

INTERROGATORIES: Help in collecting your judgment

(1) **INTERROGATORIES** are written questions sent by the winner of a small claims suit to the losing party to try to find out what cash and other assets the loser has to satisfy the judgment. The winner is looking for bank accounts and wages so a **GARNISHMENT** can be filed to get the funds, and real estate and other property that could be levied on and sold. O.C. G. A. Section 15-10-50 (Forms available)

Costs: The cost is \$10.00 per defendant. A copy is given to the filing party to be sent to the other party by certified mail. The green card must be returned to the Court after the Plaintiff receives it from the post office.

(2) **MOTION TO COMPEL DISCOVERY**: In either case, one filed before or after 30 days from judgment, if, after 30 days from service (certified or by sheriff), the Defendant has not filed an answer to the Interrogatories, the next step is to file a **MOTION TO COMPEL DISCOVERY**. The form is also provided with a signature line at the bottom for your signature as Movant. The Motion to Compel is served by the sheriff along with a Rule Nisi ordering the Defendant to come to court at a certain date and time to answer the interrogatories under oath before the judge.

(3) **10-DAY ORDER**:

If the Defendant does not show up for the Motion to Compel Discovery and Rule Nisi after being served properly by the sheriff, the Judge will sign a 10 day order allowing the Defendant 10 additional days to answer. The 10 day Order will be served by the sheriff.

(4) **APPLICATION FOR CITATION OF CONTEMPT**:

After service of the 10-day order, the Plaintiff files an application for contempt against the Defendant for failing to answer the interrogatories. This will be another Rule Nisi ordering the Defendant to come to court. The Application for Citation of Contempt will be served by the Sheriff.

(5) **ORDER OF CONTEMPT**:

If the Defendant fails to appear after being served by the sheriff, the judge will sign an order issuing a bench warrant for the Defendant's arrest. The Defendant is to stay in jail until the interrogatories have been answered acceptably to the judge.

This seems like a complicated procedure, requiring the winning party in a lawsuit to appear in Court several times. Persistence usually pays off. Contact your legislators to see if they will draft a law to make it simpler and quicker to get your money through this method.