

IN THE MAGISTRATE COURT OF PEACH COUNTY STATE OF GEORGIA

Plaintiff v.

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 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 , 20

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

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 Court of County 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 , 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 of said Court, Judge

This day of , 20

Clerk, Court of County

Service perfected on defendant, this day of , 20

Sheriff, deputy, marshal or constable