IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

State of Georgia :

:

v. :

: Accusation No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, :

Defendant. :

:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, :

Surety. :

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

ORDER DENYING MOTION

Surety filed a Motion to Set Aside Judgment seeking relief from liability for failure of Defendant to appear in Court on the scheduled court date. Surety is a Georgia corporation and pursuant to Eckles v. Atlanta Tech. Group, 267 Ga. 801 (1997) and its progeny, “… only a licensed attorney is authorized to represent a corporation in a proceeding in a court of record, including any proceeding that may be transferred to a court of record from a court not of record.”  By accepting the benefits and protections afforded a corporation, “…a corporation must also accept the burdens, including the need to hire counsel…” Eckles, supra at 805- 806.

The motion filed by corporate surety is therefore improper as it is the unauthorized practice of law and the pleading is therefore not recognized by this Court. The Motion to Set Aside Judgment is therefore DENIED without prejudice. Counsel representing the surety may file another motion.

This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUSAN E. EDLEIN, Judge

State Court of Fulton County