Plaintiff listed on the Fi-Fa
- Any outstanding mortgages and/or liens must be paid off before levying. The Plaintiff must provide proof to the Sheriff's Office that this has been completed.



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Post Levy Procedures

Upon completion of the levy, items seized are to be transported by the Plaintiff to an approved storage facility within White County. The Plaintiff must provide enough manpower and trucks to effectively move the seized items safely to the storage location. The storage location should be pre-paid and in the name of the Sheriff – not the Plaintiff. The Plaintiff is financially responsible for not only the transportation of seized items but for the storage location as well – up until the day of the sale.

The seized property will then be advertised for four consecutive weeks in the White County News Paper and subsequently sold on the first Tuesday of the month between 10am – 4pm. If the first Tuesday of the month falls on New Year's Day or Independence Day, the sale will commence on Wednesday between 10am – 4pm.

Any fees incurred during the FiFa process that were not satisfied before the levy are to be paid prior to the sale.

***The Sheriff's Office will not levy on more property than is necessary to satisfy the judgment.