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Clerks Honor 2018 ÉCLAT Winners

Congratulations to the 2018 recipients of the prestigious ÉCLAT Award: **Patti H. Grimsley**, clerk of Superior Court of Twiggs County, and **Richard T. Alexander, Jr.**, clerk of Superior Court, State Court, and Magistrate Court of Gwinnett County. The **ÉCLAT** (pronounced *eh-clah*) Award was established in 2005 by the Superior Court Clerks' Association of Georgia as a means for recognizing Superior Court clerks for *Exceptional Commitment, Leadership, Accomplishment, and Teamwork*.

The awards presentation was held on October 16 in Savannah during the COAG Fall Conference and was led by F. Barry Wilkes, former Authority chair and retired clerk of Superior Court of Liberty County. After providing some of the history and specifics of the ÉCLAT Award, Barry shared with the group the reasons why Patti and Richard are so deserving of this honor. Those comments follow:

“This year, the committee, after receiving numerous nominations, selected two Superior Court clerks who the committee believes are deserving of the



ÉCLAT. The two who are being honored today are therefore deemed worthy of the award for similar, albeit very disparate, reasons. Both of this year's recipients have exhibited exemplary leadership in their offices producing tangible improvements to service for the benefit of their constituents. Both have promoted statewide something beneficial to Superior Courts and Georgia's judicial system. Ironically, but not surprisingly, both are described

similarly by one or more of their peers as quiet, discreet, unobtrusive, altruistic, wholeheartedly committed to both their constituents and fellow Superior Court clerks, wise, discerning, courageous, willing to fight the good

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October Board Meeting Review

The Authority Board met on October 10 for its quarterly meeting. Following is a summary of the reports and actions of the meeting.

General Business

The minutes of the July 11 scheduled board meeting were approved. Greg Morgan, with Mauldin & Jenkins, provided the Accountant's Review and reported that financial activity is "status quo," meaning a positive financial environment for the Authority. Morgan also updated the Board on the annual audit for the fiscal year ending June 30, 2018, and reported



Greg Morgan, with Mauldin & Jenkins, provides the Accountant's Review and a report on the audit.

that a clean opinion (unmodified) was provided by Mauldin & Jenkins indicating that Authority staff follows

approved and accepted accounting principles. Overall, the financial health of the Authority is good.

Fines & Fees Division

It was reported that \$22 million in fines and fees has been processed thus far in FY 2019 which is a bit ahead of the same period for FY 2018. Compliance rates are very high with only four to five 60-day, non-compliance letters being sent each month.

Training Update

It was reported that approximately 78,000 users have availed themselves of the Authority's

online training courses. This year, more than 1,300 Georgia citizens have attended notary public training sessions held at various clerks' offices around the state. More notary classes are scheduled in October and November. Training webinars continue to be offered on various subjects to clerks and their staffs. The 2019 Training Schedule is now being developed and will be published in late November or December. Courses, including real estate indexing, protective orders and the UCC process, will be offered in-person and via webinar. Additionally, new tools will be available to assist clerks in researching pending liens in order to remove liens that shouldn't still reflect as pending.

eFiling Project

eFiling participation continues to increase with 122 counties currently participating in UCC eFiling. This calendar year has seen approximately 88,000 UCCs eFiled, and August 2018 saw the highest one-month total ever with 11,660 UCCs eFiled. To date, all counties participate in Real Estate eFiling to some degree: 102 counties now accept all real estate instrument types; 33 counties allow all document types except deeds; 20 counties allow plats and state tax liens only; 3 counties allow plats, state tax liens and a combination of deeds and/or liens; and 1 county only allows state tax liens. For Notary Online, there are 138 participating counties, while all counties participate in the ACH process. Development is underway to provide an estimation of filing fees to clerks.

Historical Deed Re-Indexing Projects

As of September 30, 2018, 50 counties are participating in the Voluntary (County-Funded) Historical Deed Project, and 90 counties are participating in the 1991-1990 Historical Deed Project. Combined, these counties have submitted approximately 2.1 million deed records, of which 1.7 million have been published to production. The oth-



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Board Meeting Review — Cont. from Page 2

er 400,000 are in quarantine to be reviewed before being released to production. Former clerk personnel are assisting with the deed document review in order to speed up the approval process.

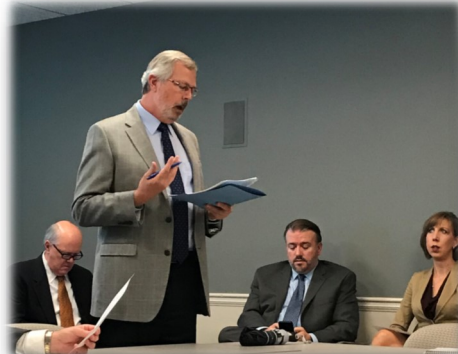
UCC Project

The number of UCCs filed statewide continues to grow. For FY 2019, Q1 (7/1/18 – 9/30/18), 64,820 UCCs were filed statewide. At this pace, Georgia would finish FY 2019 with the most UCCs filed since FY 2002.

Archival Projects

It was reported that approximately one county a month requires a data restore. Participating clerks are being contacted to ensure that correct files are being backed up. As a result, 10% of counties have requested some type of modification to their backup plan. More than 80,000 deed books are backed up via the Authority's Virtual Microfilm (VMF) Project. 102 clerks have authorized the Authority to contact State Archives on their behalf to determine exactly what data State

Archives has for the requesting clerk's office. A comparison is then made with the Authority's VMF to determine if there are missing files that need to be added to VMF.



Peter Keesom updates the Board on the Notary & Authentications Division.

Notary & Authentications Division

For FY 2019, Q1, all types of requests are on the increase. The most apostille requests are for Mexico, with India, Korea (ROK), Colombia and the Russian Federation rounding out the top five. Apostille requests for India have increased dramatically due to a new citizen's requirement of proof for India. The Philippines and Guyana join the Apostille Convention in 2019.

Next Board Meeting

The next scheduled board meeting will be held on January 9, 2019 at the Authority office. ■

Estimated Real Estate eFiling Fees

On November 15th, the Authority launched a new eFiling feature where the estimated eFiling fees of any real estate (deed, lien or plat) package filed on the Authority's eFile portal, <https://efile.gsccca.org>, may be transmitted to the clerk's office as additional information.

This opt-in feature allows clerks to see the amount of filing fees authorized by the filer while **not precluding** the clerk's office from assessing actual fees even if they differ from the estimate. This feature may be activated or deactivated at any time per a clerk's request. Interested or need more information? Contact Rachel Rice at rachel.rice@gsccca.org.



ÉCLAT Winners — Cont. from Page 1

fight for the good of all, and, above all else, worthy of our praise and gratitude.

“The first recipient, from the first day he took office, had tough shoes to fill—shoes he stepped into when his predecessor in office and longtime friend died while serving as clerk of the Superior Court of their county. However, this honoree has since carved out his own niche and distinguished himself otherwise and in his own way. He was

selected to receive the ÉCLAT this year chiefly for the ongoing advice and resources he graciously provided clerks of Superior Court last year—as well as many years previous. One of the clerks who nominated him says, ‘I cannot think of another clerk who has contributed more in a silent but meaningful style’ than he. Another clerk said in the nomination letter she submitted on his behalf that he spends countless hours researching and rendering legal advice (which I’m sure she meant is for the benefit of clerks, not the public, which we all know is illegal). ‘He is,’ she said, ‘by far, the most helpful clerk

around, going out of his way to help those in need of a quick answer or helpful suggestion.’

“Several other clerks said in their nomination letters that he is their advisor and mentor. Their consensus is that he uses the knowledge he garnered as an attorney and former magistrate judge—both which provide him a unique perspective of laws applicable to legal duties of clerks of Superior Court—for the benefit of

those who seek him out for advice.

“Although this achievement did not occur during the period for which he was considered for



*Former Authority Chair
F. Barry Wilkes presents the
ÉCLAT award to 2018 recipient
Richard T. Alexander, Jr.*

this award, it is still noteworthy that his office’s website was named in 2015 as one of the top ten websites in the nation by the National Association for Court Management. That award is given each year to ‘honor courts (that) are working hard to extend and expand access to public records, court services, and information online.’ Reportedly, he has unselfishly granted permission to other clerks to copy or replicate the website in order to improve their own offices’ online services.

“His chief deputy clerk has worked with him for seventeen years; so, it stands to reason that she knows him well. She considers him to be not just her boss, but a leader and mentor who ‘instills confidence in others’ and who ‘has the unique ability to discover an individual’s untapped potential.’ He and his wife, together, have five children and eleven grandchildren.

“Our other honoree is an individual about

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“ I cannot think of another clerk who has contributed more in a silent but meaningful style ... He is, by far, the most helpful clerk around, going out of his way to help those in need of a quick answer or helpful suggestion.”



ÉCLAT Winners — Cont. from Page 4

whom John F. Kennedy could have written in 1957 when he penned Profiles in Courage. Like the U.S. senators about whose bravery and integrity he wrote, this clerk, at a very young age, took a stand against tyranny and oppression—with the odds greatly stacked against her—and, ironically, she did so just so she could do the job for which she was elected by the citizens of her county. She is receiving the ÉCLAT this year because what she did more than three and half

decades ago affects Superior Court clerks' lives every day.

“Honestly, I don’t know why we haven’t recognized her before now. I remember vividly her struggle. It seems as if it were only yesterday. She was in her early 20s and in her first

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Help Us Serve You Better — Respond to GSCCCA Survey by November 30

To those Superior Court clerks who have already responded to the below-referenced GSCCCA survey sent out last month, thank you for your thoughtful and insightful responses. If you have not yet responded to the survey, the GSCCCA staff would greatly appreciate hearing from you on or before **November 30** so that we can consider how better to serve your office needs.

The Clerks’ Authority currently provides an array of services and materials to benefit all clerks of Superior Court. We are always mindful that we represent and support the clerks in the operations of their offices. Our intention and focus remains to be committed to that end. With a *forward looking perspective*, we would like to solicit your input on areas where the Authority may better serve you and your office in the performance of your statutory duties.

We would ask you to consider each of the categories below and provide us an email reply to surveys@gsccca.org with your thoughts on any *expanded services* or *new areas of service* which possibly could be provided by the Authority that you consider to be beneficial to your office operations. Please be as specific as possible. No particular format is needed for your email response.

1. **Backup/archiving/retrieval of records**
2. **Communications network infrastructure and support**
3. **Training**
4. **Provision of equipment**
5. **Provision of software**
6. **Historical imaging and indexing**
7. **Purchasing and contracting**
8. **OTHER – anything not in a category above**

Please reply **no later than November 30** to surveys@gsccca.org.

We appreciate your consideration and response so that we may better serve you.



ÉCLAT Winners — Cont. from Page 5

term of office...and, during the election process, had defeated the brother of a county commissioner. Then, soon after taking office, this first-term clerk, despite her petite frame and



Patti H. Grimsley speaks to her fellow Superior Court clerks after receiving 2018 ÉCLAT award.

temperate demeanor, unwillingly had to duke it out with her county commissioners, who even hired renowned attorney Denmark Groover to represent them in an effort to usurp her authority and to undermine her for no reason other than that they thought they could.

(By the way, for those who didn't know him or haven't heard of him, Denmark

Groover is a legend. He served in the General Assembly as a state representative for 22 years and was known as one of the shrewdest minds at the capitol. They used to say that every bill passed by the House was 'Grooverized' before it became law.)

"All that this clerk was asking for from her county commission was funding for two weeks of clerical help which she desperately needed during a term of court. The commissioners denied her request. She secured a letter from the Superior Court judge authorizing payment for the services. She made another request for the commission to fund wages for those employees. The request was denied again. She repeated the process a third time and the commission still denied her request, forcing her into a corner. Although she didn't want to, she filed a petition for a writ of mandamus, which put her into a full-scale war with commissioners and in the crosshairs of Denmark Groover. She persisted...and prevailed locally but, as you would expect, the commission appealed the Superior Court decision. Thus, her case eventually made its way to the Supreme Court of Georgia, with

the court asked to decide if a county commission ultimately has a duty to expend county funds to provide a clerk of Superior Court— i.e., a county constitutional officer— personnel necessary for performance of the clerk's statutory duties.

"What the court decided was that 'refusal to provide for the essential functions of the court amounts to an abuse of authority on the part of the county commissioners.' Additionally, it held that the trial court was authorized to issue a mandamus for compelling payment of any expenditures required for that purpose. This case has been cited numerous other times as a basis for Supreme Court decisions favorable to county constitutional officers. This clerk faced great adversity. She endured a lot of trials. But, because she believed she had to, she stood her

“ For the courage she exhibited, every clerk of Superior Court now and forever more is indebted to her. The stand she took 36 years ago has had—and will continue to have—a profound and lasting effect on the independence of clerks of Superior Court.”

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ÉCLAT Winners — Cont. from Page 6

ground and did not back down—even though, knowing her as I do, I can assure you she wouldn't have done so for any other reason. For the courage she exhibited, every clerk of Superior Court now and forever more is indebted to her. The stand she took 36 years ago has had—and will continue to have—a profound and lasting effect on the independence of clerks of Superior Court. It is now the precedent upon which clerks and other constitutional officers depend to defend against county commissioner control of their offices through the purse strings they control.

“Her deputy clerks love, respect and admire her. They say, ‘She has served as clerk of [our county] for almost four decades, and she’s just as committed to the job today as she was when she was elected in 1978. She uniquely cares about

our office, her staff, her fellow clerks, and all the citizens she serves.’ Her fellow Superior Court clerks love her, too, and have the utmost respect for her and the extraordinary job she does as clerk of Superior Court of her county. She and her husband have two sons and five grandchildren.

“As a former clerk of Superior Court of Liberty County and on behalf of the ÉCLAT Trust, members of the selection committee and the 157 other elected clerks of Superior Court of the great state of Georgia, I proudly present this year’s recipients of the 2018 ÉCLAT Award—the Honorable Patti H. Grimsley, clerk of Superior Court of Twiggs County, and the Honorable Richard T. Alexander, Jr., clerk of Superior Court, State Court, and Magistrate Court of Gwinnett County.” ■

Congrats to Past & Present ÉCLAT Recipients



Richard T. Alexander, Jr., Patti H. Grimsley, Connie Cheatham, LeShauna R. Jackson, F. Barry Wilkes, Dana Chastain, Dena M. Adams, and Greg G. Allen.



2019 Training Schedule Coming Soon

The Authority is actively working on the 2019 training schedule and will continue to offer a mix of webinar and classroom training. The always-popular fines and fees training will be offered through both a webinar and as a classroom program. All training is open and free-of-charge to Superior Court clerks, their employees and vendors. The 2019 schedule currently offers 29 training programs (classroom and webinars) covering six topics! Course descriptions are below.

Real Estate Indexing Standards — Suitable for new and experienced indexers, this course includes a review of the GSCCCA Standards for indexing real estate, lien and plat records. In addition, there will be multiple examples on how to pull information from sample images with varied instrument types.

Fines & Fees — With a concentration on Superior Court, the Fines and Fees training class/webinar will cover many facets of the court fines and fees system including:

- ❖ The proper assessment, collection and distribution of state and local surcharges and deductions relative to fines, court costs and bond forfeitures
- ❖ Legislative changes
- ❖ An overview of the Georgia statutes, legal advice, and the GSCCCA Rules and Regulations, in support of how court fees should be processed
- ❖ Sample breakdowns of civil and criminal fines and fees

Real Estate Indexing Standards — Clerk Questions — Clerks submit indexing questions to our indexing mailbox, indexing@gsccca.org. This webinar will take a look at these questions submitted by clerks' offices, examine the sample instruments submitted, and review how to index. Join us to learn how to index examples of some tricky, some easy and some seldom seen instruments.

UCC Training — Clerks of Superior Court play a vital role in the UCC/secured transactions world. As the filing office for all Uniform Commercial Code documents, it's important for clerk of Superior Court offices to understand the importance of processing

UCCs in accordance with Georgia's laws and procedures. During this two-hour training session, we will examine and review:

- ❖ UCC Forms
- ❖ Grounds for Refusing to accept a UCC
- ❖ UCC eFiling
- ❖ Administrative Procedures

Protective Orders — This session will provide training on how to scan and index Protective Orders and is appropriate for new or existing employees who have never been trained to index Protective Orders and for those who would like a refresher course. We cover everything from scanning the Protective Order, indexing the order, and verifying user reports. If you currently index Protective Orders and would like formal training, then this class is for you!

Aging Pending Lien Search (NEW COURSE) — When the Department of Revenue files a state tax lien, it becomes part of the pending lien search. As state tax liens are filed and index data transmitted, the liens are removed from the pending lien search and become part of the statewide lien index. Instances occur where required parameters are not met causing state tax liens to remain on the pending lien search. This course addresses how to find and remove state tax lien eFilings which should no longer be on the pending lien search.

In addition to classroom training and webinars, the Authority continues to offer five online training opportunities. Courses are available 24 hours a day, 7 days a week, making training completely flexible. Courses include:

- ❖ Introduction to GSCCCA Indexing Standards
- ❖ Extended Real Estate Indexing Standards
- ❖ Fines & Fees Training
- ❖ Notary Public Training
- ❖ UCC Training

Contact Rachel Rice at rachel.rice@gsccca.org or 1-800-304-5175 x1010 if you have questions or need more information about training. ■

