



10. Appeals

If an appeal (Petition for Review) is filed, the judge will issue an order regarding the rent in the Court's registry:

- **Past Due Rent:** If the Court decides that the landlord owes the tenant some money, that amount will remain in the Court registry until a final judgment is entered on appeal. The funds will be disbursed based on the Order of the reviewing Superior or State Court.
- **Future Rent:** The Court will usually order the tenant to pay future rent into the registry of the reviewing State or Superior Court until the appeal is resolved.

Payment Instructions

Rental payments must be made in the form of money order, cashier's check, or cash at the Clerk of Magistrate Court's Treasury Department, located at 136 Pryor Street SW, 1st floor, Suite J2-103, Atlanta, Georgia, 30303. The Clerk will not accept partial payments.

Funds Disbursement

The Court has directed the Clerk's Office to pay landlords rent paid into the Court's Registry as they come in. If the tenant argues they deserve some or all the money, the court will hold that portion of the funds into the registry until they make a final decision about the case.

Contact us

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JUDGE CASSANDRA KIRK
Chief Magistrate

LANDLORD Tenant

MOTIONS TO COMPEL PAYMENT OF RENT INTO THE COURT REGISTRY

A Step By Step Guide



If your case isn't heard within two weeks, the landlord may ask the court to require the tenant to pay:

- Rent owed at the time of filing
- Future rent payments on time

This money goes into Court Registry and is held until the eviction case is settled and resolved.

For more details on this process, our Standing Order explains it all. You can find it online by searching "Standing Order Compel" at www.MagistrateFulton.Org.

01. Landlord Files Motion

Contents of the Motion:

- The landlord's motion must contain certain notices to the tenant in order to give the tenant enough information to respond.
- A sample motion can be found on the Court's website which lists all the notices a landlord is required to include.

Motion to be Served on the Tenant:

- The landlord filing the motion must mail a copy of the motion to the tenant and file a certificate of service with the Court certifying that the motion was mailed to the tenant and the date it was mailed.

02. Court's Order

- If the landlord's motion contains all required notices to the tenant, then the Court will not issue a separate Order. The next steps are contained in the Standing Order.
- If the landlord's motion does not contain the required notices, then the Court will issue a separate order with instructions to the tenant.

03. Deadline to Respond

- If the landlord's motion contains all notices, the tenant must respond to the motion within 14 calendar days from the date listed on the certificate of service attached to the motion.
- If the Court issues a separate Order, the tenant's response is due 14 days from the date of the entry of the Court's Order.

04. Timely Response

If the tenant files a timely response, no further action is required until the Court issues an Order with further instructions to the parties. Late responses are generally not accepted, but the tenant can try to explain why they were late (called showing good cause).

A Response Form is located on the Court's website www.MagistrateFulton.Org by clicking on the "Civil Matters" tab and selecting "Dispossessory". The forms are located in the right column of the page.

Tenant's Response can Include:

1. The amount owed or the monthly rental rate stated by the landlord is incorrect,
2. The rent owed at the time of filing has been paid to the landlord, or
3. Some or all funds owed have been paid to the landlord.

The tenant must attach proof of payments (receipts) and/or the lease agreement to prove payments or the monthly base rent.

The Answer filed in response to the dispossessory action (eviction) will not be considered a response to the landlord's Motion to Compel. The tenant must file an additional separate response to the landlord's Motion to Compel.

05. Failure to Respond

If the tenant fails to file a response, the rent owed (which is listed in the landlord's motion) must be deposited into the Court's registry 15 days from the date listed on the certificate of service or 15 days from the date the Court's Order is filed if the Court issued an order in the case. The tenant must also deposit future rent as it becomes due until the case is heard by a judge.

06. Failure to Pay

If the tenant fails to deposit rent owed at the time of filing or future rent into the Court registry, the landlord will be entitled to a writ of possession. This means that the landlord gets the right to take the property back.

07. Tenant Pays Rent

The tenant will get to stay on the property until the scheduled hearing.

08. Writ of Possession

If a writ of possession is issued because the tenant failed to deposit rent into the Court registry, the question as to who should get the property is resolved.

However, the Court will still schedule a hearing on all remaining issues such as the landlord's request for past due rent and the tenant's counterclaim.

09. Final Judgment

If there is a trial, the judge will decide who wins the case and what happens next. This includes who gets the rent money being held in the Court's registry if there is any remaining.

If the Court grants the landlord's request for a writ of possession, paying rent into the Court after a final judgment has been entered will not stop the eviction.