

Civil:
PERSONAL PROPERTY
FORECLOSURE

Fees:

One Defendant: \$105.00 (THREE COPIES OF ALL DOCUMENTS)

Two Defendants: \$155.00 (FIVE COPIES OF ALL DOCUMENTS)

*THE COURT NO LONGER PROVIDES COPIES OF SUPPORTING DOCUMENTS YOU WISH TO ATTACH TO YOUR PLEADINGS. *

* MILITARY AFFIDAVITS ARE REQUIRED ON ALL DEFENDANTS. *

The Court does not accept personal checks, debit or credit cards. Please submit Company checks, cashier's checks, money orders or Cash in the correct change only.

FINAL WRIT \$27.00

MAGISTRATE COURT OF HOUSTON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address, Phone Number

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: Principal (\$ _____) and (\$ _____) interest thereon, upon a [] Security Agreement; [] Contract Retaining Title; [] or a Rental Agreement, dated _____ 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 Houston 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. This Affidavit is made for the purpose of foreclosing said agreement and obtaining a Writ of Possession for the property described herein, to wit:

Sworn and subscribed before me this

_____ day of _____, 201

Affiant

FILED IN OFFICE THIS _____ DAY OF

Notary Public/Attesting Official/Clerk

_____, 201

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 of Houston 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. Mail answer to, or file in person, at: 89 Cohen Walker Drive, Warner Robins, GA 31088. 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, 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 _____ 201 WITNESS the Honorable Magistrate Court of Houston County

Magistrate/Deputy Clerk of Court

APPLICATION FOR PERSONAL PROPERTY FORECLOSURE

1. Type of claim: () Security Interest () Rental/Leased Personal Property, () Title Retention
2. Legal name of Person/Corporation having title or security interest in collateral:
Plaintiff: _____
3. Applicant/Affiant _____
4. **Defendant** name and address: _____

5. Location of collateral (if different from #4) _____
6. Form of Indebtedness: () Promissory Note, () Written Agreement, () Installment Contract,
() Conditional Sale Contract, () Rental/Lease Agreement, or () Sale with Title Retention
7. Description of collateral (Vin #, Serial number or model number, etc.) _____

8. Default () Failure to pay installments, due dates of unpaid installments _____
() Other: _____
9. Amounts Due: Principal \$ _____, Interest \$ _____, Other \$ _____
10. Has the principal amount due been accelerated () Yes () No
11. Have you rebated unearned interest? () Yes () No
12. Are there future installments to become due: _____ Amount of each \$ _____
If yes, number of installments to become due _____ Amount of each \$ _____
Frequency: () Monthly () Weekly () Bi-weekly: Due day/date _____
13. Does agreement provide for collection of attorney fees? () Yes () No
If yes, have you sent notification of intent to enforce? () Yes () No
If yes, what measure of fees: () reasonable () 10% () 15%
14. Mailing address for notices to Plaintiff:

IN THE MAGISTRATE COURT OF HOUSTON COUNTY
STATE OF GEORGIA

Plaintiff,

v. CIVIL ACTION FILE NO. _____

Defendant,

MILITARY AFFIDAVIT

The undersigned, after first being duly sworn, states the following:

1.

I am of age, of sound mind, and legally authorized to sign this affidavit on behalf of the Plaintiff.

2.

This affidavit is executed pursuant to the Service Members Civil Relief Act, 50 U.S.C. App. 521. Affiant further acknowledges any false statement made in this affidavit may subject the affiant to imprisonment not to exceed one year and a fine.

3.

Affiant states the Defendant, _____ () is, () is not, or () unable to determine, a member of the military forces of the United States.

4.

Affiant is personally knowledgeable of the facts contained in this affidavit and affirms the information contained herein is true and correct.

This _____ day of _____, 201 .

Signature
Printed name: _____
Title: _____

Sworn to and subscribed before me

this _____ day of _____, 201

NOTARY PUBLIC

www.dmdc.osd.mil/appj/scra