

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

INFORMATION ABOUT DISPOSSESSORY PROCEEDINGS

IN THE STATE OF GEORGIA, DISPOSSESSORIES CAN BE SERVED BY TACK AND MAIL SERVICE. THIS MEANS THAT A COPY OF THE DISPOSSESSORY NOTICE AND SUMMONS IS TACKED UPON THE PREMISES AND ANOTHER COPY IS MAILED TO THE DEFENDANT'S LAST KNOWN ADDRESS. USUALLY, TACK AND MAIL SERVICE IS ONLY PERFORMED WHEN THE DEFENDANT OR SOMEONE ELSE WHO LIVES THERE CAN NOT BE FOUND PRESENT AT THE RESIDENCE.

WHEN A DISPOSSESSORY IS SERVED BY TACK AND MAIL PROCEDURE, THE PLAINTIFF (WHICH IS YOU) CANNOT OBTAIN A MONEY JUDGMENT AGAINST THE DEFENDANT UNLESS THE DEFENDANT FILES AN ANSWER WITH THE COURT WITHIN SEVEN DAYS WHICH ARE PRESCRIBED BY LAW. IF A DISPOSSESSORY IS SERVED PERSONALLY TO THE DEFENDANT OR TO SOMEONE LIVING AT THE RESIDENCE, A MONEY JUDGMENT CAN BE AWARDED REGARDLESS OF WHETHER OR NOT THE DEFENDANT FILES AN ANSWER WITH THE COURT WITHIN THE SEVEN DAY PERIOD.

IF YOU DO NOT DESIRE TACK AND MAIL SERVICE IN YOUR CASE, PLEASE NOTIFY THE COURT WHEN YOU FILE THE DISPOSSESSORY. BUT REMEMBER, IF THE DEFENDANT HAS ABANDONED THE PROPERTY, YOUR ONLY CHOICE WILL BE TACK AND MAIL SERVICE.

IN THE EVENT THAT THE DEFENDANT DOES NOT FILE AN ANSWER TO THE SUMMONS OF DISPOSSESSORY WITHIN SEVEN DAYS FROM THE DATE THEY ARE INITIALLY SERVED, ON THE EIGHTH DAY THE COURT CAN ISSUE A WRIT OF POSSESSION. THIS WILL BE DONE AT YOUR REQUEST. A WRIT OF POSSESSION EMPOWERS THE SHERIFF'S DEPARTMENT TO RENDER POSSESSION OF THE PREMISES TO THE PLAINTIFF. THE SHERIFF'S DEPARTMENT WILL MEET YOU (THE PLAINTIFF) AT THE RESIDENCE AND TURN THE PROPERTY BACK OVER TO YOU. AFTER THE WRIT OF POSSESSION IS ISSUED, THE SHERIFF'S DEPARTMENT WILL CONTACT YOU TO MAKE ARRANGEMENTS TO MEET YOU AT THE PREMISES.

IN THE EVENT THAT THE DEFENDANT DOES FILE AN ANSWER DISPUTING THE DISPOSSESSORY, A COURT DATE WILL BE SCHEDULED FOR THE CASE TO BE HEARD BY THE JUDGE.

IN THE EVENT THAT THROUGH A COURT ORDER THE DEFENDANT IS ORDERED TO VACATE THE PROPERTY BY A CERTAIN DATE AND FAILS TO DO SO, IT IS YOUR RESPONSIBILITY TO NOTIFY THE COURT AND REQUEST THAT A WRIT OF POSSESSION BE ISSUED. IF YOU DO NOT NOTIFY THE COURT, WE WILL NOT KNOW THE STATUS OF YOUR CASE, AND THEREFORE WILL NOT KNOW WHEN A WRIT OF POSSESSION NEEDS TO BE ISSUED. THERE WILL BE A \$25.00 SERVICE FEE FOR THE EXECUTION OF THE WRIT OF POSSESSION; YOU CAN MAKE THE \$25.00 CHECK PAYABLE TO THE FANNIN COUNTY SHERIFF'S OFFICE. (PURSUANT TO H.B. 1055)

IF YOU HAVE ANY QUESTIONS YOU MAY CONTACT THE MAGISTRATE COURT OF FANNIN
COUNTY AT
706-632-5558