

IN THE SUPERIOR COURTS OF THE APPALACHIAN JUDICIAL CIRCUIT

STATE OF GEORGIA

INTERNAL OPERATING PROCEDURE 2000-44

IN RE: CANCELLATION OF MECHANICS' & MATERIALMEN'S LIEN & RELEASE OF CASH BONDS

Pursuant to O.C.G.A. § 44-14-361, certain mechanics' and materialmen's liens are filed in the office of the Clerk of the Superior Court. When any person entitled under this code section to claim a lien against any real estate located in Georgia files a lien in the office of the Clerk of the Superior Court, the owner of the real estate or the contractor employed to improve the property may, before or after foreclosure proceedings are instituted, discharge the lien by filing a bond in the office of the Clerk of the Superior Court. The bond may be made in cash as approved by the Clerk of the Superior Court and paid into the registry of the Superior Court until such time as a claim for said cash bond is made to the Court by the principal. This internal operating procedure will govern that circumstance.

In the event that a lien is canceled by the lien claimant and recorded on the real estate records with the Clerk of the Superior Court, then and in that event, the Clerk is authorized to refund the cash bond to the principal without further order of the court.

SO ORDERED, this the _____ day of March, 2000.

Brenda S. Weaver, Chief Judge
Superior Courts
Appalachian Judicial Circuit

Ronald J. Armstrong, Judge
Superior Court
Appalachian Judicial Circuit