

IN THE MAGISTRATE COURT OF OGLETHORPE COUNTY STATE OF GEORGIA

Plaintiff v. Defendant Address Civil Action No.

AFFIDAVIT

Personally appeared Plaintiff herein, or on oath says that (he)(she) is Agent or Attorney in fact or at law for Plaintiff herein and authorized to make this affidavit, and that Defendant, whose address is is indebted to said Plaintiff in the principal amount of dollars together with dollars 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 is 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 said writing, obtaining a writ of possession for the property described therein

(If Affiant alleges that the security interest at issue arose out of a "commercial claim" as defined by Code, 44-14-237 as amended, and that the Defendant has waived same or all of the rights and provisions contained in Code, 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 to and subscribed before me this day of

Clerk Affiant IN THE MAGISTRATE COURT OF OGLETHORPE COUNTY STATE OF GEORGIA

SUMMONS

Civil Action No.

TO THE ABOVE NAMED DEFENDANT:

The defendant herein hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of Oglethorpe County PO Box 356, Main Street, Lexington, GA within seven 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. If the defendant fails to answer on or before the seventh day from the date of service, the defendant may reopen the default as a matter of right by making an answer within seven days after the date of the default notwithstanding the provision of Code Section 9-11-55 of the Official Code of Georgia Annotated. If the seventh day is a Saturday, a Sunday, or a legal holiday, the answer may be made on the next day which is not a Saturday, a Sunday, or a legal holiday. The last possible date on which the defendant may answer is the day of. If answer is not so made, a writ of possession shall issue against you as by law provided, pursuant to plaintiff's affidavit.

Witness the Honorable Judge of said Court.

This day of

Clerk, Court of County

Service perfected on defendant, this day of

Sheriff, deputy, marshal or constable

I have this day served the Defendant \_\_\_\_\_ with a copy of the affidavit and summons by tacking a copy thereof to the door of the premises designated in said affidavit, said summons directing the Defendant to answer on \_\_\_\_\_ at the hour and place as stated therein.

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

\_\_\_\_\_  
Constable

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that I have this day served the Defendant \_\_\_\_\_ with a copy of the affidavit and summons by depositing a true copy thereof in the United States mail, first class, in an envelope properly addressed to the Defendant at (his)(her) address as shown in said affidavit with adequate postage affixed thereon.

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

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

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

I have this day served the Defendant \_\_\_\_\_ personally with a copy of the within Affidavit and summons.

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

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

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

I have this day served the Defendant \_\_\_\_\_ a Corporation, by leaving a copy of the within affidavit and summons with \_\_\_\_\_ in charge of the office and place of doing business of said Corporation, in \_\_\_\_\_ County, Georgia.

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

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

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

I have this day served the Defendant \_\_\_\_\_ by leaving a copy of the affidavit and summons at his most notorious place of abode in this county and delivered same into hands of \_\_\_\_\_ a \_\_\_\_\_ (white or colored) person described as follows: Age, about \_\_\_\_\_ years, weight, about \_\_\_\_\_ pounds, height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at this residence of defendant.

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

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

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

Diligent search made and Defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

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

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

\_\_\_\_\_  
Constable

IN THE MAGISTRATE COURT OF OGLETHORPE COUNTY STATE OF GEORGIA

Plaintiff
v.
Defendant
Address

Civil Action No.

APPLICATION FOR WRIT OF POSSESSION

The above and foregoing case having come on regularly for hearing on... 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

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 description and location of which is as follows:

This day of

Magistrate

IN THE MAGISTRATE COURT OF OGLETHORPE 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 OGLETHORPE 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

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 \_\_\_\_\_, \_\_\_\_\_.

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

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

Diligent search made and the property specified in the within Writ of Possession not found to be in \_\_\_\_\_  
\_\_\_\_\_ County, Georgia.

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

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

\_\_\_\_\_  
Constable

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

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

Levied at \_\_\_\_\_ street, \_\_\_\_\_ Georgia  
This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
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 \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
Constable