

MAGISTRATE COURT OF GRADY COUNTY
250 N. BROAD STREET, BOX 2
CAIRO, GA 39828

Plaintiff

Vs.

CASE NUMBER: _____ FC

Defendant

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 Grady 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
My Commission Expires: _____

Bar Number (if applicable)

IN THE MAGISTRATE COURT OF GRADY COUNTY, STATE OF GEORGIA

Plaintiff VS. _____
Defendant

NOTICE AND SUMMONS

TO: The above named Defendant(s)

You are hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of Grady County, **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.** 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.

THE LAST POSSIBLE DATE ON WHICH THE DEFENDANTMAY ANSWER IS THE ____ DAY OF _____, 20___. IF ANSWER IS NOT MADE, A WRIT OF POSSESSION SHALL ISSUE AGAINST YOU AS BY LAW PROVIDED, PURSUANT TO PLAINTIFF'S AFFIDAVIT.

WITNESS the Honorable Anthony Pat Pollock, Chief Magistrate

This ____ day of _____, 20__.

Clerk/Deputy Clerk

OFFICER RETURN

I have this day executed the within affidavit and summons by:

- personally handing a copy to _____, the defendant
- personally handing a copy to _____, who is a person sui juris residing at the aforementioned address.
- diligent search made and defendant cannot be found in this jurisdiction.

This ____ day of _____, 20_____

Deputy Sheriff

(INSTRUCTIONS TO DEPUTY - COUNT 14 DAYS AFTER DAY OF SERVICE AND ENTER THE DATE IN THE ABOVE SPACE PROVIDED).

**IN THE MAGISTRATE COURT OF GRADY COUNTY
STATE OF GEORGIA**

Plaintiff

Vs.

**CASE NUMBER: _____ FC
FORECLOSURE**

Defendant

WRIT OF POSSESSION

**TO: THE MARSHAL OF SAID COURT OR HIS LAWFUL DEPUTIES AND TO ALL
AND SINGULR THE SHERIFFS OF SAID STATE OR THEIR LAWFUL DEPUTIES
AND TO ALL LAWFUL CONSTABLES 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, to-wit: _____

_____.

Which can be located at: _____.

THEREFORE, you are 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.

This ____ day of _____, 20 ____

Judge, Magistrate Court of Grady
County, Georgia

ELECTION OF OPTION

Pursuant to O.C.G.A. Section 44-14-236, as amended, the undersigned agent or attorney for the plaintiff in the aforesaid 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 O.C.G.A. Article 9 of Title 11, as amended; or

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

This the _____ day of _____, 20_____.

Agent/Attorney for/Plaintiff

GEORGIA, _____ COUNTY

Diligent search made and property specified in the within WRIT OF POSSESSION not found to be in _____ County, Georgia

This the _____ day of _____, 20_____.

Deputy Sheriff

GEORGIA, _____ COUNTY

I have this day executed the within WRIT OF POSSESSION by levying upon and seizing the following described of defendant, to-wit: _____

_____.

Levied at _____, GA

This the _____ day of _____, 20_____.

Deputy Sheriff