

IN THE MAGISTRATE COURT
RICHMOND COUNTY, GEORGIA

Plaintiff(s)

vs

Civil Action No. _____

Defendant(s)

AFFIDAVIT FOR FORECLOSURE OF PERSONAL PROPERTY

Personally appeared _____ who, on oath, says that he/she is () Agent () Attorney-at-law for _____ Plaintiff herein, and is authorized to make this Affidavit, and that _____ Defendant herein, whose address is _____ is indebted to said Plaintiff in the principal amount of \$ _____ together with \$ _____ interest thereon, upon a () Security Agreement () Contract Retaining Title and who, on oath, says that the original thereof, or a true copy of same, is attached hereto and made a part hereof, and that said indebtedness is past due and that the Defendant is either now a resident of Richmond County, Georgia, or was a resident thereof at the date said writing was executed, and that this affidavit is made for the purpose of foreclosing said writing, obtaining a writ of possession for the property described therein and having judgment entered for the amount of the aforesaid indebtedness together with interest thereon and all costs of these proceedings.

(If Affiant alleges that the security interest at issue arose out of a "commercial transaction" as defined by Code Section 44-14-260, as amended, and that the Defendant has waived some or all of the rights and provisions contained in Code Section 44-14-230, a copy of such waiver shall be attached hereto and such attachment shall be construed as an allegation, under oath, of such waiver.)

Sworn and subscribed before me this

_____ day of _____, 20 ____.

Plaintiff / Agent

Notary Public/Deputy Clerk

NOTICE AND SUMMONS

To: _____

The Defendant herein is hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of Richmond County within seven (7) days from the date of service of the within affidavit and summons or on the first business day thereafter if the seventh day falls on a Saturday, a Sunday, or a legal holiday, then and there an answer to said affidavit in writing or orally. If the Defendant fails to answer on or before the seventh day from the date of service, the Defendant may reopen the default as a matter of right by making an answer within seven (7) days after the date of the default notwithstanding the provisions of Code Section 9-11-55 of the Official Code of Georgia, Annotated. If the seventh day is a Saturday, a Sunday or a legal holiday, the answer may be made on the next day which is not a Saturday, a Sunday, or legal holiday. The last possible date on which the Defendant may answer is the _____ day of _____, 20 _____. If answer is not so made, a writ of possession shall issue against you as by law provided, pursuant to the Plaintiff's affidavit.

WITNESS the Honorable Carletta Sims Brown, Chief Judge of said Court.

This _____ day of _____, 20 ____.

Deputy Clerk, Magistrate Court

I have this day served the within Affidavit and Summons upon the Defendant

(A) By leaving true copies of the same with the Defendant personally at

_____ Richmond County, Georgia
(B) By delivering true copies of the same to a person sui juris residing at

namely: _____
(name, age, and relationship of person served to Defendant)

(C) After reasonable effort, no such person being found residing at the premises, and no person sui juris being found there, by tacking a copy of said summons and affidavit on the door of the premises, and on the same day of such tacking, enclosing, stamping, and mailing by first class mail a copy of said summons and affidavit to the Defendant at the last known address, namely:

(D) By leaving true copies of the same with an agent of the Defendant (corporation or partnership) at

(address)

namely: _____
(name and office or position of the agent)

THIS _____ DAY OF _____, _____ AT _____ O' CLOCK _____ M.

DEPUTY MARSHAL

ELECTION OF OPTION

(Option desired must be initialed in the space provided)

Pursuant to O.C.G.A. section 44-14-236, as amended, the undersigned [] agent [] attorney for the Plaintiff in the above action, hereby directs that the property described in the WRIT OF POSSESSION:

- surrendered to the Plaintiff for retention or disposition in accordance with O.C.G.A. Article 9 of Title 11 as amended, or
- advertised and sold as in the case of levy and sale under execution as by law provided.

This _____ day of _____, 20____.

[] Agent [] Attorney for Plaintiff

NO. _____

MAGISTRATE COURT

OF RICHMOND COUNTY, GEORGIA

PETITION FOR WRIT OF POSSESSION

VS.

Filed in office this _____ day of _____,

Deputy Clerk, Magistrate Court
Richmond County, Georgia