

Satisfaction of Judgment (MAG 11-06)

Purpose of form:

The law requires a judgment creditor to file a "Satisfaction of Judgment" with the clerk of court upon receiving payment in full on an outstanding civil judgment. The judgment creditor is the one who is awarded money to be paid by the losing party. This may be the plaintiff or the defendant on a counterclaim. The failure of the judgment creditor to properly have a civil judgment marked as being satisfied may subject the judgment creditor, the attorney for the judgment creditor, or both, to penalties up to \$500.00. This form should be filed with our clerk when judgments are paid in full.

Duties of Judgment Creditor: Upon payment of the entire debt upon which a judgment or Fi.Fa. 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 Fi.Fa. if a writ was issued; (2) mark the judgment satisfied. The failure to timely comply may subject the judgment creditor to monetary damages, O.C.G.A. B' 9-13-80. The Writ of Fi.Fa. should be canceled with Clerk of Superior Court in each county where you filed the writ. Also, this form should be submitted to clerk on all judgment and consent judgments upon receipt of full payment.

O.C.G.A. 9-13-80. Execution to be canceled when satisfied; private right of action; damages.

- (a) Upon the satisfaction of the entire debt upon which an execution has been issued, the plaintiff in execution or his or her attorney shall timely direct the clerk to cancel the execution and mark the judgment satisfied.
- A private right of action shall be granted to a judgment debtor upon the failure of such plaintiff or counsel to comply with the provisions of subsection (a) of this Code section.
- Failure to direct cancellation and satisfaction within 60 days after satisfaction of the entire debt shall be prima-facie evidence of untimeliness.
- Recovery may be had by way of motion in the action precipitating the judgment and execution or by separate action in any court of competent jurisdiction.
- Damages shall be presumed in the amount of \$100.00. Actual damages may be recovered, but in no event shall recovery exceed \$500.00