

MAGISTRATE COURT OF TERRELL COUNTY, GEORGIA

Date Filed \_\_\_\_\_

Case No: \_\_\_\_\_

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

**AFFIDAVIT FOR FORECLOSURE OF  
PERSONAL PROPERTY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Defendant(s) Name, Address**

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 Terrell 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.

IN THE MAGISTRATE COURT OF TERRELL  
COUNTY STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff  
v.

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

APPLICATION FOR WRIT OF POSSESSION

The above and foregoing case having come on regularly for hearing on \_\_\_\_\_, 20\_\_\_\_\_, and the Defendant having failed to answer, application is hereby made to the Court for the issuance to the Plaintiff of a Writ of Possession as provided by Code, Title 44-14-233, as amended, and that Plaintiff have judgment against the Defendant for the amount specified as due in the affidavit heretofore filed with the Court together with interest thereon and all costs of these proceedings.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff, Plaintiff's Attorney or Agent

WRIT OF POSSESSION

To: All and singular the Sheriffs or their lawful Deputies and to all lawful Constables of said state,

Greetings:

WHEREAS, pursuant to Code 44-14-230, as amended, the Plaintiff has been adjudged entitled to recover from the Defendant the possession of certain personal property, the decryption and location of which is as follows:

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE

IN THE \_\_\_\_\_ MAGISTRATE \_\_\_\_\_ COURT OF \_\_\_\_\_ TERRELL \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

Civil Action No. \_\_\_\_\_

ORDER

A Writ of Possession having been issued against the defendant for personal property to be foreclosed upon, it is:  
ORDERED that the defendant or the party in possession of the property specified in that Writ of Possession be and that person hereby is directed to turn over to the sheriff, marshal, or constable of \_\_\_\_\_ TERRELL \_\_\_\_\_ County or his lawful deputies, or to any sheriff, marshal, or constable of this state or their lawful deputies, the \_\_\_\_\_

\_\_\_\_\_,  
instantly, or advise said officer of the location of the property if same is not in defendant's possession.

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE

Presented by:

\_\_\_\_\_  
Attorney's name and address

ELECTION OF OPTION

(Option desired must be initialed in the space provided)

Pursuant to Code 44-14-236 as amended, the undersigned (agent)(attorney) for the Plaintiff in the above action, hereby directs that the property described in the within and foregoing Writ of Possession be:

[ ] Surrendered to the Plaintiff for retention or disposition in accordance with Code Title 11 as amended.

[ ] Advertised and sold as in the case of levy and sale under execution as by law provided.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff, Plaintiff's Attorney or Agent

Georgia, \_\_\_\_\_ County

Diligent search made and the property specified in the within Writ of Possession no found to be in \_\_\_\_\_ County, Georgia.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Sheriff Constable

Georgia, \_\_\_\_\_ County

I have this day executed the within Writ of Possession by levying upon and sizing the following described property of Defendant to wit:

Levied at \_\_\_\_\_ street, \_\_\_\_\_ Georgia

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Sheriff Constable

Georgia, \_\_\_\_\_ County

I have this day turned over to the Plaintiff the property specified in the within Writ of Possession pursuant to the election of the Plaintiff as authorized by Code 44-14-236, as amended.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Sheriff Constable