

Court Date:

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

Plaintiff

()

Address and Phone Number

vs.

Civil Action No. _____

Defendant

Address

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 _____, Georgia _____ 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, and 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 and having judgment entered for the amount of the aforesaid indebtedness together with interest thereon and all costs of these proceedings.

(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 _____, 20_____.

Deputy Clerk / Notary Public

Affiant

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

Civil Action No. _____

SUMMONS

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 Douglas County at 8700 Hospital Drive, Douglasville, Georgia 30134 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 (7) 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 (7) day from the date of service, the Defendant 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 provision of Code Section 9-11-55 of the Official Code of Georgia Annotated. 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. The last possible date on which the Defendant may answer is the _____ day of _____, 20_____. 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 _____, 20_____.

Clerk, Magistrate Court of Douglas County