

IN THE MAGISTRATE COURT OF MURRAY COUNTY STATE OF GEORGIA

Date Filed: _____

Case Number: _____

AFFIDAVIT FOR FORECLOSURE OF PERSONAL PROPERTY

Plaintiff(s) Name, Address

VS

Defendant(s) Name, Address

Personally appeared _____ who, on oath, says that he/she is ☐ Plaintiff(s) or ☐ 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 mad a part hereof, and that said indebtedness is past due, and that the Defendant(s) is/are either now a resident of Murray County, Georgia, or was a resident thereof at the date said writing was executed, and that this affidavit is mad 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

Notary Public/Attesting Official/Clerk

(If Agent/Attorney- Title or Capacity)

My Commission Expires: _____

Daytime Phone Number

Bar Number (if applicable)

NOTICE AND SUMMONS

TO: Defendant(s)

You are hereby commanded and required to personally or by attorney to file with the Clerk of the Magistrate Court, **within seven (7) days from the date of service of the within affidavit and summons, or on the first business day thereafter if the seventh day fall on a Saturday, a Sunday, or a legal holiday, then and there to answer said affidavit in writing or orally at Murray County Magistrate Court (812 G.I. Maddox Parkway, Chatsworth, GA 30705).** If the Defendant(s) fails to answer on or before the seventh day form 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 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 (7) 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 a Saturday, a Sunday, or a legal holiday.

IN THE MAGISTRATE COURT OF MURRAY COUNTY STATE OF GEORGIA

Civil Action No.: _____

Plaintiff(s) Name and Address

VS

Defendant(s) Name and Address

Phone Number

ELECTION OF OPTION (Option desired must be initialed in the space provided)

Pursuant to O.C.G.A. § 44-14-236, as amended, the undersigned ☐ Agent ☐ Attorney for the Plaintiff in the above action, hereby directs that the property described in the WRIT OF POSSESSION be:

_____ Surrendered to the Plaintiff for retention or disposition in accordance with O.C.G.A. Article 9 of Title 11 as amended, or

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

This _____ day of _____, 20____

☐ Agent ☐ Attorney for Plaintiff

IN THE MAGISTRATE COURT OF MURRAY COUNTY STATE OF GEORGIA

Civil Action No.: _____

VS

Plaintiff(s) Name and Address

Defendant(s) Name and Address

Phone Number

WRIT OF POSSESSION

TO: ALL AND SINGULAR THE SHERIFF OF SAID STATE OR THEIR LAWFUL DEPUTIES AND TO ALL LAWFUL CONSTABLE OF SAID STATE:

GREETINGS: WHEREAS, pursuant to O.C.G.A. Chapter 14 of Title 44, 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:

Description of Property

Location of Property

THEREFORE, you have hereby ordered to levy the aforesaid personal property and, at the option of the Plaintiff, to either surrender said property to the Plaintiff for retention or disposition in accordance with O.C.G.A. Article 9 of Title 11, as amended, or advertise and sell same as in the case of levy and sale under execution as by law provided.

So **ORDERED**, this _____, day of _____, 20_____.

Judge, Magistrate Court of Murray County

- [] Diligent search made and the property specified in the foregoing **WRIT OF POSSESSION** not found to be in Murray County, Georgia
- [] 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 _____, Georgia

- [] I have turned over to the Plaintiff the property specified in the withing **WRIT OF POSSESSION** pursuant to the election of the Plaintiff as authorized by O.C.G.A. § 44-14-230, as amended.

This _____ day of _____, 20_____.

Deputy Sheriff

IN THE MAGISTRATE COURT OF MURRAY COUNTY STATE OF GEORGIA

Civil Action No.: _____

VS

Plaintiff(s) Name and Address

Defendant(s) Name and Address

Phone Number

ORDER

It appearing to the Court that 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 said county, or to and Sheriff, Marshal, or Constable of the State or their lawful deputies, the described property to wit:

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

So ORDERED, this ____ day of _____, 20__.

Judge, Magistrate Court of Murray County