

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

PLAINTIFF(S)

TELEPHONE #: _____

VS.

CASE NO. _____

DEFENDANT(S)

TELEPHONE #: _____

**AFFIDAVIT FOR FORECLOSURE OF PERSONAL PROPERTY
O.C.G.A. 44-14-231**

Personally appeared _____ who, on oath, says that he/she is Plaintiff Agent; Attorney at Law; for Plaintiff; and is authorized to make this Affidavit, and that the Defendant herein, whose address is set forth above herein is indebted to said Plaintiff in the amount of Principle \$ _____, \$ _____ interest thereon, upon a Security Agreement; Contract Retaining Title; in and who, under 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/are either now a resident of Fannin 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.

DESCRIPTION OF SAID PROPERTY BEING: _____

VIN #: _____

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 has waived some 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____

Notary Public / Attesting Official / Clerk

Plaintiff / Agent or Attorney

**NOTICE OF SUMMONS
O.C.G.A. 44-14-232**

TO: DEFENDANT(S):

You are hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of Fannin 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 **400 West Main Street, Suite 202, Blue Ridge, Ga. 30513.**) 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 (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 legal holiday, the answer may be made on the next day. If the answer is not made within the time allowed, a writ of possession shall be issued against the Defendant as allowed by law, pursuant to the Plaintiff's affidavit.

Filed this _____ day of _____, 20____ WITNESS THE Honorable Brian D. Jones, Chief Magistrate.

Clerk / Deputy Clerk of Magistrate Court