

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

GARNISHMENT

**Plaintiff(s) Name, Address
vs.**

Defendant(s) Name, Address

Garnishee Name, Address

ATTACHMENT FOR SUMMONS OF GARNISHMENT

Other known names of the Defendant:

Current and past addresses of the Defendant:

Social security number or federal tax identification number of the Defendant:

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a [] towing or storage facility [] repair facility [] salvage dealer, and files this petition to foreclose on the above-referenced abandoned motor vehicle.

- _____ Date vehicle was [] towed [] left at repair facility [] left with salvage dealer (authority to tow attached)
_____ Date information was requested from Department of Revenue or authorized entity (copy of owner information attached)
_____ Date and method of first notice [] mailed [] hand delivery [] advertised [] disclaimer (proof of compliance attached for all owners)

The accrued fees allowed under OCGA § 40-11-19, as set forth below, have not been paid.

PETITIONER PRAYS that the lien be foreclosed and an order be issued to allow for public sale of the vehicle to satisfy a lien for the following amounts:

Table with 2 columns: Description of fee and Amount. Rows include Removal (Towing) Fee, Storage (At \$ per day for days), Future Storage Fee, Repair Fees (if applicable, with invoice attached), Cost of Obtaining Owner Information, Notification/Advertising Fees, and TOTAL.

PETITIONER ALSO PRAYS for prejudgment interest at the rate of 4% per annum from which the OCGA § 40-11-19 notification was received, 15% attorney's fees (if applicable), and all costs of court.

Sworn to and Subscribed before me
This day of 20

Notary Public or Clerk
My Commission Expires:

Plaintiff/Attorney for Plaintiff

SUMMONS

YOU MUST FILE AN ANSWER TO THIS CLAIM NO LATER THAN TEN (10) DAYS FROM RECEIPT OF THIS NOTICE USING THE STANDARDIZED ANSWER FORM PROVIDED. FAILURE TO FILE A TIMELY ANSWER WILL RESULT IN FORECLOSURE OF THE LIEN AND A COURT ORDER AUTHORIZING DISPOSITION OF THE VEHICLE PURSUANT TO OCGA 40-11-19.2.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs.

POST JUDGMENT INTERROGATORIES

Defendant(s) Name, Address

ORIGINAL CASE NO: _____

NAME OF COURT ISSUING _____

ORIGINAL JUDGMENT: _____

Comes now, the Plaintiff in judgment, and hereby submits the Post Judgment Interrogatories set forth on the reverse side of this document to the judgment debtor.

The Plaintiff in judgment in the above styled action requests that the Judgment Debtor answer the following interrogatories, separately, fully and under oath and serve such answers upon the plaintiff in judgment at plaintiff's address show above, by mail or hand delivery within thirty (30) days after service of these interrogatories.

The Plaintiff in judgment states that the original principal amount for the original judgment does not exceed the principal amount of \$15,000.00 and was issued by a court of this state.

The original judgment was entered [] within the last 30 days; [] more than 30

days ago; on the following date: _____.

This ___ day of _____, 20___.

[] Plaintiff; [] Plaintiff's Agent

NOTICE TO JUDGMENT DEBTOR

YOU ARE REQUIRED TO PROVIDE COMPLETE ANSWERS TO THE QUESTIONS LISTED ON THE REVERSE SIDE OF THIS PAGE TO THE PLAINTIFF WITHIN 30 DAYS AFTER SERVICE OF THESE INTERROGATORIES UPON YOU. IF YOU DO NOT ANSWER, OR DO NOT ANSWER COMPLETELY, YOU MAY BECOME SUBJECT TO THE SANCTIONS PROVIDED BY LAW FOR CONTEMPT OF COURT. IF YOU NEED FURTHER INSTRUCTION OR IF YOU NEED ASSISTANCE IN ANSWERING THE QUESTIONS CONTACT THE COURT AT ONCE. FILE WRITTEN ANSWERS WITH CLERK OF THIS COURT.

Witness the Honorable _____, Magistrate of said Court,

To the Judgment Debtor: The plaintiff in judgment in the foregoing case requests that you answer the following interrogatories separately, fully, and under oath and serve such answers on said plaintiff at plaintiff's address by mail or hand delivery within 30 days after service of these interrogatories.

1. List the address and phone number of your residence(s).

2. List the name, address, and phone number of your employer(s).

3. Describe and state the location of each piece of real estate in which you own any interest.

4. List year, make, and model including tag number, of all vehicles and to whom you are making payments to.

5. Give the names, addresses, phone numbers, and description of the nature of any business venture in which you own any interest.

6. List the names, addresses, and phone numbers of all persons who owe money to you and specify amounts owed (if your creditors).

7. List the names and addresses of all banks or savings institutions where you have any sums of money deposited and identify the accounts by number.

8. List and give the present location of all items of personal property owned by you that have a value of more than \$100.00.

9. List the names, addresses, and phone numbers of all persons who you owe money to. (List all Creditors)

VERIFICATION

_____, being first duly sworn, on oath says the foregoing are true complete answers to the interrogatories propounded by the Plaintiff to Defendant. I have attached additional sheets.

Sworn and subscribed before me,
this ____ day of _____, 20 ____.

NOTARY PUBLIC OR ATTESTING OFFICIAL
MY COMMISSION EXPIRES:

 DEFENDANT DEFENDANT'S AGENT

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

**Plaintiff(s) Name, Address
vs.**

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT

Other known names of the Defendant:

Current and past addresses of the Defendant:

Social security number or federal tax identification number of the Defendant:

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(SALVAGE DEALER)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Person who left vehicle at facility: _____

Any information relating to owner: _____

You are hereby notified, in accordance with OCGA 40-11-19 (b) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

MOTION FOR ORDER ON MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a _____ towing or storage facility, _____ repair facility, _____ salvage dealer, and shows the following:

1. A petition was filed to foreclose on the lien placed on the above-referenced vehicle on _____
2. Service of a copy of the oath or affirmation page of the filed petition and of a copy of the answer form was perfected on all owners by _____ certified mail, return receipt requested _____ advertisement (see attached); and
3. No answer has been filed as required by OCGA § 40-11-19.1 (c).

WHEREFORE, PETITIONER PRAYS that (a) a judgment be issued declaring the vehicle to be abandoned and the lien to be valid, and (b) an order be issued authorizing public sale of the vehicle to satisfy the lien as prayed for in the complaint.

Sworn to and Subscribed before me

This ____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Authorized Signature: _____

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff

Plaintiff's Contact Information

Name

Street Address

City State Zip Code

E-mail Address

Phone Number

Bar number

vs

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

**NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT
OF MONEY, INCLUDING WAGES, AND OTHER PROPERTY**

You received this notice because money, including wages, and other property belonging to you have been garnished to pay a court judgment against you. **HOWEVER, YOU MAY BE ABLE TO KEEP YOUR MONEY, INCLUDING WAGES, OR OTHER PROPERTY. READ THIS NOTICE CAREFULLY.**

State and federal law protects some money, including wages, from garnishment even if it is in a bank. Some common exemptions are benefits from social security, supplemental security income, unemployment, workers' compensation, the Veterans' Administration, state pension, retirement funds, and disability income. This list of exemptions does not include all possible exemptions. A more detailed list of exemptions is available at the Clerk of Court's office located at _____ (Name of Court), _____ (Address), _____ (City), Georgia _____ (ZIP Code), and on the website for the Attorney General (www.law.ga.gov).

Garnishment of your earnings from your employment is limited to the lesser of 25 percent of your disposable earnings for a week or the amount by which your disposable earnings for a week exceed \$217.00. More than 25 percent of your disposable earnings may be taken from your earnings for the payment of child support or alimony or if a Chapter 13 bankruptcy allows a higher amount.

TO PROTECT YOUR MONEY, INCLUDING WAGES, AND OTHER PROPERTY FROM BEING GARNISHED, YOU MUST:

1. Complete the Defendant's Claim Form as set forth below; and
2. File this completed claim form with the Clerk of Court's office located at _____ (Name of Court), _____ (Address), _____ (City), Georgia _____ (ZIP Code).

FILE YOUR COMPLETED CLAIM FORM AS SOON AS POSSIBLE. You may lose your right to claim an exemption if you do not file your claim form within 20 days after the Garnishee's Answer is filed or if you do not mail or deliver a copy of your completed claim form to the Plaintiff and the Garnishee at the addresses listed on this notice.

The Court will schedule a hearing within ten days from when it receives your claim form. The Court will mail you the time and date of the hearing at the address that you provide on your claim form. You may go to the hearing with or without an attorney. You will need to give the Court documents or other proof that your money is exempt.

The Clerk of Court cannot give you legal advice. IF YOU NEED LEGAL ASSISTANCE, YOU SHOULD SEE AN ATTORNEY. If you cannot afford a private attorney, legal services may be available.

Request to Issue Judgment and or FIFA (MAG 13-03)

Purpose of form:

To request in writing that the court issue a judgment in a civil case or a garnishment case when the defendant or garnishee has failed to file an answer.

The clerk of court and judicial assistants of magistrate court routinely monitor the status of cases to determine if they are eligible for a default judgment. Therefore, it is not absolutely necessary that a plaintiff request that the case be reviewed for this purpose.

The prevailing party must request that a writ of fi.fa. be issued and pay the requisite recording fee for such issuance.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Defendant(s) Name, Address

**MOTION TO ISSUE JUDGMENT
AND/OR WRIT OF FI.FA.**

The [] Defendant(s) [] garnishee has/have failed to file an answer and more than 45 days have elapsed since the date of service of process upon the [] defendant(s) [] garnishee. I request that a judgment be entered.

[] I also request that a Writ of Fi.Fa be issued. [] Attached with this request is the sum of \$9.00 court costs for the issuance and recording of the Writ of Fi.Fa. is attached to this Request.

This ____ day of _____, 20____.

Plaintiff

Address

City, State & Zip

Day Time Tel. Number

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs.

Defendant(s) Name, Address

INTERROGATORIES

MOTION TO COMPEL ANSWERS TO
POST JUDGMENT INTERROGATORIES

Comes now, the undersigned, and being duly sworn on oath or affirmation, says that he/she is [] plaintiff in judgment; [] agent of plaintiff; [] attorney at law for plaintiff in the above-styled action(s) and that post judgment interrogatories were properly served upon the [] judgment debtor; [] a corporate officer of the judgment debtor, _____ on the following date, _____, pursuant to O.C.G.A. 15-10-50. Furthermore, movant states that the judgment debtor willfully failed to answer

[] any of the interrogatories; [] the following numbered interrogatories _____.

[] gave untruthful, evasive or incomplete answers to the following interrogatories numbered, _____

_____ which movant states are untruthful, evasive or incomplete based upon the following facts: (attach the interrogatory answers & additional sheets, as necessary) _____

WHEREFORE, movant requests that this Court issue an Order Compelling Answers to Post Judgment Interrogatories pursuant to O.C.G.A. 15-10-51-(e) commanding the above-listed [] judgment debtor; [] a corporate officer of the judgment debtor; to fully, truthfully, and completely answer the above-referenced interrogatories under oath. [] Plaintiff in judgment attaches hereto copies of any answers submitted on behalf of the judgment debtor.

<p>Sworn and Subscribed before me this _____ day of _____, 20____.</p> <p>_____ Notary of Public, Clerk or Magistrate My Commission expires:</p>	<p>_____ [] Plaintiff [] Agent for Plaintiff [] Attorney for Plaintiff</p> <p>_____ Bar Number</p>
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MAGISTRATE COURT OF _____ COUNTY, GEORGIA

NOTICE FOR LIEN FORECLOSURE ON
ABANDONED MOBILE HOME

Plaintiff's Name & Address

vs.

Describe make, model, serial number, color and address or location of mobile home

Responsible Party's Name & Address

Responsible Party's Name & Address

Responsible Party's Name & Address

Responsible Party's Name & Address

Attach additional sheets if necessary.

NOTICE OF RIGHT TO HEARING ON MOBILE HOME LIEN FORECLOSURE

YOU ARE HEREBY NOTIFIED that:

You have a right to a hearing to determine if reasonable cause exists to believe that a valid debt exists.

If you wish to have a hearing, you must request one in writing or in person before a Clerk of this Court within 30 days of receipt of this notice.

If no petition for such hearing is filed within the time allowed, the lien shall conclusively be deemed a valid one, foreclosure thereof allowed, and a public sale pursuant to OCGA § 44-7-116 shall be authorized.

Deputy Clerk/Magistrate

Notice delivered by (check all that apply):

[] Certified mail

[] Statutory overnight delivery

[] Posting at county courthouse

Consent Agreement (MAG 11-02)

Purpose of form:

The **Magistrate** judge signs this document to enter making the "consent agreement" of the parties the legal decision in a civil case. The main legal distinction between a consent agreement and a consent judgment involves the finality of the case. A consent judgment is a final decision whereas, unless the case is dismissed, a consent agreement is not a final decision, it is a court order.

The advantages of a consent agreement, in appropriate circumstances include: (1) a "judgment" is not entered in the case against the judgment debtor. The entry of a civil judgment oftentimes has a negative impact upon one's credit rating; (2) through a consent agreement the parties are granted a reasonable amount of time to complete certain acts, such as a repayment plan, repairs or the completion of certain work. These issues, alone, can provide compelling incentives to fulfill the terms of the consent agreement.

The disadvantages of a consent agreement include: (1) same as #1 above, there is no judgment entered which brings finality to the case; (2) the parties may need to appear in court for an additional trial of the case if the terms of the consent agreement are not fulfilled.

Typically, a consent agreement will involve a dismissal of the claim, counterclaim, a repayment plan or the performance of certain acts. The performance of certain acts oftentimes involves completing certain repairs or finishing work, such as on a construction project. Bear in mind that a court ordinarily cannot, and will not, order completion of work or repairs, but the parties may through their own agreement do so. A court issues a money judgment in lieu of ordering completion of work or completion of repairs. Therefore, the parties may well prefer a consent agreement to a court money judgment.

When the parties agree to extend time for a repayment plan, complete repairs or finish certain work, the court will reset the case for another trial date to insure compliance with the consent agreement.

If the consent agreement is fulfilled, the parties should file a dismissal of the claim or counterclaim. If the consent agreement is not fulfilled, the case will proceed on with a trial to determine the outstanding money damages to be awarded, if any.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

CONSENT JUDGMENT

Plaintiff(s) Name, Address

Vs.

Defendant(s) Name, Address, Telephone

CONSENT AGREEMENT

At the Mediation Conference held this _____ day of _____, 20_____, the parties have agreed to abide by the following: The parties stipulate and agree that jurisdiction and venue are proper with this court and waive any objections thereto.

Consent Agreement includes the _____ pages attached hereto and incorporated by reference herein.

DISMISSAL OF CLAIM The plaintiff(s) does (do) hereby:

- voluntarily dismiss this claim with (can't refile) without prejudice (can refile).
- will dismiss this claim with prejudice upon timely compliance with above agreement.

Plaintiff(s)

DISMISSAL OF COUNTERCLAIM The deft(s) does (do) hereby:

- voluntarily dismiss this counterclaim with (can't refile) without prejudice (possibly can re-file, but may be barred.)
- will dismiss counterclaim with prejudice upon timely compliance with above agreement.

Defendant(s)

RESETTING CASE FOR TRIAL ON ALL ISSUES TO INSURE COMPLIANCE WITH FOREGOING AGREEMENT.

To allow time for compliance this case has been continued to the _____ day of _____, 20_____, at _____ P.M., Courtroom _____, _____ County Courthouse, _____, GA, _____. All parties understand that they must attend trial on this date unless (1) the plaintiff has dismissed plaintiff's claim; (2) and the defendant has dismissed defendant's counterclaim prior to this reset trial date, if a counterclaim is still pending. The parties have been provided the dismissal form(s) which must be **filed** with the Magistrate Court clerk in order to remove the case from this trial calendar. All parties acknowledge receiving this trial notice. Any party desiring an earlier court date may petition the Court in writing with a copy mailed to the opposing party/attorney for opposing party.

Date

Mediator

Plaintiff(s)

Defendant(s)

Attorney for Plaintiff(s)

Attorney for Defendant(s)

So Ordered, this _____ day of _____, 20_____.

Magistrate

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

NOTICE FOR REMOVAL OF DERELICT
MOBILE HOME

Plaintiff's Name & Address

vs.

Describe make, model, serial number, color and address or location of mobile home

Responsible Party's Name & Address

Responsible Party's Name & Address

Responsible Party's Name & Address

Responsible Party's Name & Address

Attach additional sheets if necessary.

NOTICE

The above-referenced abandoned mobile home has been deemed to be derelict by the appropriate local government agent, and notice to that effect was placed on said mobile home on the ____ day of _____, 20___. Any responsible party is entitled to request a hearing in Magistrate Court within 90 days from the date that appears on such notice to contest the determination that such abandoned mobile home is derelict. Failure to request such hearing within 90 days of receipt of such notice shall entitle such landowner to dispose of the derelict mobile home.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

Dispossessory

CASE NO. _____

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two or more Defendants)

AFFIDAVIT- - Personally appeared the undersigned affiant who on oath says that affiant is the [] owner, [] attorney at law, [] agent for Plaintiff(s) herein, and that Defendant(s) is/are in possession as tenant(s) of premises at the address stated above, in _____ County, the property of said Plaintiff(s). Plaintiff(s) attest(s) that there are no other person(s)/entity(ies) or known occupant(s) with whom Plaintiff(s) has/have a landlord tenant relationship.

FURTHER THAT: (check applicable claim(s)):

- [] tenant fails to pay the rent which is now past due;
[] tenant holds the premises over and beyond the term for which they were rented or leased to tenant;
[] tenant is a tenant at sufferance;
[] Other: _____; and

THAT Plaintiff(s) is/are entitled to recover any and all rent that may come due until this action is finally concluded. Plaintiff(s) desires and has demanded possession of the premises and Defendant(s) has/have failed and refused to deliver said possession. WHEREFORE, Plaintiff(s) demand(s) (a) possession of the premises; (b) past due rent of \$ _____; (c) rent accruing up to the date of judgment or vacancy at the rate of \$ _____ per day. (Calculate daily rental rate, if seeking rent accruing to date of judgment or vacancy.) (d) _____

Sworn to and subscribed before me, this _____ day of _____, 20_____.

Affiant [] Owner [] Attorney at Law [] Agent

Attesting Official

SUMMONS -- To the Sheriff of this County or lawful deputies of the Sheriff -- GREETINGS:

The Defendant(s) is/are commanded and required to file an answer to said affidavit in writing or orally in person at the Magistrate Court of _____ County, Georgia on or before the seventh (7th) day after the date of service of this affidavit and summons. If such answer is not made, a Writ of Possession and/or Judgment shall issue as provided by law. Witness the Honorable Chief Magistrate of said Court.

This _____ day of _____, 20_____.

Magistrate or Deputy Clerk

The last possible date to file an answer: _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

ANSWER TO PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES RESPONDENT, Owner of the above-referenced vehicle, and files this answer to the petition to foreclose lien on the above-referenced abandoned motor vehicle.

Owner Name: _____

Owner Address: _____

Date owner obtained an interest in the motor vehicle: _____

Check all that apply, and explain in the space provided (attach additional sheets if necessary).

The towing or storage firm was not authorized to remove the vehicle for the following reason(s):

The lien claimed is not valid because:

Additional facts that support why the lien should not be foreclosed upon:

I dispute the following charges:

THEREFORE, Respondent prays for a hearing on all relevant issues within ten (10) days.

Sworn to and Subscribed before me

This ____ day of _____ 20____

Notary Public or Clerk

My Commission Expires: _____

Defendant/Attorney for Defendant

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

PETITION FOR HEARING ON DERELICT
MOBILE HOME

Plaintiff's Name & Address

vs.

Describe make, model, serial number, color and address or location of mobile home

[] I am the landowner. No responsible party has requested a hearing within ninety (90) days of being notified of the decision by a local government agent that the abandoned mobile home is derelict. I request a hearing be held within ten (10) days of this petition.

[] I have been named as a responsible party, and it is within ninety (90) days of being notified of the decision by a local government agent that the abandoned mobile home is derelict. I request a hearing be held within ten (10) days of this petition.

This ____ day of _____, 20__.

[] Landowner [] Responsible Party

Printed name, address and telephone number.

SUMMARY OF HOW TO PERFECT A JUDGMENT LIEN OR LEVY UPON JUDGMENT DEBTOR'S AUTOMOBILE & RELEASE OF LIEN

How do I perfect a lien against the judgment debtor's motor vehicle(s), or have the sheriff levy upon the judgment debtor's motor vehicle(s)?

First, you must obtain a Writ of Fi.Fa.. This is a document that is issued by the clerk of court which entered the judgment. It can be used for the purpose of recording a lien on the judgment debtor's property (in this case, their motor vehicle). It is also the legal instrument by which the sheriff of the county may seize the assets of the judgment debtor, including motor vehicles, IF the motor vehicles are owned by the judgment debtor and have no other liens upon the motor vehicle(s),

Where do I obtain a writ of Fi.Fa.?

The clerk's office which issued the original judgment will issue a writ of Fi.Fa. However, the writ of Fi.Fa. must be recorded on the General Execution Docket in Superior Court.

For a default judgment, the writ may be issued immediately, but for a contested case, the writ of Fi.Fa. cannot be issued until 10 days after the date of judgment.

How much does a writ of Fi.Fa. cost?

Currently, a writ of Fi.Fa. costs \$4.00 to issue the Fi.Fa and \$5.00 to record the Fi.Fa on a General Execution Docket.

Can I record the writ of Fi.Fa. in more than one county?

Yes, you can record the writ. of Fi.Fa. on the General Execution Docket in the Superior Court of any county where you reasonably believe that the judgment debtor may own property or possess assets. You will need to pay the recording fee to each county in which your writ. of Fi.Fa. is recorded.

How can I find out if the judgment debtor owns any motor vehicles in the state of GA? You can go to www.dor.ga.gov and download any forms you need, including the MV-20 form, which is a search for motor vehicles. You may also go in person to the Georgia Department of Motor Vehicle Safety, Motor Vehicle Services located at 1200 Tradeport Blvd, Hapeville, GA 30354. Be sure to take the original writ of Fi.Fa or a certified copy of your writ of Fi.Fa. with you, if you go in person. You may also request that a MV-20 form be mailed to you. Send a self-addressed envelope, a check for \$1.00 for each vehicle, and a certified copy of your writ of Fi.Fa. to: Georgia Department of Motor Vehicle Safety, Motor Vehicle Services, PO Box 740381, Atlanta, GA 30374.

What information will I get from the MV-20 report?

You will get a list of vehicles owned by the defendant along with any liens on any of the vehicles. The form will also provide any information on boats or boat trailers.

What is the cost for this information?

Currently, this cost is \$1.00 per vehicle IF you search for tag and title information, which is recommended. See the DMVS website to confirm current costs.

What if I don't know how many vehicles the defendant owns?

You should make your best reasonable guess and submit check(s) in the amount of \$1.00 for each vehicle.

To whom should I make my check(s) payable?

Georgia Department of Motor Vehicles

What should I include with my completed MV-20 form?

You must include a certified copy of your writ of Fi.Fa. with the MV-20 form.

Does the name on the Fi.Fa. have to match the name on the MV-20 form?

Yes, it must match EXACTLY or the DMVS will not release any information to you.

If the judgment debtor owns motor vehicles "free and clear" of any other liens, can I levy upon the motor vehicles or put liens on them?

Yes.

#1. You can use your writ of Fi.Fa to have the sheriff levy upon the motor vehicle for sale at public action. Please get with your local sheriff's department on their procedures to conduct such levies.

#2. If you can't find the vehicle, or if you don't wish to ask the sheriff to levy upon the motor vehicle, you can begin process of placing a judgment lien on the vehicle. You can go to <http://www.dmv.state.ga.us/forms/motor.asp> and download any forms you need, including the MV-1 and T-53A forms. Fill out these forms, typewritten, and mail them via registered mail along with \$18.00 and a copy of the writ of Fi.Fa. to the DMVS directly: Georgia Department of Motor Vehicle Safety, Motor Vehicle Services, PO Box 740381, Atlanta, GA 30374.

What else am I required to do if there are no prior liens recorded?

You must send, via registered mail, notice to the owner of record of this lien.

How do I determine if anyone else has a lien against the defendant's vehicle(s)?

This information is only available from the Georgia Department of Motor Vehicles. Their website is <http://www.dmv.state.ga.us>. To find out if there are any liens against the defendant's vehicle(s), you must complete form MV-20, "Request for Motor Vehicle Data" and submit it to the Dept. of Motor Vehicles.

There is already a lien on the defendant's vehicle. What should I do now?

You can go to <http://www.dmv.state.ga.us/forms/motor.asp> and download any forms you need, including the MV-1 and T-53A forms. Fill out these forms, typewritten, and mail them via registered mail along with \$18.00 and a copy of the writ of Fi.Fa. to the listed lien holder.

Do I have to type the MV-1 and T-53A forms?

Yes, you must type them, either on a computer or typewriter.

If there is another lien holder already on the title, what does the lien holder do once I've mailed the lien holder the MV-1 and T-53A forms?

The lien holder is required to forward these forms, together with the original title certificate, to the Department of Revenue, Motor Vehicle Unit. The department will then enter you as a junior lien holder on the title.

I am a judgment lien holder on a defendant's vehicle and the judgment has been satisfied (paid off). What do I do now?

After the judgment has been satisfied, you are required to sign off on the title and send it to the DMVS: Georgia Department of Motor Vehicle Safety, Motor Vehicle Services, PO Box 740381, Atlanta, GA 30374.

What does the DMVS do after they receive the title once the judgment has been paid?

The DMVS will record that the judgment has been satisfied and will delete the lien from the records.

I still have questions after reading these questions and answers. Who can I contact?

If you have any other questions about this process, the DMVS Judgment Lien Department can be reached at (404) 362-6482 OR by mail:

**Attention: RESEARCH*
Motor Vehicle Services
P.O. Box 740381
Atlanta, GA 30374-0381**

OR email, at <http://www.dmv.state.ga.us/contact/> (go to attached form)

What must a judgment creditor do when the judgment is paid in full?

Duties of judgment creditor: Upon payment of the entire debt upon which a judgment or FiFa has been issued, the judgment creditor shall timely (within 60 days) direct the clerk(s) of the appropriate court(s) in writing to: (1) cancel the writ of FiFa, if a writ was issued; (2) mark the judgment satisfied. Failure to timely comply may subject the judgment creditor to monetary damages, O.C.G.A 9-13-80.

You will be required to pay a nominal court cost to cancel the writ. of Fi.Fa in each clerk of superior court where the writ was recorded. Currently, the statutory fee to cancel the writ is \$7.00.

ABANDONED MOTOR VEHICLE NOTICE
(TOWING OR STORAGE COMPANY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(a)(1). The following fees are currently due:

\$_____ Fees associated with removal of the vehicle

\$_____ Daily fee for storage of the vehicle

Daily fees will accrue until full payment has been made at the rate of \$_____ per day. Additional fees that are recoverable by a towing or storage firm include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The towing and storage firm has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

_____ (name and address of party owed fees)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

MOTION TO APPOINT SPECIAL AGENT TO SERVE PROCESS

Defendant(s) Name, Address

Garnishee Name, Address

Comes now the Plaintiff herein, and pursuant to O.C.G.A. 15-10-43 (b) [9-11-4(c)] moves this Court to appoint _____ as special agent to perfect service of the summons and complaint filed herein upon the Defendant (s), and in support thereof shows to this Court as follows:

[] Plaintiff believes that the Defendant(s) currently reside(s) within _____ County.

[] The Sheriff's Department has been unable to perfect service;

[] It is reasonably believed that service by the Sheriff's Dept. will be difficult. Therefore, perfection of service upon the defendant(s) will require an undue burden of time upon the Sheriff's Department.

The proposed special agent(s) is/are neither employee(s) of Plaintiff nor Plaintiff counsel and is/are citizen(s) of the United States above the age of eighteen years. Wherefore, Plaintiff prays that an Order issue appointing the above listed person as special agent to perfect service of the summons and complaint filed herein upon the Defendant.

This ____ day of _____, 20____.

[] Plaintiff; [] Plaintiff's Agent [] Attorney

Sworn to and subscribed before me

This ____ day of _____, 20____.

Deputy Clerk / Notary Public
My commission Expires _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

**Plaintiff(s) Name, Address
vs.**

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

ATTACHMENT FOR SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT

Other known names of the Defendant:

Current and past addresses of the Defendant:

Social security number or federal tax identification number of the Defendant:

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

STATEMENT OF CLAIM

CASE NO. _____

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

CERTIFICATE OF SERVICE TO OPPOSING PARTY

I hereby certify that I have mailed; will mail immediately upon filing; a copy of the following listed documents that I have filed with the clerk of court.

Amended Statement of Claim; Amended Answer/Counterclaim;

Other, _____; to

Opposing Party:

Name, Address

This ____ day of _____, 20__.

_____ Plaintiff Defendant

_____ Mailing address

_____ City, State & Zip

_____ Phone # (Daytime)

**RIGHT TO COUNSEL --WAIVER OF COUNSEL
SHOULD YOU HIRE AN ATTORNEY OR APPLY FOR APPOINTED COUNSEL**

MANDATORY QUESTIONS FOR PRO SE DEFENDANTS

You have been charged with a crime for which the punishment may be 12 months or more.

Do you understand the MAXIMUM penalty for each offense for which you are charged?

Do you understand that you have the right to present defense to these charges? Do you know what those defenses are under the law?

Do you understand that you have the right to present any **mitigating evidence** in regard to these charges?

Do you understand that this Court strongly advises you against proceeding without an attorney?

If you are indigent, that is you have no funds to hire an attorney and you meet the income guidelines for appointed counsel, that this Court will appoint an attorney to represent you if you wish.

This Court cannot assist you in the presentation of your case.

Do you understand that you will be held to the same legal standards as an attorney in the presentation of your case?

Do you understand that your failure to raise or challenge issues before this court will hurt or even foreclose issues to you in a higher court or on appeal?

How far did you go in school. Do you have any legal training, formal or informal?

Is your decision to represent yourself made freely and voluntarily?

Are you representing to this Court that this decision is made knowingly and intelligently by you?

These questions should help you analyze whether you should hire an attorney or apply for appointed counsel.

The Court makes the following findings as to whether the Defendant's election to represent himself/herself is made freely and voluntarily:

(STATE YOUR FINDINGS)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number

vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court information:

Street Address

_____, Georgia _____

City, Zip Code

Phone Number

SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION

**DO NOT USE THIS FORM IF THIS IS A CONTINUING GARNISHMENT
(SEE O.C.G.A. §§ 18-4-72 and 18-4-78) OR CONTINUING GARNISHMENT FOR
CHILD SUPPORT OR ALIMONY (SEE O.C.G.A. §§ 18-4-73 and 18-4-80).**

- Check this box if other allegations are made against a nonjudgment Defendant pursuant to O.C.G.A. 18-4-23.
- Check this box if this is a garnishment for child support or alimony.

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff \$ _____

Plus court costs due on this summons \$ _____

Total garnishment claim \$ _____

COURT OF JUDGMENT _____

JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, including property in safe-deposit boxes or similar property that you hold, belonging to the Defendant named above beginning on the day of service of this summons and including the next five days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than five days and not later than 15 days after the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant you hold beginning on the day of service of this summons and including the next five days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be paid or delivered to the Court concurrently with your answer.

If, in answering this summons, you state that the property of the Defendant includes property in a safe-deposit box or similar property, you shall answer to the Court issuing this summons as to the existence of such safe-deposit box or similar property and shall restrict access to any contents of such safe-deposit box or similar property until further order of such Court regarding the disposition of such contents or 120 days from the date of filing your answer to this summons unless such time has been extended by the Court, whichever is sooner.

Should you fail to file a Garnishee Answer as required by this summons, a judgment by default will be rendered against you for the amount remaining due on the judgment as shown in the Plaintiff's Affidavit of Garnishment.

WITNESS, the Honorable _____, Judge of said Court.

This ____ day of _____, 20_____.

_____, Clerk of Court

By: _____

Deputy Clerk, _____ Court

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

CASE NO. _____

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

DISMISSAL OF CLAIM

The Plaintiff(s) in the above styled action does (do) hereby voluntarily dismiss the claim against the Defendant(s)

with prejudice (case may not be re-filed).

without prejudice (case may be re-filed within statute of limitations).

This _____ day of _____, 20_____.

Plaintiff(s)

DISMISSAL OF COUNTERCLAIM

The Defendant(s) in the above styled action does (do) hereby voluntarily dismiss the claim against the Plaintiff(s)

with prejudice (case may not be re-filed).

without prejudice (case may be re-filed within statute of limitations or within 6 months from date of dismissal, whichever is longer.)

This _____ day of _____, 20_____.

Defendant(s)

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Dismissal upon the other party in the following manner:

by hand delivering a copy to the other party;

by mailing a copy by first class mail to the address listed below:

This _____ day of _____, 20_____.

 Plaintiff(s) Defendant(s)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

DISPOSSESSORY PROCEEDING

NOTICE OF TRIAL DATE

Plaintiff(s) Name, Address

vs.

Defendant(s) Name, Address

The Plaintiff(s) and Defendant(s) are required to appear for trial on the _____ day of _____, 20____
at _____ o'clock __. M., in the _____ County Courtroom, _____ County, Georgia

If you have an attorney, please notify your attorney to be present with you.

This _____ day of _____, 20____.

CLERK, DEPUTY CLERK

GENERAL INSTRUCTIONS --IF YOUR CASE GOES TO TRIAL

The instructional tape, "I PRESENT MY CASE" is currently published on Council of Magistrate Court Judges Webpage at (<https://georgiamagistratecouncil.com/forms>).

Additionally, you must be prepared and **ON TIME**. Bring all of your witnesses, documents, photographs, etc. to court with you. If you are late, you may automatically lose your case and you may not have an opportunity to present your side of the issue. If you must be late, contact the court well in advance during normal business hours so that the calendar can be properly marked.

The following may help you in preparing your claim or defense:

- All parties shall notify the Clerk of Court in writing of any address change, or daytime telephone number change.
- All court notices come by regular mail. If you fail to provide your new address, you may miss your trial & lose your case.
- I will bring the following to court to prove my case:
 - Written contracts, leases, IOUs, notes, and all written documents applicable to the case.
 - Letters and/or papers relating to the case
 - Bills or estimates, invoices. (The person(s) who prepared the bills or estimates should accompany you to court)
 - Canceled checks
 - Photographs
 - Witnesses (Should accompany you. Notarized statements CANNOT be accepted as evidence at a trial.)
 - All other evidence you consider relevant.
- I will bring to court all witnesses having firsthand knowledge of my case. They have not heard evidence from someone else. [NOTE: Impartial witnesses who have no stake in the outcome of the case are generally more believable]
- I need to get a subpoena (order to appear) from the Clerk of Court for some witnesses to make certain that they appear.
- I need to get subpoenas for the production of documents.
- This case involves damage to property (for example, a car, the home, etc.)
- I can describe the damage in detail and I have repair bills, written estimates of damage or repair, or other reliable evidence to help support **my opinion of the value of the property before and/or after** the damage. [NOTE: a case involving damages must always be proved by LIVE TESTIMONY]. Bring/subpoena the person to court who prepared any estimates
- I can describe the condition of the property before the damage and I have determined what it was worth then. I have a Bluebook/Blackbook guide or newspaper ads to help prove my opinion. I can describe with reasonable certainty the cost of repairs. I have researched the law as to the correct measure of damages.

FOR PLAINTIFF:

- The party I have named is liable to me. (There is not a person or corporation who really owes the money to me (Just because a person is an officer/registered agent of a corporation does not make that person liable.)
- I can prove the amount of the complaint. I have not asked for more money than is really owed me.

FOR THE DEFENDANT:

- I filed an answer/counterclaim to the Plaintiff's claim on time.
- I do not owe the money because someone else is legally responsible, a third party or a corporation.
- I do not owe the Plaintiff anything for some other reasons.
- The Plaintiff is suing for more than the damage.
- The Plaintiff owes me money and I have set forth the amount owed me in my counterclaim. (A counterclaim must be proven to a "preponderance of the evidence" in the same manner as Plaintiff's claim.)
- I owe most or all of the money the Plaintiff claims but I need more time to pay it. I need to set up a payment plan. I will try to work this out with the plaintiff before court. Otherwise, I will tell the judge I need a payment plan at the court date.

NOTE: The Magistrate Court attempts to use simple procedures but is subject to the same rules of law and evidence as any other court. You may wish to seek legal advice from an attorney if the importance of your case warrants it. You have the responsibility for presenting your case and this form gives only general advice which may not be adequate in your case.

ABANDONED MOTOR VEHICLE NOTICE
(SALVAGE DEALER)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN) #: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(c)(1). The following fees are currently due:

\$_____ Fee for storage of the vehicle. (\$_____ per day for _____ days.)

Daily fees will accrue until full payment has been made at the rate of \$_____ per day from the date of this notice. Additional fees that are recoverable by a salvage dealer include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The salvage dealer has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

_____ (name and address of party owed fees)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

SHERIFF'S ENTRY OF SERVICE

Defendant(s) Name, Address

Garnishee Name, Address

I HAVE THIS DAY SERVED THE WITHIN ACTION AND SUMMONS AS FOLLOWS:

PERSONAL Upon the following named defendant:

NOTORIOUS Upon defendant _____

By leaving a copy of the action and summons at the most notorious place of abode in the county.

Delivered the same to _____ described as follows:
approximate age _____ years; approximate weight _____ pounds; approximate height _____ feet and
_____ inches, domiciled at the listed residence of the defendant.

CORPORATION Upon corporation _____

By serving _____, in charge of the office and
place of business of the corporation in this county.

By serving _____, its registered agent.

TACK & MAIL By posting a copy of the same to the door of the premises designated in the affidavit and/or summons, and
on the same day of such posting, by depositing a true copy of the same in the United States mail First Class mail, in an
envelope properly addressed to the defendant(s) at the address shown in the summons, containing adequate notice to the
defendant(s) to answer said summons at the place stated in the summons.

NON EST Did not serve because after a diligent search the defendant could not be found in the jurisdiction of the court.

This _____ day of _____, 20____.

SHERIFF DOCKET _____ PAGE

TIME: _____ . M.

DEPUTY

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No. _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number
vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court Information:

Street Address

_____, Georgia _____
City Zip Code

Phone Number

AFFIDAVIT OF CONTINUING GARNISHMENT

**DO NOT USE THIS FORM FOR A CONTINUING GARNISHMENT FOR CHILD SUPPORT OR ALIMONY.
SEE O.C.G.A. § 18-4-73.**

Personally appeared (Print Name) _____ who on oath says:

1. I am the (Plaintiff) (Attorney for Plaintiff) (Agent for Plaintiff). **[Circle one]**
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____, in the _____, Court of _____, County, _____ State, and no agreement requires forbearance from garnishment which is applied for currently.
3. \$ _____ is the balance due, which consists of the sum of \$ _____ Principal, \$ _____ Post Judgment interest, and \$ _____ Other (e.g., prejudgment interest, attorney's fees, costs[exclusive of the cost of this action])
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
5. The Affiant believes that the Garnishee is an employer of the Defendant.

This _____ day of _____ 20__.

Affiant

Print Name of Affiant

Sworn to and subscribed before me
This _____ day of _____ 20__.

Notary Public/Deputy Clerk of Court

Purpose of form:

To lessen the cost of litigation and to permit the defendant to have an additional time period to file an answer. This is only an appropriate alternative if the plaintiff reasonably believes that the defendant will actually acknowledge and waive service of process. This applies to civil cases only, and would not be appropriate for dispossessory actions, foreclosures of motor vehicles or other criminal proceedings.

Helps Plaintiff

Expedite service in appropriate cases.

Saves the additional court costs of paying the sheriff's department to serve process.

Helps Defendant

Saves the additional court costs of paying the sheriff's department to serve process. These costs would be assessed against defendant if defendant loses the case.

Grants the defendant an additional 30 days to file an answer.

Avoids the possible embarrassment of being publicly served with process by a deputy in uniform in a marked patrol car.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

**NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE OF SUMMONS**

Defendant(s) Name, Address, Telephone

**OFFER TO EXTEND TIME TO FILE ANSWER TO
SIXTY (60) DAYS FROM THE DATE THIS WAIVER IS SENT**

TO: _____

(Name of individual defendant or name of officer or agent of corporate defendant) as (title or other relationship of individual to corporate defendant) of (name of corporate defendant to be served, if any)

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). **A copy of the complaint is attached to this notice.** The complaint has been filed in the Magistrate Court of _____ County for the State of Georgia in and for the County of _____ and has been assigned the case number set forth above.

This is not a formal summons or notification from the court, but rather my request pursuant to Code Section 9-11-4 of the Official Code of Georgia Annotated (**See attached sheet**) that you sign and return the enclosed Waiver of Service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 30 days (or 60 days if located outside any judicial district of the United States) after the date designated below as the date on which this Notice of Lawsuit and Request for Waiver of Service of Summons is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the Waiver of Service is also attached for your records. **YOU ARE ENTITLED TO CONSULT WITH YOUR ATTORNEY REGARDING THIS MATTER.**

If you comply with this request and return the signed Waiver of Service, the waiver will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed except that you will not be obligated to answer or otherwise respond to the complaint within 60 days from the date designated below as the date on which this notice is sent (or within 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Georgia Rules of Civil Procedure and then, to the extent authorized by those rules, I will ask the court to require you (or the party on whose behalf you are addressed) to pay the full cost of such service in the event I prevail in this case. In that connection, please read the statement concerning the duty of parties to avoid unnecessary costs of service of summons, which is set forth on the Notice of Duty to Avoid Unnecessary Costs of Service of Summons enclosed herein.

I stipulate that I agree to be bound by the provisions of O.C.G.A. 9-11-4.

I affirm that this Notice of Lawsuit and Request for Waiver of Service of Summons is being sent to you on behalf of the Plaintiff on this date: _____.

Signed:	
Type or Print Name of Plaintiff:	
Type or Print Name of Plaintiff's Attorney, if applicable:	
Bar # of Plaintiff's Attorney:	
My Address to Which a Copy of the Waiver of Service of Summons Should be Returned:	

Checklist of Items Attached:

	Copy of filed copy of Statement of Claim (complaint) & all exhibits attached to the complaint. Attach additional copies for each respective defendant.
	Two (2) copies of the Waiver of Service of Summons & Acknowledgment That Answer to the Complaint Must be Filed Within 60 Days After the Date This Waiver Was Sent. Duplicate SAME documents for each respective defendant.
	Self-addressed return envelope with sufficient postage thereon for return to plaintiff or plaintiff's attorney for each respective defendant.
	File Original of this document with Clerk of Court for each defendant.

**O.C.G.A. 9-11-4
NOTICE OF DUTY TO AVOID UNNECESSARY
COSTS OF SERVICE OF SUMMONS**

Subsection (d) of Code Section 9-11-4 of the Official Code of Georgia Annotated requires certain parties to cooperate in saving unnecessary costs of service of the summons and the pleading. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for such defendant's failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must, within the time specified on the waiver form, serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and also must file a signed copy of the response with the court. If the answer is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

While the Civil Practice Act, including 9-11-4 does not specifically apply to Magistrate Court, there are mutual advantages to both the plaintiff and defendant in minimizing court costs, avoiding be served by a uniformed deputy and increasing the time to file an answer for the defendant.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

DISPOSSESSORY PROCEEDING

Vs.

**APPLICATION AND ORDER FOR
DEFAULT WRIT OF POSSESSION**

Defendant(s) Name, Address

The within and foregoing case having been properly served, (personally or sui juris) and Defendant having failed to answer within the time provided by law, application is hereby made to this Court for (a) the issuance to Plaintiff of a Writ of Possession as provided for in O.C.G.A., section 44-7-53, (b) judgment in favor of Plaintiff and against Defendant for the amounts demanded in the affidavit heretofore filed by Plaintiff with the Court.

This ____ day of _____, 20 ____

Plaintiff,

ORDER

It is hereby ordered that a Writ of Possession issue and that Plaintiff have judgment against Defendant for \$ _____ principal, \$ _____ interest, \$ _____ attorney's fees, and \$ _____ all costs of these proceedings.

This ____, day of _____, 20 ____.

Judge

WRIT OF POSSESSION

To the Sheriff of _____ County or lawful deputies of the Sheriff:

You are hereby commanded to remove said Defendant(s), together with defendant(s) property thereon from said premises and to deliver full and quiet possession of the same to the Plaintiff(s) herein effective: 1. (Instantly); or 2. (On _____, 20____; or, 3. Pursuant to the terms of a consent judgment filed herewith dated _____, 20____.

This ____ day of _____, 20 ____.

Magistrate

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Defendant(s) Name, Address

(Check applicable sections.) Notice is hereby given that the [] Plaintiff(s) [] Defendant(s), hereby appeal(s) a judgment entered in the Magistrate Court of _____ County to the [] State Court; [] Superior Court; of _____ County.

[] CIVIL CASES

The judgment of the civil case appealed herein was entered on the ____ day of _____, 20____. (This appeal MUST BE filed within **thirty (30) days** of the foregoing date of judgment.)

[] DISPOSSESSORY CASES

The judgment of the dispossessory case appealed herein was entered on the ____ day of _____, 200____. (This appeal MUST BE filed within seven (7) days of the date of judgment set forth above.)

APPEALS BY TENANTS B PAST DUE & FUTURE RENT REQUIRED TO BE PAID INTO THE REGISTRY OF THE COURT(S) IN ORDER TO REMAIN IN POSSESSION OF PREMISES:

I/We [] have; [] have not; paid into the registry of the Magistrate Court the sum(s) found by the Magistrate Court to be due as past due rent, to-wit, the sum of \$ _____. (See section J of judgment form.) This sum of past due rent MUST be paid into the registry of the trial court in order for a tenant who is appealing a dispossessory judgment to remain in possession of the property. Furthermore, after the case is appealed, the tenant is required to pay all future rent as it becomes due into the registry of the trial court, which, on appeal, will then be either the State or Superior Court depending on which court the appealing party selected the appeal to be filed. Failure to abide by these provisions shall cause a writ of possession to be issued instanter by a court of competent jurisdiction. (See O.C.G.A. 44-7-56.)

General Information

Computing times for appeal: O.C.G.A. 1-3-1(d)(3): The day the judgment was entered shall not be counted, but the last day shall be counted. If the last day falls on a Saturday, Sunday or public and legal holiday, the appeal shall be considered timely filed if filed on the next business day.

It is hereby certified that the above judgment is **not** a default judgment for which no appeal can be made. Appellate review of a default judgment shall be by certiorari to the State Court of _____ County or to the Superior Court of _____ County. (See O.C.G.A. 15-10-41.)

This ____ day of _____, 20____.

[] Plaintiff(s) [] Defendant(s)

CERTIFICATE OF SERVICE

A copy of this Notice of Appeal shall be served on all parties. If an opposing party is represented by an attorney, the service shall be made upon the attorney. I hereby certify that I have served the opposing party with a copy of this appeal by mailing a copy of this document to the opposing party at the address set forth above.

This ____ day of _____, 20____.

[] Plaintiff(s) [] Defendant(s)

Notice of Appeal (MAG 12-01)

Purpose of form:

This document is used to appeal either a civil judgment or a dispossessory judgment.

A magistrate judgment can be appealed to either the State Court or the Superior Court of _____ County. The vast majority of appellants elect State Court as their uniform rules tends to be less burdensome than superior court rules and procedures. An appeal from magistrate court is a de novo procedure. That means the entire case is retried, just as if there was no underlying judgment, provided that the appeal was made in a timely manner and is not from a default judgment.

The appeal of a civil case must be FILED within **thirty (30) days** of the date of judgment.

The appeal of a dispossessory case must be FILED **within seven (7) days** of the date of judgment.

General Information

Computing times for appeal: O.C.G.A. 1-3-1(d)(3): The day the judgment was entered shall not be counted, but the last day shall be counted. If the last day falls on a Saturday, Sunday or public and legal holiday, the appeal shall be considered timely filed if filed on the next business day.

It is hereby certified that the above judgment is not a default judgment for which no appeal can be made.

Appellate review of a default judgment shall be by certiorari to the State Court of _____ County or to the Superior Court of _____ County. (See O.C.G.A. 15-10-41.)

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(REPAIR FACILITY)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Person who left vehicle at facility: _____

Any information relating to owner: _____

You are hereby notified, in accordance with OCGA 40-11-19 (b) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHEE ANSWER

1. At the time of service or from the time of service to the time if this Garnishee Answer, the Garnishee had in its possession the following described property of the Defendant:

_____.

2. At the time of service or from the time of service to this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of \$_____.

3. \$_____ is the amount herewith paid into court.

4. The Garnishee further states: _____.

Garnishee,
Garnishee's Attorney, or
Officer or Employee of Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This ___ day of _____, 20__.

Garnishee (Attorney) (Officer/Employee)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

GARNISHMENT

Plaintiff(s) Name, Address

vs.

Defendant(s) Name, Address

Garnishee Name, Address

ATTACHMENT FOR SUMMONS OF GARNISHMENT ON A FINANCIAL INSTITUTION

Other known names of the Defendant:

Current and past addresses of the Defendant:

Social security number or federal tax identification number of the Defendant:

Account or identification numbers of accounts of the Defendant used by the Garnishee:

Other allegations pursuant to O.C.G.A. 18-4-23

THIS PLEADING SHALL NOT BE FILED WITH THE COURT

ABANDONED MOTOR VEHICLE PETITION ADVERTISEMENT

You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that petitions were filed in the Magistrate Court of _____ County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicles is:

Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before:

Answer forms may be found in the Magistrate Court Clerk's office located at:

Forms may also be obtained online at www.georgiamagistratecouncil.com.

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Attach additional sheets as necessary.

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____
Vehicle ID # (VIN): _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me
This ____ day of _____ 20__

Notary Public or Clerk
My Commission Expires: _____

Owner of Vehicle

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

**Plaintiff(s) Name, Address
vs**

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

FINANCIAL INSTITUTION GARNISHEE ANSWER

1. At the time of service of the Summons of Garnishment on a Financial Institution and including the next five days, the Garnishee had in its possession the following described money and property of the Defendant:

_____.

2. \$_____ is the amount herewith paid into court.

3. () Check if the Defendant is not presently an account holder of the Garnishee.

4. The Garnishee further states: _____.

Garnishee,
Garnishee's Attorney, or
Officer or Employee of Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Defendant and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This ____ day of _____, 20__.

Garnishee (Attorney) (Officer/Employee)

Affidavit for Judgment and Writ of FIFA on Consent Judgment (MAG 13-02)

Purpose of form:

To provide for the issuance of a judgment when the defendant has failed to make payments in accordance with the terms of the consent judgment.

Example: The parties enter into a consent judgment, MAG 11-01, providing for the payment of court costs + \$1200.00 principal in equally monthly installments of \$100.00/month. The defendant makes 2 payments and then defaults in making any additional payments. The plaintiff would use form to apply for a judgment in the amount of \$1000.00 ($\$1200.00 - 2 \text{ payments of } \$100.00 = \$1000.00$) + the issuance of a writ of fi.fa..

The sum of \$9.00 needs to be paid to the Magistrate Court so that a Writ of Fi.Fa can be issued and recorded.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

AFFIDAVIT FOR JUDGMENT & WRIT OF FIERI FACIAS ON CONSENT JUDGMENT

Defendant(s) Name, Address

Personally appeared _____, who being duly sworn, states that he/ she is the (Plaintiff) (Attorney for Plaintiff) (Agent for Plaintiff) in the above-styled case and that a Consent Judgment was entered in this case on the _____ day of _____, 20____, requiring the Defendant(s) to pay the Plaintiff the sum(s) of \$_____ principal, \$_____ interest, \$_____ attorney fees and \$_____ court costs. The Defendant has defaulted in making these payments. The remaining outstanding balance, after payment(s) if any, have been deducted, for which a Writ of Fi.Fa. should be issued is \$_____ principal, \$_____ interest, \$_____ attorney fees and \$_____ court costs.

Wherefore the Clerk is requested and authorized to issue a Writ of Fieri Facias in favor of the amounts set forth herein above together with the costs of issuance of the Writ of Fieri Facias in this action. [] Affiant will submit the fee for the Writ of Fi.Fa. together with this affidavit.

Affiant

Sworn to and subscribed before me this ____ day
of _____, 20____.

(Notary Public) (Clerk) (Judge)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case Number _____

Plaintiff:

Name

Plaintiff's contact information:

Name

Street Address

City State ZIP Code

E-mail Address

Phone Number

Bar Number

GARNISHMENT

v.

Defendant:

Name

Street Address

City State ZIP Code

Garnishment Court information:

Street Address

_____, Georgia
City ZIP Code

Phone Number

Garnishee:

Name

Street Address

City State ZIP Code

**SUMMONS OF CONTINUING GARNISHMENT FOR SUPPORT GOVERNED BY
ARTICLE 3 OF CHAPTER 4 OF TITLE 18 TO THE ABOVE-NAMED GARNISHEE:**

Total amount claimed due by the Plaintiff \$ _____

Plus court costs due on this summons \$ _____

Total garnishment claim \$ _____

COURT OF JUDGMENT _____

JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons until the original arrearage is retired and all periodic support payments are current or until the termination of the garnishment. You are **FURTHER**

COMMANDED to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last answer to the time of the current answer. YOU MUST FILE ADDITIONAL ANSWERS UNTIL THE ORIGINAL ARREARAGE IS RETIRED AND ALL PERIODIC SUPPORT PAYMENTS ARE CURRENT. Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be paid or delivered to the Court concurrently with each answer. The Plaintiff and the Defendant are required by law to serve you with a copy of any amendment or modification to the original judgment.

Should you fail to file Garnishee Answers as required by this summons, a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Continuing Garnishment.

WITNESS, the Honorable _____, Judge of said Court.

This ____ day of _____, 20_____.

_____, Clerk of Court

By: _____

Deputy Clerk, _____ Court

Summons (MAG 10-17)

Purpose of form:

O.C.G.A.15-10-48 requires the defendant be given the statutory notice set forth in this code section for all magistrate court civil cases. This statutory notice is contained within this document, entitled MAG 10-17 Summons.

Our statement of claim form, MAG 10-01, contains this statutory notice. Therefore, if a plaintiff files a statement of claim using form MAG 10-01, then this document is **not** needed.

This form must be attached to all other civil complaints, or statement of claims, which do not otherwise contain the statutory notice required by O.C.G.A. 15-10-48.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

NOTICE AND SUMMONS

Defendant(s) Name, Address

(This form is used when the Plaintiff drafts a separate Complaint, rather than using MAG 10-01, Statement of Claim form)

To: All Defendant(s)

You are hereby notified that the above named Plaintiff has made a claim and is requesting judgment against you in the sum of \$ _____.

YOU ARE REQUIRED TO FILE or PRESENT AN ANSWER TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU. IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE OR CLERK.

If you choose to file your answer orally, it MUST BE IN OPEN COURT IN PERSON and within the 30 day period. **NO TELEPHONE ANSWERS ARE PERMITTED.**

If you file an answer, the court will hold a hearing on this claim at the _____, at a time to be scheduled after your answer is filed. (Answer & Counterclaim forms are available at the Magistrate Clerk's office. Answers & counterclaims should be mailed to Clerk, Magistrate Court, _____.

You may come to court with or without an attorney. If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them to court at the time of your hearing. If you want witnesses or documents subpoenaed, see a staff person in the Clerk's office for assistance.

If you have a claim against the Plaintiff, you should notify the court and immediately file a written answer and counterclaim.

If you admit to the Plaintiff's claim but need additional time to pay, you must come to the hearing in person and tell the court your circumstances.

This _____ day _____ 20 _____

Magistrate or Deputy Clerk of Court

MORE INSTRUCTIONS ARE ON THE REVERSE SIDE OF THIS DOCUMENT

INSTRUCTIONS

IF YOUR CASE GOES TO TRIAL

You must be prepared and **ON TIME**. Bring all of your witnesses, documents, photographs, etc. to court with you. If you are late, you may automatically lose your case and you may not have an opportunity to present your side of the issue. If you must be late, contact the court well in advance during normal business hours so that the calendar can be properly marked.

The following may help you in preparing your claim or defense:

- All parties shall notify the Clerk of Court in writing of any address change.
- All court notices come by regular mail. If your address changes, you may miss your court appearance & lose your case.
- I will bring the following to court to prove my case:
 - Written contracts, leases, IOUs, notes, etc.
 - Letters and/or papers relating to the case
 - Bills or estimates (The person(s) who prepared the bills or estimates should accompany you to court)
 - Canceled checks
 - Photographs
 - Witnesses (Should accompany you. Notarized statements are NOT accepted as evidence at a trial.)
 - Other evidence
- I have witnesses who have firsthand knowledge of my case. They have not heard evidence from someone else. [NOTE: Impartial witnesses who have no stake in the outcome of the case are generally more believable]
- I need to get a subpoena (order to appear) from the Clerk of Court for some witnesses to make certain that they appear.
- I need to get subpoenas for the production of documents.
- This case involves damage to property (for example, a car, the home, etc.)
 - I can describe the damage in detail and I have repair bills, written estimates of damage or repair, or other reliable evidence to help support **my opinion of the value of the property before and/or after** the damage. [NOTE: a case involving damages must always be proved by LIVE TESTIMONY]. Bring/subpoena the person to court who prepared any estimates.
 - I can describe the condition of the property before the damage and I have determined what it was worth then. I have a Bluebook/Blackbook guide or newspaper ads to help prove my opinion. I can describe with reasonable certainty the cost of repairs. I have researched the law as to the correct measure of damages.

FOR PLAINTIFF:

- The party I have named is liable to me. (There is not another person or corporation who is not named who really owes the money to me. Just because a person is an officer/registered agent of a corporation does not make that person liable.)
- I can prove the amount of the complaint. I have not asked for more money than is really owed me.

FOR DEFENDANT:

- I filed an answer to the Plaintiff's claim on time.
- I do not owe the money because someone else is legally responsible.
- I do not owe the Plaintiff anything for some other reasons.
- The Plaintiff is suing for more than the damage.
- The Plaintiff owes me money and I have set forth my counter claim in the answer with a dollar amount. A counterclaim must be proven in the same way as the Plaintiff's claim.
- I owe most or all of the money the Plaintiff claims but I need more time to pay it. I need to set up a payment plan. I will try to work this out with the plaintiff before court. Otherwise, I will tell the judge I need a payment plan at the court date.

NOTE: The Magistrate Court attempts to use simple procedures but is subject to the same rules of law and evidence as any other court. You may wish to seek legal advice from an attorney if the importance of your case warrants it.

You have the responsibility for presenting your case and this form gives only general advice which may not be adequate in your case.

ABANDONED MOTOR VEHICLE PETITION ADVERTISEMENT

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Present location of vehicle: _____.

You are hereby notified that a petition was filed in the Magistrate Court of _____ County to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

Anyone with an ownership interest in this vehicle may file an answer to this petition on or before:

Answer forms may be found in the Magistrate Court Clerk's office located at:

Forms may also be obtained online at www.georgiamagistratecouncil.com.

VICTIM IDENTIFICATION INFORMATION			To District Attorney=s Office/Solicitor=s Office B Victim=s Rights Act	
Defendant=s Name			Officer/Person Completing Form	
Warrant Number(s)	F/M	Offense(s)	Victim=s Rights Advised By: (circle, if applicable)	
			Officer Magistrate Clerk Other	
			Victim Given: (circle, if applicable)	
			DA Brochure PD Handout Verbal Other	
Victim is an Individual or Minor Child			Victim is a Business	
Name(s) (List all victims at same address)	Race (check applicable)		EXACT Business Name: (Get from posted business license, if necessary.)	
Address	[] Caucasian;			
City/State/Zip	[] African/American;		The business entity is: (circle)	
Tel. - home	[] Hispanic;		Sole proprietorship Partnership Corporation	
Tel. - work	[] American Indian /Alaskan native		Address	
If victim is a minor, list his/her contact person;	[] Multiracial			
Victim=s next of kin/contact person:	[] Asian/Pacific Islander		City/State/Zip	
Address	[] Male [] Female		Contact Person(s):	
City/State/Zip	Victim=s SSN (if available)			
Tel. - home	Victim=s DOB:		Tel. number(s)	
Tel. - work				

Crime victims of felony offenses should contact the District Attorney's office -- 770.822.8444. Crime victims of misdemeanor offenses should contact the Solicitor=s office B770.822.8300. Victims may be eligible for compensation.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

ENTRY OF APPEARANCE

Defendant(s) Name, Address

Comes now _____, and enters

his/her appearance as attorney of record for the _____, herein.

This _____ day of _____, 20_____.

Georgia Bar No. _____

Law Firm: _____

Phone No: _____

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this document upon the other party in the following manner:

- hand delivering a copy to the other party;
- mailing a copy by first class mail to the address listed below:

This _____ day of _____, 20_____

Attorney for Plaintiff(s) Defendant(s)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

CASE NO. _____

LIEN FORECLOSURE FOR ABANDONED MOBILE HOME

Plaintiff's Name & Address

vs.

Describe make, model, serial number, color and address or location of mobile home

I, _____, (landowner/attorney-at-law for landowner), do solemnly swear or affirm the following:

1. The above-referenced mobile home left vacant by all tenants for at least 90 days without notice to the landowner and there was evidence of one or more of the following (check all that apply):

- () A tenant's failure to pay rent or fees for 90 days;
() Removal of most or all personal belongings from such mobile home;
() Cancellation of insurance for such mobile home;
() Termination of utility services to such mobile home; or
() A risk to public health, safety, welfare, or the environment due to such mobile home.

2. A lien was filed in the Superior Court of _____ County on _____ for unpaid rent and fees in the amount of \$ _____.

3. A demand was sent for the amount of the lien plus any rent and fees accruing after the date of the lien (select one):
() to all responsible parties and last known addresses by registered or certified mail or statutory overnight delivery.
() No responsible party can be ascertained. An advertisement was placed in a newspaper of general circulation in the county where such mobile home is located once a week for two consecutive weeks.

4. Thirty (30) days have passed since the appropriate notices were provided.

5. A list of names and addresses of all responsible parties is attached to this affidavit.

THEREFORE, the affiant hereby petitions for the following:

- A. The notice be sent to all responsible parties in the manner prescribed by OCGA § 44-7-115 (4)(B) informing the responsible parties of their right to a hearing to determine if reasonable cause exists to believe a valid debt exists;
B. Such a hearing must be requested within thirty (30) days of such notice; and
C. If no petition for such hearing is filed within the time allowed, the lien shall conclusively be deemed a valid one, foreclosure thereof allowed, and a public sale pursuant to OCGA § 44-7-116 shall be authorized.

Sworn to and subscribed before me,

this _____ day of _____, 20_____.

Landowner () Attorney at Law ()

Attesting Official

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

INTERROGATORIES

Plaintiff(s) Name, Address

vs.

**MOTION TO INCARCERATE
JUDGMENT DEBTOR/CORPORATE OFFICER**

Defendant(s) Name, Address

Garnishee Name, Address

FOR FAILING TO COMPLY WITH ORDER COMPELLING ANSWERS TO POST JUDGMENT INTERROGATORIES

Comes now, the undersigned, and being duly sworn on oath or affirmation, says that he/she is [] plaintiff in judgment; [] agent of plaintiff; [] attorney at law for plaintiff in the above-styled action(s) and that post judgment interrogatories together with an Order Compelling Answers to Post Judgment Interrogatories were properly served upon the [] judgment debtor; [] a corporate officer of the judgment debtor, _____ on the following date, _____, by certified mail, pursuant to O.C.G.A. 15-10-50.

Furthermore, plaintiff states that the judgment debtor willfully failed to abide by the Court's order by failing to answer

[] any of the interrogatories; [] the following numbered interrogatories _____.

[] gave untruthful, evasive or incomplete answers to the following interrogatories numbered, _____

_____ which plaintiff states are untruthful, evasive or incomplete based upon the

following facts: (attach interrogatory answers & additional sheets, as necessary) _____

WHEREFORE, plaintiff requests that this Court issue an Order Incarcerating the above-listed [] judgment debtor; [] the foregoing corporate officer of the judgment debtor; in the _____ County Detention Center until he/she completely answers the above-referenced interrogatories under oath. [] Plaintiff in judgment attaches hereto copies of any answers submitted on behalf of the judgment debtor.

<p>Sworn and Subscribed before me this _____ day of _____, 20____.</p> <p>_____ Notary of Public, Clerk or Magistrate My Commission expires:</p>	<p>_____</p> <p>[] Plaintiff [] Agent for Plaintiff [] Attorney for Plaintiff</p> <p>_____</p> <p>Bar Number</p>
--	---

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs.

Defendant(s) Name, Address

INTERROGATORIES

NOTICE OF HEARING

MOTION TO COMPEL ANSWERS TO POST JUDGMENT INTERROGATORIES

The Plaintiff, having filed a Motion to Compel Answers to Post Judgment Interrogatories, and the same having been read, heard and considered,

It is hereby ordered that the [] judgment debtor; [] the following corporate officer of the judgment debtor, _____ be served by the clerk of this court with a copy of this notice of hearing by first class mail.

This Court will hold a hearing on the Plaintiff's motion on the ____ day of _____, 20 ____, at ____ o'clock ____ m. in the _____ Magistrate Court. The court at that time shall determine whether the [] judgment debtor; [] corporate officer of the judgment debtor; shall be ordered to answer, or provide additional answers, to post judgment interrogatories.

BOTH PARTIES ARE REQUIRED TO APPEAR AT THE HEARING. IF THE PLAINTIFF FAILS TO APPEAR THE MOTION WILL BE DENIED. IF THE JUDGMENT DEBTOR/ CORPORATE OFFICER OF JUDGMENT DEBTOR FAILS TO APPEAR, THE COURT MAY ISSUE AN ORDER COMPELLING ANSWERS TO POST JUDGMENT INTERROGATORIES. IF YOU HAVE AND WITNESS, DOCUMENTS, OR OTHER EVIDENCE YOU WANT THE COURT TO HEAR OR SEE, YOU SHOULD BRING THEM WITH YOU AT THE TIME OF THE HEARING. YOU MAY COME WITH OR WITHOUT AN ATTORNEY.

MERELY FILING THE INTERROGATORY ANSWERS WITH THE COURT PRIOR TO THIS HEARING DOES NOT ASSURE THAT THE COURT WILL NOT ORDER MORE COMPLETE ANSWERS. THE COURT MUST HAVE THE OPPORTUNITY TO REVIEW PROPOSED ANSWERS IN OPEN COURT. ALL PARTIES SHOULD ATTEND THIS HEARING.

If parties are able to resolve this matter prior to this hearing, the Plaintiff must file written notice with the clerk of this court that the Plaintiff's motion to compel answers is withdrawn. Telephone notice is not adequate.

Witness the Honorable _____, Magistrate of said Court.

This ____ day of _____, 20 ____.

Deputy Clerk

Certificate of Service: A copy of this document was served upon the parties as follows:

Plaintiff	[] hand delivery [] 1 st class mail	Date	By:
Debtor/Corporate officer	[] hand delivery [] 1 st class mail	Date	By:

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

STATEMENT OF CLAIM

Case No: _____

Plaintiff(s) Name, Address

vs

Defendant(s) Name, Address

ANSWER / COUNTERCLAIM OF DEFENDANT(S)

- 1. I admit the claims of the Plaintiff.
- 2. I request a payment schedule.
- 3. I deny the claim of Plaintiff(s) as follows: (Attach additional sheets as needed.)

- 4. I counterclaim against the Plaintiff(s) as follows: (You must include a brief statement giving reasonable notice of the basis for each claim contained in the counterclaim. Attach additional sheets as needed.)

_____ being first duly sworn on oath says the facts set forth in the foregoing Answer (and/or Counterclaim) are true and correct.

Sworn to and subscribed before me this _____ day of

_____, 20 ____.

_____ Defendant Defendant's Agent

Deputy Clerk / Notary Public

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

STATEMENT OF CLAIM

Case No: _____

ANSWER / COUNTERCLAIM OF DEFENDANT(S)

Additional Info for:

Denial of Claim

Counterclaim

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

STATEMENT OF CLAIM

Case No: _____

ANSWER / COUNTERCLAIM OF DEFENDANT(S)

Additional Info for:

Denial of Claim

Counterclaim

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHEE ANSWER TO CONTINUING GARNISHMENT

1. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, the Garnishee had in the Garnishee's possession the following described property of the Defendant:

2. From the time of service of the Summons of Continuing Garnishment, if this is the first Garnishee Answer to such summons, otherwise from the time of the last Garnishee Answer to the Summons of Continuing Garnishment until the time of this Garnishee Answer, all obligations accruing from the Garnishee to the Defendant are in the amount of \$ _____.

3. \$ _____ of the amount named in paragraph 2 were wages earned at the rate of \$ _____ per _____ for the period beginning _____, 20____(Date), through the time of making this Garnishee Answer. The amount of wages which is subject to this garnishment is computed as follows:

- \$ _____ Gross earnings
- \$ _____ Total social security and withholding tax and other mandatory deductions required by law.
- \$ _____ Total disposable earnings.
- \$ _____ Amount of wages subject to garnishment.

4. \$ _____ is the amount herewith paid into court.

5. () Check if the Defendant is not presently employed by the Garnishee.
6. () Check if the Defendant was employed by the Garnishee on or after service of the Summons of Continuing Garnishment but was terminated as of _____, 20____.
7. () Check if this is the last Garnishee Answer this Garnishee is required to file to the presently pending Summons of Garnishment in the above-styled case.
8. The Garnishee further states: _____
-

Garnishee,
Garnishee's Attorney, or
Officer or Employee of Garnishee

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney and the Defendant or Defendant's Attorney in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This ____ day of _____, 20__.

Garnishee, Garnishee's Attorney, or
Officer or Employee of Garnishee

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

TRANSFER LETTER

Vs.

Defendant(s) Name, Address

Dear Plaintiff:

The above-style case was filed in our office on _____ day of _____, 20____, and still pending.

The venue of your case lies in the county of _____. You may request to have your case dismissed and file same in the court of venue or request to transfer your case to the court of venue by paying an additional \$50.00 for service. If the service fee is not received within 30 days of this letter the case will be dismissed without prejudice for lack of prosecution.

If you wish to dismiss your case, please so state in the space provided below and return it to this court, or if you wish to transfer your case please so state in space provided below and send check payable to _____ County Magistrate Court in the amount of \$50.00 for service fee and return it to the court for prompt transfer.

Thank you for your prompt attention to this matter.

Sincerely,

Judge, _____ County Magistrate Court

PLAINTIFF'S COMMENTS

Plaintiff's Signature

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at _____.

The vehicles subject to liens as stated above are identified as:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

List additional vehicles as necessary.

Anyone with an ownership interest in any of these vehicles should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Defendant(s) Name, Address

INTERROGATORIES

POST JUDGMENT INTERROGATORIES

To the Judgment Debtor: The plaintiff in judgment in the foregoing case requests that you answer the following interrogatories separately, fully, and under oath and serve such answers on said plaintiff at plaintiff's address by mail or hand delivery within 30 days after service of these interrogatories.

1. List the address and phone number of your residence(s).

2. List the name, address, and phone number of your employer(s).

3. Describe and state the location of each piece of real estate in which you own any interest.

4. List year, make, model and tag number, of all vehicles and to whom you are making payments to.

5. Give the names, addresses, phone numbers, and description of the nature of any business venture in which you own any interest.

6. List the names, addresses, and phone numbers of all persons who owe money to you and specify amounts owed (if your creditors).

7. List the names and addresses of all banks or savings institutions where you have any sums of money deposited and identify the accounts by number.

8. List and give the present location of all items of personal property owned by you that have a value of more than \$100.00.

9. List the names, addresses, and phone numbers of all persons who you owe money to. (List all Creditors)

VERIFICATION

_____, being first duly sworn, on oath says the foregoing are true complete answers to the interrogatories propounded by the Plaintiff to Defendant. I have attached additional sheets.

Sworn and subscribed before me,
this ____ day of _____, 20 ____.

 DEFENDANT; DEFENDANT'S AGENT

NOTARY PUBLIC OR ATTESTING OFFICIAL
MY COMMISSION EXPIRES:

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff:

Name _____

Street _____

City State Zip Code

E-Mail Address _____

Phone Number Bar Number

vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court information:

Street Address _____

_____, Georgia _____

City, Zip Code

Phone Number _____

SUMMONS OF CONTINUING GARNISHMENT

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff \$ _____
Plus court costs due on this summons \$ _____
Total garnishment claim \$ _____

COURT OF JUDGMENT _____

JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 179 days. You are **FURTHER COMMANDED** to file your answer, in writing, not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe beginning on the day of service of this summons and between the time of such service and the time of making your first answer. Thereafter, you are required to file further answers no later than 45 days after your last answer. Every further answer shall state what money, including wages, and other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold or owe at and from the time of the last **answer to the time of the current answer**. The last answer required by this summons shall be filed no later than the 195th day after you receive this summons. Money, including wages, or other property admitted in an answer to be subject to continuing garnishment must be paid or delivered to the Court concurrently with each answer. Should you fail to file

Garnishee Answers as required by this summons, a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Continuing Garnishment.

WITNESS, the Honorable _____, Judge of said Court.

This ____ day of _____ 20_____.

_____, Clerk of Court

By: _____

Deputy Clerk, _____ Court

Purpose of form:

To acknowledge service of process for each defendant and gain an additional 30 days in which to file an answer.

To lessen the cost of litigation and to permit the defendant to have an additional time period to file an answer. This applies to civil cases only, and would not be appropriate for dispossessory actions, foreclosures of motor vehicles or other criminal proceedings.

Helps Plaintiff

Expedites service in appropriate cases.

Saves the additional court costs of paying the sheriff's department to serve process.

Helps Defendant

Saves the additional court costs of paying the sheriff's department to serve process. These costs would be assessed against defendant if defendant loses the case.

Grants the defendant an additional 30 days to file an answer.

Avoids the possible embarrassment of being publicly served with process by a deputy in uniform in a marked patrol car.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

Defendant(s) Name, Address, Telephone Number

**WAIVER OF SERVICE OF SUMMONS &
ACKNOWLEDGMENT THAT ANSWER TO
THE COMPLAINT**

**MUST BE FILED WITHIN 60 DAYS FROM THE DATE ON WHICH THIS WAIVER
WAS SERVED UPON ME**

To the Plaintiff or Plaintiff's attorney: _____

I acknowledge receipt of your request that I waive service of a summons in the above listed civil action for which the case number is set forth above, and which was filed in the Magistrate Court of the State of Georgia in and for the County of _____. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I understand that I am entitled to consult with my own attorney regarding the consequences of my signing this waiver. I stipulate and agree that I will be voluntarily bound by the provisions of O.C.G.A. 9-11-4 concerning this service of process.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by the Georgia Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if an answer is not served upon you & filed with the clerk, within 60 days after the date this waiver was originally sent to me, (see the date of the original Notice of Lawsuit & Request for Waiver of Service) or within 90 days after that date if the request for the waiver was sent outside the United States.

Signed:	
---------	--

Print Name of Defendant: (Each Defendant must sign a separate waiver.)	
Or, Name of Corporate Defendant	
Print name of person signing on behalf of corporate defendant & state title of such person.	

**File the original of this document with the Clerk, Magistrate Court,
& mail a copy to Plaintiff/Plaintiff's attorney.**

CERTIFICATE (PROOF) OF SERVICE TO OPPOSING PARTY

I hereby certify that I \] have mailed; \] will mail immediately upon filing; a copy of the following listed document that I have filed with the clerk of court.

Waiver of Service of Process

Plaintiff/ Plaintiff's Atty.	
Address	
City, State & Zip	

(Date)

Defendant

Mailing address

City, State & Zip

Phone number

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs.

Defendant(s) Name, Address

**AFFIDAVIT FOR FORECLOSURE OF
PERSONAL PROPERTY**

Personally appeared _____ who, on oath, says that he/she is Plaintiff(s) Agent ; Attorney-at-Law; for Plaintiff(s); and is authorized to make this Affidavit, and that Defendant(s) herein, whose address is set forth above herein is indebted to said Plaintiff(s) in the amount(s) of: (fill in amounts as applicable) Principal (\$ _____); (\$ _____) interest thereon, upon a Security Agreement ; Contract Retaining Title; in 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(s) is/are either now a resident of _____ 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 indebtedness together with interest thereon and all costs of these proceedings.

Check if Applicable (Affiant alleges that the security interest at issue arose out of a "commercial claim" as defined by Code Section 44-14-237, as amended, and that the Defendant(s) has waived same 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(s) or - Agent - Attorney

(If Agent /Attorney – Title or Capacity)

Notary Public/Attesting Official/Clerk

Daytime Phone Number

My Commission Expires: _____

Bar Number (if applicable)

NOTICE AND SUMMONS

TO: Defendant(s)
You are hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court, **within (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 to answer said affidavit in writing or orally.** (See mailing address above, or file in person at the Magistrate Office.) If the Defendant(s) fails to answer on or before the seventh day from the date of service, the Defendant(s) 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 O.C.G.A. 9-11-55. If the seventh (7) 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 a legal holiday. If the answer is not so made, a writ of possession shall issue against Defendant(s) as by law provided, pursuant to Plaintiff(s)' affidavit.

Filed this _____ day of _____ 20_____

Magistrate/Deputy Clerk of Court

The purpose of this form is to allow any person holding a security interest on personal property and wishing to foreclose on the security interest to make a statement under oath by affidavit, either in person or by that person's agent, attorney-in-fact or attorney at law, for a writ of possession before any judge of the magistrate or a clerk of the Magistrate Court, within the county where the debtor may reside or where the secured property is located.

The Affidavit contains a summons as prescribed in code section 44-14-232. The summons shall be served upon defendant(s) by county sheriff, deputy or marshal, or any lawful constable of the county where the debtor resides or the secured property is located.

The summons will command and require that the defendant answer either orally or in writing within seven (7) days from the date of the actual service unless the seventh day is a Saturday, a Sunday, or a legal holiday, in which case the answer may be made on the next day which is not Saturday, a Sunday, or a legal holiday.

Deposit Account Fraud
STATE OF GEORGIA
vs.

CRIMINAL ARREST WARRANT

GEORGIA, _____ COUNTY

WARRANT NO _____

ACCUSED

AFFIDAVIT

Personally appeared before me the undersigned Prosecutor, _____, who on oath says that, to the best of his/her knowledge and belief, the above-listed Accused, on the _____ day of _____ 20____, between the hours of _____ .m. and _____ . m. did commit the offense of **DEPOSIT ACCOUNT FRAUD** in violation of O.C.G.A. **§16-09-20** at _____, _____ County, Georgia, and against

_____, (for business/corporate victims, list the *exact business/corporate name*), the victim, and the laws of the State of Georgia. The facts upon which this affidavit for arrest is based are as follows:

Said accused did make, draw, and deliver check number _____ in the amount of \$ _____ drawn on the _____, a bank (other depository) located [] within [] outside the State of Georgia, for the present consideration of _____ and said check was returned unpaid because of [] insufficient funds [] account closed. Prosecutor swears that said check was deposited within thirty (30) days of the date of delivery and that Prosecutor/Victim has given the notice, as required by the above-statute, to the Accused of the check's dishonor within ninety (90) days of the notice of the dishonor of said check. Prosecutor makes this affidavit that a warrant may issue for the Accused's arrest.

Sworn to and subscribed before me
this _____ day of _____, 20____. _____
Prosecutor

Judge, Magistrate Court of _____ County

STATE WARRANT FOR ARREST

To any Sheriff, Deputy Sheriff, Constable, Marshal or other Law Enforcement Officer of this State - Greetings:
For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony, you are hereby commanded to arrest the Accused named in the above affidavit, charged by the prosecutor therein with the above offense against the laws of this State at the time, place and manner named in the above affidavit, and bring the accused before me or some other Judicial Officer of this State to be dealt with as the law directs. Herein fail not.

This _____ day of _____, 20____. _____
Judge, Magistrate Court

ORDER FOR BOND

IT IS HEREBY ORDERED that the aforesaid Accused be and is hereby granted bail to be made with sufficient surety as provided by the Sheriff of _____ County in the amount of _____ (\$ _____) dollars to assure the presence of said Accused at arraignment, trial and final disposition in the [] STATE [] SUPERIOR Court of _____ County, Georgia. [] **CASH ONLY**

This _____ day of _____, 20____. _____
Judge, Magistrate Court

[] Bond Hearing (17-10-1)

[] **FELONY** [] **MISDEMEANOR**

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

Dispossessory Answer

CASE NO. _____

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two or more Defendants)

- I am the Defendant. I am filing an Answer I state the following in response to Plaintiff's claim in this lawsuit:
I do not have a landlord tenant relationship with the plaintiff.
My landlord did not give me the proper notice that my lease or rental agreement was terminated in accordance with the terms of our lease.
My landlord terminated my lease without a valid reason.
I do not owe any rent to my landlord.
I offered and had the money to pay my rent on or before the date I usually pay, but my landlord refused to accept it.
My landlord would not accept my rent, correct late fees and the court costs.
My landlord failed to repair the property.
I am a residential tenant.
My landlord is not entitled to evict me or secure a money judgment for the following additional reasons:

COUNTERCLAIM - (Please use another sheet for additional space, as needed.)

- My landlord owes me \$ _____ for the following reason(s):
My landlord failed to repair my property. Due to this failure, its value has been reduced \$ _____ each month for _____ months.
Since my landlord failed to make requested repairs, I made these repairs. I made these repairs that cost \$ _____. I have all my receipts. I will bring the receipts and all documents concerning these payments to my trial.
My landlord's failure to repair resulted in damages of \$ _____ to my person and/or property.

(Print name of Defendant filing answer & mailing address)

This ___ day of _____, 20__

DEFENDANT/ATTORNEY FOR DEFENDANT(S)

DEPUTY CLERK

EACH DEFENDANT MUST FILE THEIR OWN ANSWER. Attorneys may file answers for more than one defendant, pro se litigants cannot.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No. _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number

vs. _____

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

AFFIDAVIT OF CONTINUING GARNISHMENT FOR SUPPORT

Personally appeared _____ (Print name), who on oath says:

1. I am the (Plaintiff) (Attorney at Law for Plaintiff) (Agent for Plaintiff). [Circle one]

2. The Plaintiff obtained a judgment against the Defendant in Case Number _____ in the _____ Court of _____ County, _____, State and no agreement requires forbearance from the garnishment which is applied for currently.

3. The Affiant states that the Defendant is in arrears on the obligation for support in an amount equal to or in excess of one month's obligation as decreed in the judgment for support and provides the following information:

\$ _____ is the amount of arrearage which exists under the judgment as of the execution of this affidavit.

Check one of the boxes below and complete the requested information:

A. () Periodic support is owed for one obligee, or the judgment sets forth a total amount of periodic support for multiple obligees as follows:

\$ _____ is the total amount of periodic support due for _____ (Name of obligee) _____ (Name of Obligee), and _____ (Name of Obligee). Such periodic support is payable on a _____ basis (E.g., weekly, monthly).

The termination date of the obligation for periodic support is _____ (Date).

B. () Periodic support is owed for multiple obligees, and the judgment sets forth a different amount of periodic support for each obligee as follows:

\$ _____ is the total amount of periodic support due for _____ (Name of obligee), payable on a _____ (weekly/monthly) basis, and the termination date of such obligation is _____.

\$ _____ is the total amount of periodic support due for _____ (Name of obligee), payable on a _____ (weekly/monthly) basis, and the termination date of such obligation is _____.

\$ _____ is the total amount of periodic support due for _____ (Name of obligee), payable on a _____ (weekly/monthly) basis, and the termination date of such obligation is _____.

4. () Check this box and attach a certified copy of the judgment for support hereto.

5. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.

6. The Affiant believes that the Garnishee is an employer of the Defendant.

This _____ day of _____, 20____.

Affiant

Print name of Affiant

Sworn to and subscribed before me this _____ day

of _____, 20____.

Notary Public or Deputy Clerk of Court

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

STATEMENT OF CLAIM

CASE NO. _____

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

DESIGNATION OF AGENT FOR BUSINESS ENTITY

Pursuant to O.C.G.A. § 15-10-43(i) and Uniform Magistrate Court Rule 31, this is to certify that _____ is a full-time employee or officer of the above-named corporation, limited liability company, sole partnership, partnership, unincorporated association or other legal entity. I have been designated by said business to represent it in the above-styled civil action. I have the authority to act of on its behalf and to bind it in the same manner as myself to any and all matters related to this case.

Under penalty of perjury, signed this ____ day of _____, 20__.

Sworn to and subscribed before me

This __ day of _____, 20__.

Deputy Clerk/Notary Public

Signature

Printed Name

Address

City, State, Zip

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

CASE NO. _____

AFFIDAVIT FOR REMOVAL OF DERELICT MOBILE HOME

Plaintiff's Name & Address _____ vs. _____

Describe make, model, serial number, color and address or location of mobile home

I _____, (landowner/attorney-at-law for landowner), do solemnly swear or affirm the following:

1. The above-referenced mobile home left vacant by all tenants for at least 90 days without notice to the landowner and there was evidence of one or more of the following (check all that apply):

- () A tenant's failure to pay rent or fees for 90 days;
() Removal of most or all personal belongings from such mobile home;
() Cancellation of insurance for such mobile home;
() Termination of utility services to such mobile home; or
() A risk to public health, safety, welfare, or the environment due to such mobile home.

2. The abandoned mobile home was determined to be derelict by the local governing agent.

3. On _____, the local government posted a notice statutorily prescribed by OCGA § 44-7-113 (c) on the abandoned mobile home in a conspicuous place.

4. Notice to all responsible parties was provided in the following manner (select one):

- () On _____, a similar notice was sent to all responsible parties and last known addresses by registered or certified mail or statutory overnight delivery.
() No responsible party can be ascertained (select one).
() An advertisement was placed in a newspaper of general circulation in the county where such mobile home is located once a week for two consecutive weeks.
() There is no such newspaper in said county. The advertisement was posted at the county courthouse in such place where other public notices are posted for two consecutive weeks.

5. Ninety (90) days have passed since the appropriate notices were provided. OCGA § 44-7-113.

6. Copies of all notices and evidence of service are attached.

THEREFORE, the affiant hereby petitions for a hearing to determine the condition of the abandoned mobile home and for an order finding such mobile home to be derelict and authorizing the landowner to dispose of such derelict mobile home.

Sworn to and subscribed before me,

this _____ day of _____, 20_____.

Land Owner () Attorney at law ()

Attesting Official

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

DISPOSSESSORY PROCEEDING

Plaintiff(s) Name, Address
vs.

**APPLICATION AND ORDER FOR
DEFAULT WRIT OF POSSESSION**

Defendant(s) Name, Address

DEFAULT JUDGMENT

The above matter having been properly served by tack and mail, and defendant having failed to answer within the time provided by law, and the Court having determined that the Plaintiff is entitled to the issuance of a Writ of Possession in the above-styled matter;

IT IS HEREBY ORDERED AND ADJUDGED that a Writ of Possession issue placing plaintiff in peaceful and quiet possession of those premises known as

WRIT OF POSSESSION

To the Sheriff of _____ County or lawful deputies of the Sheriff:

You are hereby commanded to remove said Defendant(s), together with defendant(s) property thereon from said premises and to deliver full and quiet possession of the same to the Plaintiff(s) herein effective: 1. (Instanter);

This _____ day of _____, 20 _____.

Magistrate

ABANDONED MOTOR VEHICLE NOTICE
(REPAIR FACILITY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(b)(1). The following fees are currently due:

\$_____ Fees owed for repair of vehicle

\$_____ Daily fee for storage of vehicle after completion of repairs

Daily fees will accrue until full payment has been made at the rate of \$_____ per day. Additional fees that are recoverable by a repair facility include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The repair facility has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

_____ (name and address of party owed fees)

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number

vs.

Defendant(s) Name, Address

Garnishee Name, Address

GARNISHMENT

Garnishment Court information:

Street Address

_____, Georgia _____

City, Zip Code

Phone Number

SUMMONS OF GARNISHMENT

- Check this box if this is a garnishment for child support or alimony. If this is intended to be a continuing garnishment for support, use the form set forth in O.C.G.A. § 18-4-80.

TO THE ABOVE-NAMED GARNISHEE:

Total amount claimed due by the Plaintiff \$ _____

Plus court costs due on this summons \$ _____

Total garnishment claim \$ _____

COURT OF JUDGMENT _____

JUDGMENT CASE NO. _____

YOU ARE HEREBY COMMANDED to immediately hold all money, including wages, and other property, except what is known to be exempt, including property in safe-deposit boxes or similar property that you hold, belonging to the Defendant or obligations owed to the Defendant named above beginning on the day of service of this summons and including the next 29 days. You are **FURTHER COMMANDED** to file your answer, in writing, not sooner than 30 days and not later than 45 days from the date you were served with this summons, with the Clerk of this Court and serve a copy of your answer upon the Plaintiff or Plaintiff's Attorney named above and the Defendant named above, or the Defendant's Attorney, if known, at the time of making such answer. Your answer shall state what money, including wages, or other property, except what is known to be exempt, belonging to the Defendant or obligations owed to the Defendant you hold beginning on the day of service of this summons and including the next 29 days. Money, including wages, or other property admitted in an answer to be subject to garnishment must be paid or delivered to the Court concurrently with your answer. If, in answering this summons, you state that the property of the Defendant includes property in a safe-deposit box or similar property, you shall answer to the Court issuing this summons as to the existence of such safe-deposit box or similar property and shall restrict access to any contents of such safe-deposit box or similar property until further order of such Court regarding the disposition of such contents or 120 days from the date of filing your answer to this summons unless such time has been extended by the Court, whichever is sooner.

Should you fail to file a Garnishee Answer as required by this summons; a judgment by default will be rendered against you for the amount remaining due on a judgment as shown in the Plaintiff's Affidavit of Garnishment.

WITNESS, the Honorable _____, Judge of said Court.

_____, Clerk of Court

This ___ day of _____, 20____.

By: _____

Deputy Clerk, _____ Court

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

**Plaintiff(s) Name, Address
vs**

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

PLAINTIFF'S TRAVERSE

Now comes the Plaintiff in the above-styled case and traverses the Garnishee Answer by saying the same is untrue or legally insufficient. The Plaintiff further states:

_____.

Plaintiff or Plaintiff's Attorney

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Defendant and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Mail in a properly addressed envelope with adequate postage thereon.

This ____ day of _____, 20__.

Plaintiff or Plaintiff's Attorney'

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No. _____

Plaintiff:

Name

Street

City State Zip Code

E-Mail Address

Phone Number Bar Number
vs.

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

AFFIDAVIT OF GARNISHMENT

() Check if the Garnishee is a financial institution.

() Check if garnishment is for the collection of child support or alimony. See OCGA. § 18-4-50. et seq.

Personally appeared (Print Name) _____ who on oath says:

1. I am the (Plaintiff) (Attorney for Plaintiff) (Agent for Plaintiff). [Circle one]
2. The Plaintiff obtained a judgment against the Defendant in Case Number _____, in the _____, Court of _____, County, _____ State, and no agreement requires forbearance from garnishment which is applied for currently.
3. \$ _____ is the balance due, which consists of the sum of \$ _____ Principal, \$ _____ Post Judgment interest, and \$ _____ Other (e.g., prejudgment interest, attorney's fees, costs exclusive of the cost of this action)
4. Upon the Affiant's personal knowledge or belief, the sum stated herein is unpaid.
This ____ day of _____, 20__.

Affiant

Print name of Affiant

Sworn to and subscribed before me

this _____ day of _____, 20__.

Notary Public/Deputy Clerk of Court

POST-JUDGMENT INTERROGATORIES-- DIRECTIONS

If you have received a judgment and do not know what assets the debtor may have, you may file Post-Judgment Interrogatories. These are statutory questions to help you locate assets.

1. STEP ONE: FILING POST-JUDGMENT INTERROGATORIES

Who to Serve

If the judgment debtor is an individual, you should list this person in the judgment debtor section of the post judgment interrogatory form.

If you are serving a corporate judgment debtor, you should send post judgment interrogatories to a corporate officer who is reasonably likely to be able to answer the interrogatories. This typically is the president or treasurer. The position of registered agent is NOT a corporate officer.

The Court cost for filing post judgment interrogatories on a Magistrate Court case is \$____.00. The clerk serves the judgment debtor by certified mail. For judgments from other courts, the cost is \$____.00 dollars and is a new case in this Court. To avoid wasting your time, please make reasonably certain that the address for the judgment debtor is still current and correct.

You must file all new cases in the county where the judgment debtor resides. For a corporation, this would be in the county where the corporation has its principal place of business or registered agent. (For corporate information, call 404-656-2817, or Internet, www.sos.state.ga.us/corporations.) You must pay a new filing fee of \$____.00 and complete the Sheriff's Entry of Service form. The judgment debtor will be initially served by the Sheriff's Department.

The judgment debtor has 30 days from the date the debtor is served to answer these interrogatories. When you receive complete and truthful written answers to these interrogatories from the debtor than this process is complete. If the debtor fails to answer the questions, or if you have reasonable evidence to believe that the debtor has failed to completely and truthfully answer these interrogatories, go to Step #2.

2. STEP TWO: MOTION TO COMPEL ANSWERS TO POST JUDGMENT INTERROGATORIES

Filing a Motion to Compel Answers to Post Judgment Interrogatories is step two.

The clerk sets a hearing date for this motion. You will be given or mailed notice of this hearing date. A copy of your motion and a notice of the hearing date are served upon the debtor by first class mail by the clerk.

Answers received: If the opposing party sends you complete and truthful written answers, this process is complete. And, you must advise our clerk's office **in writing** that you have received your answers. If you have notified the clerk in writing, you do not need to attend the hearing as your motion has been withdrawn.

No answers or, incomplete answers: You must attend the hearing if the debtor has failed to answer the questions, or if you have reasonable evidence to believe that the debtor has failed to completely and truthfully answer these interrogatories. If the judge finds in your favor, the judge will issue a Ten Day Order directing the debtor to file answers (or more complete answers) within ten days. The clerk sends a copy of this order and a blank interrogatory form to the debtor by first class mail.

Failing to attend: If you fail to attend this hearing, your motion to compel answers will be dismissed.

3. STEP THREE: MOTION TO INCARCERATE THE JUDGMENT DEBTOR / CORPORATE OFFICER FOR FAILING TO COMPLY WITH ORDER COMPELLING ANSWERS TO POST JUDGMENT INTERROGATORIES

If the judgment debtor has not responded to the **ORDER COMPELLING ANSWERS TO POST JUDGMENT INTERROGATORIES**, then you will proceed to Step #3. (The ten day period begins from the date of mailing by the clerk + 3 days for mail service.) Your next step is to file a **MOTION TO INCARCERATE JUDGMENT DEBTOR / CORPORATE OFFICER FOR FAILING TO COMPLY WITH ORDER COMPELLING ANSWERS TO POST JUDGMENT INTERROGATORIES**. You are seeking to have the judgment debtor / corporate officer held in contempt of court for failing to file answers to post judgment interrogatories within 10 days of the court's order. You must prepare a Sheriff's Entry of Service form, also. The debtor must be personally served with notice of this hearing. Make sure you have a correct address for the judgment debtor so that service can be perfected. The clerk sets a hearing date. Notice of this hearing date is either given or mailed to you. The Sheriff's Department serves a copy of your motion and the notice of hearing upon the debtor/ corporate officer. The debtor must be served personally. No hearing can be held until personal service is completed. You must provide the Sheriff's Department with the correct address for the debtor.

Answers received: If the debtor sends you complete and truthful written answers, this process is complete. Please advise our clerk's office **in writing** that you have received your answers. After you have notified the clerk's office in writing, you do not need to attend the hearing as the process is complete and your motion is withdrawn.

No answers or, incomplete answers: You must attend the hearing if the debtor has failed to answer the questions, or if you have reasonable evidence to believe that the debtor has failed to completely and truthfully answer these interrogatories. If the judge finds in your favor, the judge may issue an order incarcerating the debtor / corporate officer in the _____ County Detention Center until such time as the judgment debtor / corporate officer answers the interrogatories. Once the judgment debtor/ corporate officer is jailed, the answers are soon forthcoming. The magistrate on duty determines whether the answers are complete. The judgment debtor remains in jail until the magistrate completes this analysis.

Failing to attend: If you fail to attend this hearing, your motion to incarcerate the judgment debtor will be dismissed.

After the hearing -- Settlement, Payment or Answers received: If the court enters an order incarcerating the judgment debtor, then you have an affirmative duty to IMMEDIATELY advise the court, in writing, filed with the clerk, of the following:

- (1) The debtor sends you written answers to interrogatories;
- (2) The civil matter is settled or debt is paid.

The order directing that the judgment debtor be incarcerated remains active until it is canceled by order of this court. Time is of the essence and is critical. You could be personally liable for failing to promptly inform the court.

These instructions apply to the interrogatory process only. Post judgment Interrogatories serve as one information source to use in the collection process. Some debtors are temporarily judgment proof, they have no assets, or all the assets are in a family member's name. There may be very little you can do until those circumstances change.

4. DISPOSSESSORIES & DISTRESS WARRANT JUDGMENTS.

In addition to other remedies, parties seeking to collect judgments in dispossessory or distress warrant cases may utilize the much more powerful Civil Practice Act Discovery Law set forth in O.C.G.A. Section 9-11-69.

BASIC OUTLINE OF POST-JUDGMENT COLLECTION PROCEDURES

WRIT OF FI FA:

A writ of Fi Fa is a document that is issued by our clerk's office for the purpose of recording a lien on the judgment debtor's property. It is also the legal instrument by which the sheriff of a county may seize the assets of a judgment debtor. A writ of Fi Fa may be issued on a default judgment case immediately. If the case was contested, then a writ of Fi Fa may not be issued until 10 days after the date of judgment. The cost for a writ of Fi Fa is the sum of \$9.00.

A writ of Fi Fa may also be used to perfect a lien upon any motor vehicles that the judgment debtor owns. There is a special process to go through in perfecting that judgment lien. Appropriate forms are available to you through the Georgia Department of Revenue, Division of Motor Vehicles. You must send a self-addressed envelope, a check for \$1.00 for each vehicle and a copy of the Fi Fa to: Dept. of Revenue, Motor Vehicle Div., Trinity-Washington Bldg., Atlanta, Ga., 30334.

A writ of Fi Fa is recorded by our court for you upon the General Execution Docket, which is maintained by the Clerk of Superior Court. If you know of any other real property or seizable assets the judgment debtor owns in other counties, you should apply to the clerks of such counties to have the writ of Fi Fa recorded upon the General Execution Dockets of those counties, as well.

When the judgment is paid in full, you as the judgment creditor have the duty to see that the writ of Fi Fa is canceled on the appropriate General Execution Docket(s). There is an additional fee for this service and that matter is handled through the Clerk of Superior Court in the respective counties where the writ of Fi Fa is filed.

GARNISHMENTS:

A garnishment is a separate legal action that is filed against the garnishee. The garnishee is a person or business entity that either owes funds to the judgment debtor, or is holding funds on behalf of the judgment debtor. A garnishment could be used against a bank, credit union, employer, general contractor, etc. A garnishment is filed in the county where the garnishee is located. Cost for filing is \$.00. Sheriff's service of 2nd or subsequent summons is \$.00.

CONTINUING GARNISHMENT:

A continuing garnishment is used when the judgment debtor is a wage-earner. It lasts for a period of 180 days and the appropriate sums will be deducted from the judgment debtor's wages on a 30-day recurring basis until the entire judgment amount is collected, or until the expiration of 180 days from the date of service, whichever event shall first occur. A continuing garnishment is filed in the county where the garnishee is located. Cost for filing is \$.00.

POST-JUDGMENT INTERROGATORIES:

The purpose of Post-Judgment Interrogatories is to ascertain what assets, if any, the judgment debtor has to satisfy this judgment debt. It can be as much as a five step process. Those steps are as follows: (See also, Post Judgment Interrogatories, Directions, MAG 14-03.)

(1) Plaintiff files the Post Judgment Interrogatories (Mag 14-05). They are available on the internet at (<https://georgiamagistratecouncil.com/forms>) and in the Clerk's Office of the Magistrate Court. The cost varies. If filed on a _____ County Magistrate Court case, they are filed under the original case number and the cost is \$16.50. The Clerk's office will serve the judgment debtor by certified mail with return receipt requested. If filed on a judgment from another court, the interrogatories are assigned a new case number and the cost of filing is \$__.00. The judgment debtor will be served by the sheriff's department.

(2) If the Interrogatories are not answered within 30 days from the date of service, then the judgment creditor files a Motion to Compel Answers to Post Judgment Interrogatories together with a notice of hearing. This is served upon the judgment debtor by the clerk's office by certified mail, return receipt requested.

(3) If the judgment debtor fails to appear at the hearing, the court may, in appropriate circumstances, issue an Order requiring the judgment debtor to answer the Interrogatories within 10 days. This is served upon the judgment debtor by certified mail, return receipt requested.

(4) If there is no response to the Court Order requiring answers to the Interrogatories, then the judgment creditor must file a Motion to Incarcerate Judgment Debtor / Corporate Officer for Failing to Comply with Order Compelling Answers to Post Judgment Interrogatories. (MAG 14-11), plus the appropriate notice (MAG 14-12). These documents must be personally served upon the debtor /corporate officer by the sheriff. Also, a copy of the previous order is served upon the judgment debtor, as well.

(5) If the judgment debtor / corporate officer fails to appear at the hearing, or in the event he/she does appear and does not have a bona fide reason for not answering the Interrogatories, then the Court may enter an Order for Incarceration for Contempt of Court. The judgment debtor is then arrested by the sheriff and held in the Gwinnett County Jail until the Interrogatories are answered and approved by the Magistrate.

Please note that this is only an overview of the various procedures available to you. You may wish to consult legal counsel if you have difficulties in collecting the judgment lawfully due you. Our office can assist you in filling out the forms herein above set forth.

CHIEF MAGISTRATE

Satisfaction of Judgment (MAG 11-06)

Purpose of form:

The law requires a judgment creditor to file a "Satisfaction of Judgment" with the clerk of court upon receiving payment in full on an outstanding civil judgment. The judgment creditor is the one who is awarded money to be paid by the losing party. This may be the plaintiff or the defendant on a counterclaim. The failure of the judgment creditor to properly have a civil judgment marked as being satisfied may subject the judgment creditor, the attorney for the judgment creditor, or both, to penalties up to **\$500.00**. This form should be filed with our clerk when judgments are paid in full.

Duties of Judgment Creditor: Upon payment of the entire debt upon which a judgment or FiFa has been issued, the judgment creditor shall timely (within 60 days) direct the clerk(s) of the appropriate court(s) in writing to: (1) cancel the writ of FiFa, if a writ was issued; (2) mark the judgment satisfied. The failure to timely comply may subject the judgment creditor to monetary damages, O.C.G.A. B' 9-13-80. The Writ of Fi.Fa. should be canceled with Clerk of Superior Court in each county where you filed the writ. Also, this form should be submitted to clerk on all judgment and consent judgments upon receipt of full payment.

O.C.G.A. 9-13-80. Execution to be canceled when satisfied; private right of action; damages.

- (a) Upon the satisfaction of the entire debt upon which an execution has been issued, the plaintiff in execution or his or her attorney shall timely direct the clerk to cancel the execution and mark the judgment satisfied.
- A private right of action shall be granted to a judgment debtor upon the failure of such plaintiff or counsel to comply with the provisions of subsection (a) of this Code section.
- Failure to direct cancellation and satisfaction within 60 days after satisfaction of the entire debt shall be prima-facie evidence of untimeliness.
- Recovery may be had by way of motion in the action precipitating the judgment and execution or by separate action in any court of competent jurisdiction.
- Damages shall be presumed in the amount of **\$100.00**. Actual damages may be recovered, but in no event shall recovery exceed **\$500.00**.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs

SATISFACTION OF JUDGMENT

Defendant(s) Name, Address

Comes now the Plaintiff(s) Defendant(s), the judgment creditor in the above-styled case, and hereby states that the amounts set forth in the judgment of this case have been paid in full, to the satisfaction of the judgment creditor, therefore, the Clerk of Court is hereby authorized and directed to mark the docket of this case as **"Satisfied and Paid In Full."**

This _____ day of _____, _____.

 Plaintiff(s) Defendant(s), Judgment creditor

Certificate of Service

I hereby certify that I have served a copy of this Satisfaction of Judgment upon the other party as follows:

- hand delivering a copy to that party
- mailing a copy by first class mail to the address listed below:

This _____ day of _____, _____.

Plaintiff(s) Defendant(s)

Duties of Judgment Creditor: Upon payment of the entire debt upon which a judgment or FiFa has been issued, the judgment creditor shall timely (within 60 days) direct the clerk(s) of the appropriate court(s) in writing to: (1) cancel the writ of FiFa, if a writ was issued; (2) mark the judgment satisfied. The failure to timely comply may subject the judgment creditor to monetary damages, O.C.G.A. § 9-13-80. The Writ of Fi.Fa. should be canceled with Clerk of Superior Court in each county where you filed the writ. Also, this form should be submitted to clerk on all judgment and consent judgments upon receipt of full payment.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
vs.

GARNISHMENT

Defendant(s) Name, Address

Garnishee Name, Address

THIRD-PARTY CLAIM

Personally appeared _____, who on oath says that he or she has a claim superior to that of the Plaintiff to the money or other property in the hands of the Garnishee subject to the process of garnishment.

The Affiant further states: (check applicable box and complete the information requested)

() The Affiant obtained a judgment against the Defendant in the _____ Court of _____ County, _____ (State), in Case Number _____ on _____ (date), and the unpaid balance of such judgment is in the amount of \$ _____.

or

() The basis of the Affiant's claim is _____.

This _____ day of _____, 20____.

Affiant

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public or Deputy Clerk of Court

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Plaintiff or Plaintiff's Attorney, the Defendant, and the Garnishee in the foregoing matter with a copy of this pleading by depositing it in the United States Main in a properly addressed envelope with adequate postage thereon.

This _____ day of _____, 20____.

Third-party Claimant or Third-party Claimant's Attorney

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

DATE FILED _____

STATEMENT OF CLAIM

CASE NO. _____

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

[] Suit on Note [] Suit on Account [] Other: _____

1. The Court has jurisdiction over the defendant(s) [] the Defendant(s) is a resident of _____ County;

[] other (please specify) _____

2. Plaintiff(s) claims the Defendant(s) is indebted to the Plaintiff(s) as follows (You must include a brief statement giving reasonable notice of the basis for each claim contained in the Statement of Claim):

3. That said claim is in the amount of \$ _____, principal \$ _____ interest, plus _____ costs to date, and all future costs of this suit.

State of Georgia, _____ County:

_____ being duly sworn on oath says the foregoing is a just and true statement the amount owing by defendant(s) to plaintiff(s), exclusive of all set-offs and just grounds of defense.

Sworn and subscribed before me this

_____ day of _____ 20 _____

Plaintiff(s) or Agent

(If Agent, Title or Capacity) _____

Notary Public/Attesting Official

Daytime Phone Number

NOTICE AND SUMMONS

TO: All Defendant(s) You are hereby notified that the above named Plaintiff(s) has/have made a claim and is requesting judgment against you in the sum shown by the foregoing statement. YOU ARE REQUIRED TO FILE or PRESENT AN ANSWER (answer forms can be obtained at <https://georgiamagistratecouncil.com/forms> or from the clerk's office) TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU. IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE OR CLERK. If you choose to file your answer orally, it MUST BE IN PERSON and within the 30 day period. NO TELEPHONE ANSWERS ARE PERMITTED. The court will hold a hearing on this claim at a time to be scheduled after your answer is filed. You may come to court with or without an attorney. If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them to court at the time of your hearing. If you want witnesses or documents subpoenaed, see a staff person in the Clerk's office for assistance. If you have a claim against the Plaintiff(s), you should notify the court by immediately filing an answer and counterclaim. If you admit to the Plaintiffs' claim but need additional time to pay, you must come to the hearing in person and tell the court your financial circumstances. Your answer must be RECEIVED by the clerk within 30 days of the date of service. If you are uncertain whether your answer will timely arrive by mail, file your answer in person at the clerk's office during normal business hours.

This _____ day of _____, 20 _____

GENERAL INSTRUCTIONS

Before filing your first civil action in Magistrate Court, you may want to visit the Council of Magistrate Court Judges' website at www.georgiamagistratecouncil.com. Our site offers many tools that will assist you in understanding how our court system operates. There are numerous videos that explain each step of the process. There is also a variety of forms that you can download, some of which are fill-able. You may wish to utilize our Forms Generator, which is a system that will guide you through a series of questions to create a free, customized form that you can file in Magistrate Court.

Civil actions, in most cases, must be filed in the county where the Defendant (the person that you are planning to sue) lives. There is a Court Directory that will provide the address and phone number of the Magistrate Court in each of Georgia's 159 counties. Some Courts are equipped to receive e-filing or a filing may be made through www.ncourt.com.

Magistrate Court personnel, including the Judges, are prohibited from providing any legal advice to either party. We can, however, answer questions about filing and procedures. You may want to contact the court where you will be filing to check on the amount of the filing fee and the requirements for filing.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

SPECIAL AGENT'S AFFIDAVIT OF ENTRY OF SERVICE

Defendant(s) Name, Address

Garnishee Name, Address

DATE OF SERVICE: _____ (This date must be written and clearly legible on def./garnishee's copy)

PERSONAL Place of Service same as above; other, as follows: _____
I served this def./garnishee with a copy of the action & summons:

NOTORIOUS I served Def./Garnishee by leaving a copy of the action and summons at the most notorious place of abode in the county:

Delivered the same to _____ described as follows: approximate age _____ years; approximate weight _____ pounds; approximate height _____ feet and _____ inches, living at the residence of the defendant.

CORPORATION Upon corporation _____

By serving _____, in charge of the office and place of business of the corporation in this county.

By serving _____, its registered agent.

TACK & MAIL I served the defendant by posting a copy to the door of the defendant's premises designated above in the affidavit and, on the same day, by depositing a true copy in the mail with first class postage in an envelope properly addressed to the address shown in the summons with adequate notice to answer the summons at the place stated in the summons. (Dispossessory only)

NON EST Did not serve because after a diligent search the def/garnishee could not be found in the jurisdiction of the court.
Other: _____

(This portion shall be completed, under oath, after service and before filing with the Clerk of this Court, except for printed name.) I, the undersigned, and being duly sworn, and under penalty of law, swear that I have personally effectuated service of process on the date, time, place and manner as set forth above and that all the facts set forth herein are true and correct and that I have served a copy of this document which bore my printed name, exclusive of my signature under oath, upon the def./garnishee simultaneous with service of all documents connected with this action. *(Please use a blue ink which clearly indicates this is an original affidavit.)*

Sworn to before me this _____ day of _____, 20_____

Signature of Process Server (signed only before notary public/clerk)

Print Name: _____
(Must be clearly legible on **def./garnishee copy** to indicate who made service at the time service was made.)

(Initial if applicable) I am designated as a Special Agent for Service of Process under a standing order of this Court.

Notary Public, my commission expires:/Clerk
Notary shall affix seal

**FILING CLAIMS - LISTING THE CORRECT PARTY OR BUSINESS ENTITY IN YOUR LAWSUIT,
APPLIES TO BOTH PLAINTIFFS & DEFENDANTS**

The party filing the action is the plaintiff(s). The party being sued is the defendant(s). Each must be correctly listed.

Individual	Sole Proprietor	Corporation	Partnership	Minors
Suit listed in the person's own name as plaintiff or against an individual as the defendant.	When one person owns a business.	A legal organization listed with the Georgia Secretary of State's office.	Similar to a sole proprietor, however 2 or more persons own the business. It is NOT incorporated.	Minors under 18 cannot sue in their own name, but must sue through a parent or guardian. However, minors under 18 can be sued in their own name.
Examples: Sally Doe	Sally Doe, dba Sally's Apparel Sales.	Sally's Apparel Sales, Inc. or (Co.) (Company) (Ltd.) (Incorporated). **A corporation must have a similar ending.	Sally Doe & Sara Jones, dba Sally's Apparel, a Partnership.	Jane Doe, a minor, by her next best friend, Sally Doe. (The parent/ guardian is called next best friend.) Plaintiff only.
Where do I file the case? Civil lawsuits are generally filed where the defendant resides. VENUE: County where individual defendant resides.	File in county where the defendant sole proprietor resides. Example, business in Fulton, but sole proprietor lives in Gwinnett; file suit in Gwinnett.	File in county where the defendant corporation has its principal place of business or the registered agent is located. Call (844) 753-7825 or online at www.sos.ga.gov	File in county where <u>any</u> partner resides, or the general partner for a limited partnership. Ex., business partnership is in Fulton, but a partner lives in Gwinnett; file suit in Gwinnett.	File in county where the defendant minor resides. Same rule as an individual defendant.

See Next Page For More Info.

<p>Common Errors</p> <p>Suits against small Corporations</p>	<p>Plaintiff sues the president of a small corporation, rather than suing the corporation, arguing, well, he's the owner of the corporation. Absent very rare exceptions, i.e., signing as a personal guaranty, certain negligence actions, etc., owners & corporate officers of a corporation are <u>not</u> personally liable for the debts of a corporation. Corporations are legally formed to limit personal liability. If you dealt with a corporation, then you should sue the corporation. You should consult an attorney if you believe an exception exists which creates personal liability. These instances exist, but are rare.</p>
<p>You can't sue the defendant's insurance co. on most car wrecks.</p>	<p>Car accident cases: Generally, the Plaintiff cannot directly sue the insurance company of the alleged negligent driver to collect on a liability claim. The Plaintiff must sue and serve the negligent driver, and/or appropriate business entity. The defendant's insurance company is not a proper party to a negligence lawsuit. (Rare exception involves collisions with motor carriers (tractor trailer trucks) having indemnity insurance. See O.C.G.A. 46-7-12.)</p>
<p>A corporation's registered agent is not personally liable.</p>	<p>Simply being the resident agent of a corporation does not of itself create personal liability for the debts of that corporation. The registered agent is simply a person authorized by law to be served with the lawsuits against a corporation.</p>
<p>I don't know if the business I am trying to sue is a corporation, sole proprietorship or partnership.</p>	<p>Call the Secretary of State: (844) 753-7825; Internet: https://www.sos.ga.gov ; Check the business license posted within the business. Alternately, if the business is inside an unincorporated area, check with the local county offices; If inside the city limits, check with that municipality. Or, check the court dockets to determine if the business or person has been a defendant under circumstances similar to yours.</p>
<p>What's a trade name?</p>	<p>A trade name is the registered name under which a corporation transacts business, i.e., Sally's Country Kitchen. You should check the trade name registration docket in Superior Court to determine if a corp. is utilizing a trade name. Your correct defendant would still be the corporation. The style of the case would be the exact corporate entity, dba (list the trade name).</p>
<p>I filed suit against the wrong entity or listed my own business entity incorrectly. What can I do now?</p>	<p>The defendant can insist on having the real plaintiff listed. Furthermore, the defendant can insist that the correct defendant business entity be listed. In some instances the parties are able to reach a consent agreement to substitute the correct party, waive venue, etc., simply so that they can get the case resolved. Always try to reach that compromise. Absent that agreement, the plaintiff should voluntarily dismiss the suit, without prejudice, or the court will dismiss the action, as listing the correct parties is critical to the rights of all involved.</p>