

MAGISTRATE COURT OF PEACH COUNTY

700 Spruce Street, Wing A
Fort Valley, Georgia 31030
(478) 825-2060 Fax: (478) 825-1893

**CIVIL:
PERSONAL PROPERTY
FORECLOSURE**

ONE DEFENDANT \$105.00 – 2 Copies of All
Supporting Documents

TWO DEFENDANTS \$155.00 - 3 Copies of All
Supporting Documents

**MILITARY AFFIDAVITS ARE REQUIRED ON
ALL DEFENDANTS**

****The Court charges .25 cents per page for copies****

**THE COURT DOES NOT ACCEPT CASH, DEBIT
OR CREDIT CARDS.**

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:

MAGISTRATE COURT OF PEACH COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address
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: (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 _____ 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

Daytime Phone Number

My Commission Expires: _____

Bar Number (if applicable)

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, **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.** (See mailing address above, or file in person at the Magistrate Office.) 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.

Filed this _____ day of _____ 20_____

Magistrate/Deputy Clerk of Court

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

Plaintiff

Vs.

Civil Action File No. _____

Defendant

MILITARY AFFIDAVIT

The undersigned, after first being duly sworn, state 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.

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

This _____ day of _____, 20____.

Signature

Printed Name

Title: _____

Sworn to and subscribed before me this
_____ day of _____, 20____.

Notary Public

My Commission Expires: _____

www.dmdc.osd.mil/appj/scra

<hr/> <hr/> Plaintiff(s) <hr/> v. <hr/> <hr/> Defendant(s)	PEACH MAGISTRATE COURT STATE OF GEORGIA WRIT OF POSSESSION CIVIL ACTION FILE NO: <hr/> INFO & FORMS ON THE INTERNET www.peachcounty.net
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WRIT OF POSSESSION

TO: ALL AND SINGULAR, ANY SHERIFF 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(s) has been adjudged entitled to recover from the Defendant(s) 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(s), to either surrender said property to the Plaintiff(s) 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____

Magistrate, Magistrate Court of Peach County

- [] Diligent search made and the property specified in the foregoing WRIT OF POSSESSION not found to be in Peach County, Georgia.
- [] I have this day executed the within WRIT OF POSSESSION by levying upon and seizing the following described property of defendant(s), to wit: _____

Levied at _____, Georgia

- [] I have this day turned to the Plaintiff(s) the property specified in the within WRIT OF POSSESSION pursuant to the election of the Plaintiff(s) as authorized by O.C.G.A. section 44-14-230, as amended.

This _____ day of _____, 20____

Sheriff/ Marshal