What and where are the rules about paying rent into court during an eviction case?

You can find the court's "Standing Order on Motions to Compel Payment of Rent into the Registry" on our website - www.MagistrateFulton.Org

When must tenants respond by?

- The tenant has 14 calendar days to respond from the date listed on the paperwork they receive with the motion (called a Certificate of Service).
- If the court issues an order on the landlord's motion, the deadline to file a response is 14 days from the date of the court's order
- If the 14th day falls on a weekend or court holiday, then tenant's response is due the following business day.

If the tenant files an Answer in response to an eviction case, do they still need to respond to a Motion to Compel Payment?

Yes. Tenants need to file a separate response to the Motion to Compel Payment (rent).

How can the tenant pay rent into court?

- **Money order or cashier's check:** Make payable to Clerk of Magistrate Court.

- **Cash:** Clerk of Magistrate Court's Treasury Department (136 Pryor Street SW, 1st Floor, Suite J2-103, Atlanta, GA 30303).

What happens to the rent money in Court Registry if the case is appealed?

- **Past Rent:** If the Court decides that the landlord owes the tenant some money, it will remain in the Court Registry. This money stays in court until a final judgment has been entered on the appeal.
- **Future Rent:** The court will usually give this money to the landlord while the appeal is happening. However, tenants can argue to keep some or all of this money in court if they have a good reason.

Contact us

Justice Center Tower
185 Shirley C. Franklin Blvd.
formerly 185 Central Ave. SW,
Atlanta, GA 30303

(404) 613-5360

www.MagistrateFulton.Org

Judge Cassandra Kirk
Chief Magistrate

Have a Pending Eviction Case?

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.

NOTE: If the landlord filed the required notices, and the tenant failed to file a response, the Clerk will send undisputed funds to the landlord.

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What if the tenant fails to file a response to the landlord's Motion to Compel Payment of Rent?

They will have to pay money into the Court's Registry.

WHAT
The tenant needs to pay two things:

- **Past Rent:** This is unless the tenant can show proof (like a receipt) that they already paid the landlord.
- **Future Rent:** This means the regular monthly rent payments continue as usual, but the tenant pays them into court instead of to the landlord.

WHEN

- **WITH Proper Notice:** If the landlord serve all required notices to the tenant, then the tenant will need to pay into the Court's Registry within 15 calendar days from the date listed on the landlord's Certificate of Service.
- **WITHOUT Proper Notice:** If the landlord fails to serve the tenant with all required notices, then the tenant must pay into the Court's Registry within 15 calendar days from the date listed on the Court's order.

If the due date of rent falls on a weekend or court holiday, the tenant must pay the following business day.

If a tenant fails to file an answer to the landlord's Motion to Compel Payment, what rent does the tenant need to pay into court?

The tenant needs to pay two things:
- **Past Rent**: This is unless the tenant can show proof (like a receipt) that they already paid the landlord.
- **Future Rent**: This means the regular monthly rent payments continue as usual, but the tenant pays them into court instead of to the landlord.

What happens if the tenant doesn't pay the rent into court?

- If the tenant fails to pay past rent due into the Court Registry as ordered, then landlord is instantly granted a Writ of Possession without an additional court order.
- This allows the landlord to evict the tenant while the case is pending.
- However, the court will still hear both sides of the case to decide on other issues, like who owes what money.

What happens after the tenant pays money into the Court Registry?

- **It depends on the situation**: The Court has directed the Clerk's Office to pay landlords rent paid into the Court's Registry as funds come in. If the tenant argues they deserve some or all of the money, the court will hold onto it until the Court makes a final decision about the case.

What happens after the final court decision (judgment)?

The judge will decide who wins the case and what happens next. This includes:

- **Who gets the rent money in the Court Registry**: If there's any rent money left in court after the case is decided, the judge will say who gets it (the landlord, the tenant, or something else).
- **Eviction Status**: If the court grants the landlord's request for Writ of Possession (eviction), paying rent into the court after a final judgment has been entered will not stop the eviction.

What happens if the tenant responds to the motion?

- If the tenant files their response contesting the rental rate or past due rental amount on time (within 14 calendar days), the tenant must remember to include a copy of the lease agreement and/or rental receipt.
- After the tenant files a response, the court will send both parties instructions on what to do next. The Court may instruct the tenant to pay or schedule a hearing on the motion.
- Late responses are generally not accepted, but the tenant can try to explain why they were late (called showing good cause).