

GSCCCA Update

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November 2022

An update on the activities of the Georgia Superior Court Clerks' Cooperative Authority

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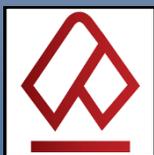
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Notification tool to help prevent fraud

Buying a home is often the most significant purchase a person makes in their lifetime. More and more, though, this investment may be under threat, and, surprisingly, the threat may be due to theft. Although it seems unimaginable that a house or land can be stolen, the FBI reports over 12,000 such cases a year, which is likely an underreported number since many cases are filed under the umbrella of "identity theft."

The issue of "house theft" is one that continues to grow and has become a significant concern. For years, the Authority has studied the issue in an effort to assist clerks in supporting and protecting their constituents. Discussions have involved what solutions are already available and if more could be done to help protect Georgians from this type of fraud. After much collaborative study, the Authority feels it is now in a position to provide additional support and has recently launched a record detection and notification initiative. At its October meeting, the Authority Board heard more infor-

mation about this initiative and approved a motion to move forward with development of a notification website that will provide an additional tool to Georgia citizens in their efforts to protect themselves from this fraudulent activity.



Before addressing the specifics of this powerful new tool, however, it is important to have a more complete understanding of the crime in order to comprehend the challenges of successfully combatting it. Some are all-too-familiar with the problem, but many are shocked when

these incredible stories pop up in the news and ask how this egregious type of fraud

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October Board meeting review

The Authority Board met on July 13 for its quarterly meeting. Following is a summary of the reports and actions of the meeting.

General Business

The minutes of the July 13 scheduled Board meeting were approved.

Adam Fraley, with Mauldin & Jenkins, provided the Accountant's Report and submitted the audited financial statements and report for FYE June 30, 2022. Fraley reported that the audit confirms that the Authority follows accepted accounting practices and there were no discrepancies with data submitted by the Authority for the audit. The Audited Financial Statements of FYE June 30, 2022 were approved by the Board as presented.



The internal financial statements as of August 31, 2022 were also presented and they confirmed that the Authority is on solid financial

ground to meet its responsibilities in the coming years.

Record Detection & Notification Initiative

The Board was presented options by Authority IT staff regarding the Record Detection & Notification Initiative and approved a plan to move forward with development. Once complete, the new system will allow any interested party to be notified of any subsequent real estate deed filing activity. Staff committed that the system would be operational by January 9, 2023 but noted that functionality of the final product might vary from initial discussions. The system is "generic" in that it can be applied to other processes. Operational costs will be incurred to operate the system which may include cloud services, SMS and email. The number of notifications to be sent to users is unknown at this time.

Statewide Network Upgrade/Outreach Initiative

As upload and download internet speeds generally lag across the state of Georgia, the Authority has begun to upgrade connectivity to increase speeds to 100mbp with those counties currently served by Comcast and Windstream. Of the 71 counties affected, six counties have had their work completed. The Authority has also engaged with MNJ Technology, a network aggregator, to assist in establishing network upgrades in 88 counties. Once the Master Service Agreement (MSA) has been agreed to, work will begin on these 88 counties. The MSA is currently in legal review with the Office of the Attorney General.

Fines & Fees Division

The Authority published the new Fines and Fees website on September 2, 2022. The new site offers more flexibility to courts and Authority staff while adding features that increase efficiencies for all users of the system. Court compliance with Fines and Fees reporting requirements remains high. Fines and Fees staff regularly communicate with courts that are behind. Collections for Q1 FY 2023 are running slightly ahead of FY 2022.

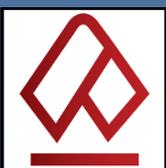
Training & Outreach

It was reported that, as of September 30, 2022, more than 88,000 users had accessed eLearn, the Authority's online training platform. Of those, approximately 85,000 users accessed the Notary Public Training course. For the Real Estate Indexing Certification Exam, 76 clerks and deputy clerks have successfully passed the exam. Planning for 2023 training is underway. Courses covering UCC, Real Estate Indexing Standards, and Records Notification are planned. Other topics may be added, as requested.

eFiling Project

It was reported that eFiling in Georgia continues to expand. At present, 149 clerks offer UCC eFiling, with 119 mandating that UCCs must be filed electronically. Seven clerks

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Board meeting review — Cont. from Page 2

have activated UCC bulk eFiling through their vendor via the Authority's API. Regarding Real Estate eFiling, all clerks participate to some degree with 141 clerks accepting all real estate document types electronically. Of those, 111 clerks have opted-in to receive estimated filing fees for eFile portal filings. Regarding the Pending Lien Search Initiative, Authority staff has contacted 30 of the 46 clerks determined to have pending liens that were 1,000 days old or older. The Notary Online application process has 151 clerks participating, while 50 allow mail-in renewal applications.

eFile System Certification

Background and updated details were provided on the Authority's eFile System Certification process which was developed to assist clerks in providing assurance that vendors offering services for deeds, liens, plats and UCCs have viable systems. In January 2022, the Authority communicated notice to vendors of the certification requirement and received feedback from five of the seven vendors by March 1, 2022.

Phase two involved finalizing the Authority's eFile certification program document, developing system certification tests which have been completed, and reviewing eAssist to make any necessary programmatic changes to facilitate successful passage of the eFile certification tests. Vendors were sent a final certification document, with application and sponsor contact forms, on September 7, 2022, requesting feedback and to schedule testing. Additionally, the Authority's eAssist program was tested and successfully passed the certification process, and can be utilized by clerks, if needed. The target completion date for all testing is July 1, 2023.

Electronic Document Certification (eCert) Program

Developed by the Authority, the eCert Program allows clerks to provide certified copies of court documents to the public electronically. At the Board meeting, it was reported that 49 counties are actively participating in the program and 34 counties have been trained and are in testing or training phases. Of the counties in active training, 29 counties are in the testing phase where they have been trained and are actively testing the system. Two counties are

scheduled for training in November, and five more counties need to schedule a training date.

Historical Plat Image Project

Historical plats are defined as those filed on or before December 31, 2003. There are an estimated 1.27 plats subject to this historical project with an estimated budget of \$3.8M-\$4.4M. To date, \$2.5M has been paid to 110 counties for previously submitted plat images. The vendor for the project, Kofile, initially agreed to a project completion date of October 31, 2022; however, the completion date has been extended to November 30, 2022. Per the vendor report, there are 71 counties remaining to have plats imaged.

1989-1987 Historical Deed Project

It is anticipated that the 1989-1987 Historical Project will include 3.6M instruments with a projected budget of \$9M-\$10.8M. It was reported that compensation has been paid to 63 counties that proactively submitted at least some 1989, 1988 or 1987 instruments. More than \$4M in compensation has been paid to counties that previously submitted images and index data. For the 1989 project portion, the target completion date is July 31, 2023.

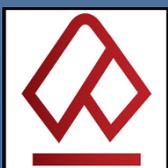
Voluntary Historical Deed Project

It was reported that 88 counties are currently participating in the Voluntary Historical Deed Re-Indexing Project, with 2 of those counties joining the program since the July 2022 Board meeting. Approximately 4.9M instruments have been released to production, and 83,145 instruments are currently in quarantine.

UCC Project

It was reported that, for Q1 FY 2023, 69,387 UCCs were filed in Georgia which projects to approximately 277,000 for the fiscal year. Certified Search requests totaled 2,853 for the same quarter.

As a result of the International Association of Commercial Administrators (IACA) ap-



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Board meeting review — Cont. from Page 3

proving revised UCC forms for use on or after July 1, 2023, the Authority Board adopted such forms for use in the State of Georgia with the following:

The Georgia Superior Court Clerks' Cooperative Authority approves for use, on or after July 1, 2023, Uniform Commercial Code forms UCC-1, UCC-3, UCC-1AD, UCC-3AD and UCC-11 promulgated by the International Association of Commercial Administrators (IACA) with a revision date of July 1, 2023. The Authority approves a grace period through July 31, 2023 during which filing offices shall accept prior versions of the forms dated April 20, 2011, or later. On or after August 1, 2023, filing offices shall only accept forms with a revision date of July 1, 2023, or later. On or after August 1, 2023, if a filing is submitted on an IACA UCC form with a revision date prior to July 1, 2023, filing offices will reject the filing as not communicated by a medium of communication authorized by the filing office. Subsequently, section 103 of the "Uniform Commercial Code, Article 9, Administrative Rules" shall be updated. The Uniform Commercial Code, Article 9, Administrative Rules shall reflect a revision date of July 1, 2023.

Archival Services

It was reported that 157 counties currently participate in the MyVault Online Archive Program. During Q1 FY 2023, over 18.4 million new files were added to the vault and are now being stored and protected for clerks. Additionally, Authority staff managed three restore requests, one deemed critical. To date, the Authority has processed a total of 210 restore requests. In an update on the Virtual Microfilm Program, it was reported that 2 million new deed images and over 260,000 new lien images had been added to the VMF system this past quarter. Additionally, the Archive Department has hired a new product specialist who will provide support across multiple archive projects.

Notary & Authentications Division

It was reported that total notary commissions indexed for Q1 FY 2023 are down 7.6% when compared to Q1 FY 2022, but staff noted that the numbers regularly fluctuate month to month. Net apostilles increased 27% compared to Q1 FY 2022. With the Authentications Division reopening to walk-in service June 1, 2022, it was noted that the number of walk-ins for the quarter had been 2,361.

Next Board Meeting

The next scheduled, quarterly Board meeting will be held on January 11, 2023. ■

2023 training to be announced soon

The Authority is finalizing its 2023 training schedule and will again offer a variety of programs and formats including online and in-person options. Classroom training will be offered on both the Real Estate Indexing Standards and Fines & Fees. Webinars will be offered via the Zoom platform with classes including: Filing Activity Notification System, FANS (*New*); Fines & Fees 101 (*New*); eFile 101 (*New*); Real Estate Indexing Standards 101 (*New*); Uniform Commercial Code (UCC) – Duties and Responsibilities of the Filing Office; and Protective Orders. Other topics will be scheduled as needed and/or requested. In addition to in-person classes and webinars, the Authority will continue to provide eight online training courses via its eLearn website. The full 2023 schedule, including dates and program content, will be disseminated before the end of the year.



Notification tool — Cont. from Page 1

could possibly happen. Thus, examining the background on how we got to this point is important, and addressing the question of how a house or land might be stolen is the logical place to begin.

unaware that the property has been conveyed illegally. There is no universal mechanism in Georgia for notifying a homeowner that a document has been filed which alters their interest in a piece of real estate.

“After much collaborative study, the Authority feels it is now in a position to provide additional support and has recently launched a record detection and notification initiative.”

Obviously, a criminal cannot simply pick up a house and run away with it, so the approaches used to commit such a crime are necessarily devious. The techniques used often start with fraud and identity theft which enable a criminal to perform certain legal acts with the appearance of legitimacy. For instance, a criminal might impersonate a homeowner and file a conveyance deed such that the property is effectively “transferred” from the legitimate owner to someone else.

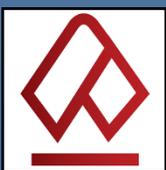
Once the appearance of legitimate ownership has been established, the criminal can perform a variety of adverse actions against the property. While the performance of these acts can be complex, the most common scenarios include outright sale of the property and/or securing loans against the property. These actions often occur without the legitimate homeowner’s knowledge, and are only ever discovered when the rightful owner starts receiving mysterious mortgage notices for a new loan (as an example). A more dramatic and dire discovery of such an event might include the realization that a vacation or second home has been torn down as the result of a sale. This traumatic example is not a theoretical scenario, but has actually unfolded many times in Georgia and across the country affecting many innocent homeowners, often having life-changing and lasting consequences.

A key aspect of all of these crimes is that the act often occurs in a void, unknown to any of the good-faith actors including the homeowners. When a clerk of Superior Court in Georgia is presented with properly notarized and conforming deed documents, he or she is obligated by law to record the document and has no legal authority to further scrutinize the legitimacy of the document. Furthermore, the enabling feature of this crime is that the document appears to be legitimate, so even if such authority were granted to the clerk, there would be no basis for the clerk to make such an assessment.

The key to fighting this crime is awareness, and several businesses offer subscription products that claim to provide deed-monitoring services. The idea is that if a deed document is filed in the office of a Superior Court clerk, the company will use document names and other available metrics to alert a

While this is a fraudulent and illegal act, it is performed in such a way as to give the appearance of a legitimate transfer when subjected to proper inspection. Subsequent decisions made against that property would then be made in good faith by other parties who are wholly unaware of the previous criminal acts. Of particular note is the fact that the legitimate homeowner is most often part of the group who is generally

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Notification tool — Cont. from Page 5

subscriber that a document has been filed which might affect their property ownership. Unfortunately, there have been numerous consumer and media reports that these notifications are not timely, complete, or consistent.

Some clerk offices offer notification services directly, and such services are certainly more consistent and accurate. The Authority strongly encourages residents of counties that offer such services to consider signing up for them where available. At present, there is no service that provides notifications to citizens at a statewide level; however, the Authority is in a unique position to fill this critical void.

Since 1999, the GSCCCA has been statutorily mandated to collect deed index information

from all 159 counties in Georgia, and to make such indexes available through a statewide search system. In cooperation with Superior Court clerks, the Clerks' Authority has an unassailable track record of making this information available to citizens through its website, by subscription or free-of-charge through search terminals available in all Superior Court clerk offices.

The success of the deed index program led to the eventual expansion of the search database to include lien, plat, and PT61 data, for which the clerks have been diligently providing in satisfaction of their statutory mandates. Given the constant flow of real estate records to

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Authority launches new CourtTRAX website

It's live! After two years of extensive planning and programming, the Authority launched its new and improved Fines & Fees website, www.CourtTRAX.org, on September 1, 2002. New features of the site include:

- ❖ the ability for courts to remit Fines & Fees reports (Consolidated Monthly Remittance and Monthly Disbursement) and payment via ACH;
- ❖ the ability to remit Trust Fund Interest reports and payment via ACH;
- ❖ an updated Online Calculator; and
- ❖ user management of ACH account information.

With an updated look and enhanced ease-of-use, the fully overhauled site continues to provide access to legal advice, legislative data, reports, forms, and more! Vendor integration is also an option for submitting required Fines & Fees reports. A courtesy notification was submitted to vendors regarding the Authority's API-based site with a link to the documentation needed to start integrating.

Haven't visited yet? Go to www.CourtTRAX.org today to start exploring!



Notification tool — Cont. from Page 6

the Authority, and in partnership with Superior Court clerks, the Clerks' Authority is well situated to provide filing activity notifications at a statewide level.

With the Board's recent approval to move forward with this important initiative, Authority IT staff is finalizing development of the "Filing Activity Notification System" (FANS). Once complete, the new system will allow any interested party to be notified of any subsequent real estate deed filing activity providing the citizens of Georgia some increased peace-of-mind and comfort. While this system cannot prevent fraudulent documents from being filed, it can be used to send timely notifications to citizens upon the filing of a document that matches criteria which

they define. Timely notifications are a critical component of mitigating house theft and may enable homeowners to act swiftly enough to prevent the most-dire consequences. The system is scheduled to be operational by **January 9, 2023** and will be offered to the citizens of Georgia free-of-charge.

Specifically, FANS will work by allowing citi-

zens to log into the new system's website and define a variety of filings' notifications for themselves and/or their family members. While it is expected that the system will evolve over time based on usage and operational insights, FANS is anticipated to launch with the ability to define name, document, and address-based alerts. For instance, a citizen named Jane Doe would be able to use the FANS website to create a filing alert that would trigger an email or text notification to her any time a document was received by the GSCCCA matching her name, the document type specified, and the county selected. If a broader alert is desired, Jane Doe could specify the same name-based alert but allow notifications to be generated across all document types and counties.

Broad notifications are powerful tools because the FANS system is not limited to filing activity relating only to deeds. The system can also notify users when other documents are unexpectedly filed such as UCC and lien documents, where the existence of the document is not anticipated and can be filed in any county in Georgia. This does imply that Jane Doe will need to apply discretion to assess the accuracy and applicability of any specific notification, but, generally, this is easily accomplished for most users. When a notification is triggered, it will contain sufficient information for the user to be able to quickly assess if the filing is relevant to their interests while also directing the user to other resources if further investigation is needed.

Apart from name-based notifications, users are able to define both document-based and address-based filing notifications. Document notifications are particularly useful to identify potentially adverse events against a property. When a deed document is filed, subsequent filings affecting the property typically reference the original document in order for it to stand up to professional scrutinization and the desired appearance of legitimacy. If a user knows their deed book and page number, they can use the FANS system to be notified any time a document is filed that references their original deed filing.

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“ It is hoped that the FANS website will give the citizens of Georgia a powerful tool in the fight against house theft and other potentially fraudulent activity.”



Notification tool — Cont. from Page 7

If a notification is received unexpectedly, it is a good indicator that urgent action may be needed to investigate the activity further. Similar to document-based notifications, users can also set up a filing notification using their street address. Such notifications would be delivered any time a specific street address was referenced on either a PT61 transfer tax form or a UCC document. PT61 documents are supposed to be filed whenever property is conveyed and may be a powerful vector in enabling timely notifications of potentially fraudulent activity.

It is hoped that the FANS website will give the citizens of Georgia a powerful tool in the fight against house theft and other potentially fraudulent activity. As previously noted, even citizens who do not currently own property can benefit from the use of FANS due to its ability to send filing activity notifications for lien and UCC documents, both of which can affect credit-worthiness.

While the system cannot directly prevent fraud, it can provide prompt notice of filing activity and empower citizens to take swift action when required. The mere availability of the FANS system provides the double benefit of lowering the probability of

criminal success while simultaneously increasing the risk of criminal apprehension. These two factors combined with the vigilance of Georgia citizens leveraging the FANS system should have the systemic effect of decreasing house theft in Georgia. The Authority is excited to soon offer this powerful tool and believes that even a single instance of house theft avoided as a result of the new FANS system strongly justifies its existence. ■

Interest in eCertification grows

The Authority continues to see an increase in interest and participation in its eCertification Program (<https://ecert.gsccca.org>), an electronic certified document request and delivery system available to all Superior Court clerks and the courts they serve. The eCert Program was launched as a beta test site a year ago and then made available to all Superior Court clerks in January 2022. Since the statewide roll-out, participation has increased rapidly. As reported at the recent Authority Board meeting, 49 counties are actively participating in the program and 34 more counties have been trained and are in testing or training phases. Interested in offering this service to your constituents? Contact Rob Young (rob.young@gsccca.org) for more information and to schedule training.



Flyer from Chatham County Superior Court promoting the eCertification service



Authority provides training at COAG meeting

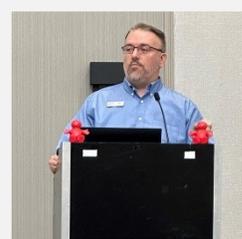
The COAG Fall Conference was held recently in Savannah, and the Authority had the opportunity to participate in training. On the first day, Authority Archive Program Manager Tara Johnson spearheaded an all-day Disaster Recovery & Records Management program. Additional presenters included Cherokee County Chief Information Officer Jorge Basto, Authority Operations Manager Eric Bolton, and Authority Project Manager Sarah Leary. The program covered past disasters and what could be learned from them; the latest information on preventing disasters and cyber-attacks; and particulars on human behavior that can inform management decisions on how best to train and equip staff for

disaster prevention and recovery.

Additionally, Authority staff presented on a variety of other topics including:

- ❖ Records Notification
- ❖ Fines & Fees Rewrite
- ❖ Network Upgrade
- ❖ eFile System Certification Update
- ❖ eCert Training
- ❖ VAS vs. Integrated Submitters

Along with supporting formal training sessions, Authority staff enjoyed meeting and answering questions from clerks throughout the conference. ■



Clerks honor 2022 ÉCLAT recipients

Congratulations to the 2022 recipients of the prestigious F. Barry Wilkes ÉCLAT Award: **Cinda S. Bright**, clerk of Superior Court of Wilkinson County, **Rebecca G. Crowe**, clerk of Superior Court of Bryan County, and

Thomas W. Sauls, clerk of Superior Court of Pierce 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*. In

2019, the ÉCLAT Selection Committee changed the name of the award to The F. Barry Wilkes ÉCLAT Award to honor Wilkes' service and commitment to the Superior Court clerk community. Wilkes is a past chairman of the Clerks' Authority and the long-time, now-retired, Superior Court clerk of Liberty County.

The ÉCLAT is presented annually, although the selection committee may opt to not confer the award in any year that it determines that no one is eligible. Nominations for the award can be made by any clerk of Superior Court holding office.

The ÉCLAT awards ceremony for the 2022 recipients was held on October 11 during the COAG Fall Conference in Savannah. As he has done many times previously, Wilkes presided over the ceremony and spoke to why Bright, Crowe and Sauls were so deserving of being honored by their peers. Following is more information about each recipient and why they received this special award.

Cinda S. Bright



Bright, who serves as clerk of the Superior & Juvenile Courts of Wilkinson County, was honored for her tremendous career ... over four decades of service to her community and

clerk family. Bright was elected clerk in 1980 at the tender age of 22 and will retire at the end of this year. In her 42 years at the helm, Bright has seen it all and managed the vast technological changes that have modernized her office.

A career exemplified by "dedication, diligence, resilience and love for her county and fellow clerk family" ... these were the words from a fellow colleague on why Bright more than qualified for the ÉCLAT. She continued: "I can say so much about her, but you all know just how much of an asset she is to our clerk family ... Mrs. Bright lives up to her name because she allows her light to shine."

Superior Court Judge William Prior, who worked with Bright for 40 years, shared the following: "When I had a question about how to do something (and I had many), she was the first person I called. Cinda was and is the 'go to' clerk for our circuit."

In her selfless manner, Bright gives credit to the team around her saying: "I love my staff and owe everything that I have accomplished in my office to them." A native of Allentown, she describes her decades-long service in a simple way: "I enjoy serving the citizens of Wilkinson County because that's what we're here for ... to serve [them]." And for 42 years, that's exactly what she's done ... served—her community, her staff, her judicial team, and her clerk family—always with a smile and often with a hug. We honor her legacy of service and wish her all the best in her much-deserved retirement.

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Pictured left to right: Cinda S. Bright, Thomas W. Sauls, Rebecca G. Crowe, and F. Barry Wilkes



2022 ÉCLAT — Cont. from Page 10

Rebecca G. Crowe



Elected Bryan County Superior Court clerk in 1997, Crowe was honored by her peers for exemplifying exceptional commitment and leadership in the face of a natural disaster.

On April 5, 2022, an EF-4 tornado—the second most intense with winds between 166 and 200 mph—struck the Bryan County Courthouse in Pembroke. Windows exploded, the roof was ripped off, and walls were knocked down. The courthouse had closed an hour earlier but Crowe stayed alone with her office and records, diligently performing her duties as clerk.

With the tornado approaching, Crowe ran for the vault in the clerk’s office, closed the door just in time, and rode out the storm with her records. Thankfully, she was safe as the vault held secure, but the courthouse and clerk’s office were destroyed. Facing overwhelming circumstances, Crowe showed a supreme dedication to her position as clerk and a commitment to serving the citizens of Bryan County and got a satellite office up and running within a week of the storm.

In nominating Crowe for the ÉCLAT, a fellow clerk wrote: “Becky’s dedication, duty and bravery set an example for all clerks of Superior Court to keep their records secure, be prepared for the worst, and use [our] intelligence and knowledge to quickly adapt and re-open an office in the face of a disaster.”

Georgia Code directs Superior Court clerks to serve as custodian for the records within their office, and Crowe’s actions define this mandate in every possible way ... both in backing-up and securing her records in advance and then literally safeguarding them in the midst of a life-threatening storm. We honor her courage, commitment and leadership in the face of this unexpected disaster.

Thomas W. Sauls



Sauls was elected Pierce County Superior Court clerk in 2000. He is a dedicated servant to his community, his staff,

his judicial team, and his fellow clerks, and was honored for his leadership and selfless commitment to so many. Sauls currently serves as president of the Superior Court Clerks’ Association of Georgia and as a member of the COAG Board. In 2017, he won 1st District Clerk of the Year. He serves as a volunteer firefighter, teaches Sunday School every week, and his employees think he is the “Best Boss Ever.”

In nominating Sauls, several colleagues spoke of his joy and willingness to always lend a helping hand to his fellow clerks whether to answer a simple question or to serve as a mentor. One elaborated: “He is the epitome of understanding, patience and helpfulness and he always manages to give us a laugh along the way. He is who we should all strive to be more like in this day and time ... honest, trustworthy, and a friend to all who meet him.”

In the words of one of his county commissioners: “I couldn’t be prouder of Thomas’ accomplishments and how proficiently he runs his office.” And according to the Superior Court Judges of the Waycross Judicial Circuit, Sauls is “revered by his peers and respected by his community ... He is one of the few people of whom it can be accurately said, ‘If you don’t like him, then it is your fault.’”

It is rare to receive such universal praise, but that is the case for Sauls who we honor and thank for his joyful commitment to servant leadership. ■

