

IN THE MAGISTRATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Standing Order No.:

19-MM-0015

STANDING ORDER

**PERMISSIVE E-FILING IN MAGISTRATE COURT (CIVIL)
PURSUANT TO O.C.G.A. § 15-10-53**

Pursuant to O.C.G.A. § 15-10-53, any magistrate court may provide for the filing of “civil, garnishment, distress warrant, dispossessory, foreclosure, abandoned motor vehicle, and all other noncriminal actions, claims, answers, counterclaims, pleadings, postjudgment interrogatories, and other documents by electronic means.” Accordingly, effective January 15, 2020, it is the standing order of the Gwinnett County Magistrate Court to accept such filings through the Gwinnett County Clerk of Court’s Electronic Filing Portal. Electronic filing in Magistrate Court is permitted, but not mandatory. All electronic filings shall be filed, signed and served in the form and manner set forth in O.C.G.A. § 15-10-53, a copy of which is posted on the Clerk of Court’s website and outside the Magistrate Court Clerk’s Office.

SO ORDERED, this 17 day of December, 2019.



KRISTINA HAMMER-BLUM, Chief Magistrate

RICHARD ALEXANDER, CLERK

2019 DEC 17 AM 11:10

FILED IN OFFICE
CLERK MAGISTRATE COURT
GWINNETT COUNTY, GA

ELECTRONIC FILING IN MAGISTRATE COURT

***Electronic or “E-Filing” is permitted, but not required, in Magistrate Court for all non-criminal matters.**

The following statute applies to all e-filed matters in Magistrate Court:

O.C.G.A. § 15-10-53

(a) Any magistrate court may provide for the filing of civil, garnishment, distress warrant, dispossessory, foreclosure, abandoned motor vehicle, and all other noncriminal actions, claims, answers, counterclaims, pleadings, postjudgment interrogatories, and other documents by electronic means.

(b) Any pleading or document filed electronically shall be in a format prescribed by the court and shall comply with Code Section 15-10-54.

(c) Any pleading or document filed electronically shall include the electronic signature of the person filing the pleading or document as defined in Code Section 10-12-2.

(d) Any pleading or document filed electronically which is required to be verified, verified under oath, or be accompanied by an affidavit may include such verification, oath, or affidavit by one of the following methods:

- (1) As provided in Code Section 10-12-11;
- (2) By oath or affirmation of the party filing the pleading at the time of the trial of the case;
- (3) By supplemental verified pleading; or
- (4) By electronic verification, oath, or affidavit in substantially the following form:

“By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct.

Date: _____ Electronic Signature: _____”

(e) Service of any claim or complaint filed electronically shall be made as provided by law. Service of all subsequent pleadings and notices may be made electronically only on a party who has filed pleadings electronically; service on all other parties shall be made by such other means as are provided by law. Each pleading or document which is required to be served on other parties shall include a certificate of service indicating the method by which service on the other party has been made. An electronic certificate of service shall be made in substantially the following form:

“By affixing this electronic certificate of service to the pleading(s) or document(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that I have this date served the

opposing party with a copy of this pleading by e-mail or placing a copy in regular mail with sufficient postage thereon to the following address: (set forth address of opposing party).

Date: _____ Electronic Signature: _____”

(f) Nothing in this Code section shall prevent a party from contesting an electronic pleading, document, or signature on the basis of forgery or fraud. Any pleading or document found by the court to have been fraudulently filed shall be stricken from the record.

(g) Where the authenticity or the integrity of an electronic pleading, document, or signature is challenged, the proponent of the electronic pleading, document, or signature shall have the burden of proving that the electronic pleading, document, or signature is authentic.

(h) Upon the receipt of any pleading or other document filed electronically, the clerk of magistrate court shall notify the filer of receipt of the pleading or document. Such notice shall include the date and time the court accepted the pleading or document as filed.

(i) Any pleading or document filed electronically shall be deemed filed as of the time of its receipt by the electronic filing service provider.

(j) When the filing of the pleading or document requires the payment of a fee, the clerk of magistrate court may establish procedures for the payment of such fees connected with such filing. The filing of any such pleading or document shall create an obligation by the party to pay such fee to the clerk of court instantler.

(k) The clerk of court may assess an additional transaction fee or fees for each electronic filing and electronic payment.

(l) When a filing involves the transfer of funds, the court may establish a procedure for making such transactions by electronic means.