

**INSTRUCTIONS FOR FILING DISPOSSESSORY AFFIDAVITS
IN THE MAGISTRATE COURT OF RICHMOND COUNTY, GEORGIA
735 JAMES BROWN BLVD., STE. 1400
AUGUSTA-RICHMOND COUNTY JUDICIAL CENTER
AUGUSTA, GA 30901
706-821-2370
OFFICE HOURS: MONDAY-FRIDAY
8:30 A.M. -5:00 P.M.**

TO ALL LANDLORDS OR THEIR AGENTS:

The Deputy Clerks cannot give legal advice. Only a lawyer can give you legal advice. A Landlord has the burden of keeping track of the progress of his or her case. Please read these instructions in their entirety before filling out the affidavit.

An affiant is the person signing the affidavit. A landlord may be a person, a corporation, or a partnership.

A tenant may be a person, a corporation or a partnership. "Azalea Apartments" is not a proper party. "Jefferson, Inc. D/B/A Azalea Apartments" is a proper party.

The affidavit form is designed primarily for use when rent is owed, or a tenant is holding over after the lease has expired. If you have other legal grounds, they can be stated; however, if your situation does not lend itself to using the form you should probably retain a lawyer.

1. Dispossession warrants are primarily designed for the removal of the tenant, not for the collection of the rent.
2. Demand for possession of the premises must be made to the tenant before you can swear out a dispossession affidavit.
3. Dispossession affidavits must be sworn to before a Deputy Clerk or a notary public.
4. The filing fee (Deposit) consists of costs for filing the affidavit and service of the dispossession on the tenant by the Deputy Marshal.

****Acceptable payment types are cash, money order, cashier check, business check or credit card (Master Card or Visa only). If payment by credit card, the cardholder must present a picture identification. There is a processing fee charged on all credit card payments.**

**** THIS OFFICE DOES NOT ACCEPT PERSONAL CHECKS. ****

Cost Schedule

For affidavit and service on one (1) tenant	\$112.00
For affidavit and service on two (2) tenants	\$172.00
Each additional service	\$60.00
Writ (Must be paid at time of filing)	\$65.00

Note: Filing fees/Deposits are non-refundable.

OVER

5. Please have the following paperwork when filing a dispossessory action.

For **1 Tenant**: One (1) original and two (2) copies of the dispossessory form and one (1) legal size plain envelope with **sufficient postage affixed**. All Dispossessory Affidavits filed with any attachments must include **additional postage** to cover the cost of mailing.

For **2 Tenants**: One (1) original and four (4) copies of the dispossessory form and two (2) legal size plain envelopes with **sufficient postage affixed**. All Dispossessory Affidavits filed with any attachments must include **additional postage** to cover the cost of mailing.

6. You can find information regarding your case on the Civil and Magistrate Court's web page which can be found on the AUGUSTAGA.GOV website by searching the case management. The tenant has seven (7) days from the date of service to file an answer. When an answer is filed, a hearing will be scheduled and you will receive a copy of the notice advising of the date, place and time to appear for the hearing. If the tenant does not answer, you may come into the office and request a judgment and writ of possession on the eighth day after the tenant has been served.
7. Labor for the removal of the tenant's property is the responsibility of the landlord. The Deputy Marshal cannot remove the property.

Options that are available for collection

There are at least two methods that are available to you for collection of a judgment rendered in Magistrate Court. There is no guarantee that either of these methods will be successful:

1. **Garnishment**- A means of legally seizing wages or property of a person being held by a third person such as an employer or bank. The defendant must be employed in Richmond County, Georgia or have an active bank account, (you must know where the person works, or the bank where the person holds their funds.) Cost for filing a garnishment is \$148.00.

Garnishment forms needed for filing are located in the Clerk's Office along with the instructions for filing. Please indicate to the Clerk if you are filing a garnishment on a bank account, an employer, or other entity.

2. **Levy**- After the fifa has been issued and recorded on the General Execution Docket, you may ask the Clerk to direct the fifa to the Marshal's Department which will explain the procedure from this point, and should you decide to use this method. Cost for this action is \$50.00.