

IN THE MAGISTRATE COURT OF WARE 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 \$ \_\_\_\_\_ COURT COST, TOTAL \$ \_\_\_\_\_ 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 WARE 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 and having judgement entered for the amount of the aforesaid indebtedness together with interest thereon and all costs of these proceedings.

(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 \_\_\_\_\_.

X \_\_\_\_\_ Affiant

Clerk

IN THE MAGISTRATE COURT OF WARE COUNTY STATE OF GEORGIA

Civil Action No. \_\_\_\_\_

SUMMONS

TO THE ABOVE NAME DEFENDANT: The defendant IS herein AND hereby commanded and required personally or by attorney to file with the Clerk of the MAGISTRATE Court of WARE County 201 STATE STREET, ROOM 102 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 \_\_\_\_\_, Judge of said Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Service perfected on defendant, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Clerk,  
MAGISTRATE Court of WARE County  
\_\_\_\_\_  
Sheriff, deputy, marshal or constable

I have this day served the Defendant \_\_\_\_\_ with a copy of the affidavit and summons by tacking a copy thereof to the door of the premises designated in said affidavit, said summons directing the Defendant to answer on \_\_\_\_\_ 20 \_\_\_\_\_ at the hour and place as stated therein.

\_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Constable

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that I have this day served the Defendant \_\_\_\_\_ with a copy of the affidavit and summons by depositing a true copy thereof in the United States mail, first class, in an envelope properly addressed to the Defendant at (his) (her) address as shown in said affidavit with adequate postage affixed thereon.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

I have this day served the Defendant \_\_\_\_\_ personally with a copy of the within Affidavit and summons.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

I have this day served the Defendant \_\_\_\_\_ a Corporation, by leaving a copy of the within affidavit and summons with \_\_\_\_\_ in charge of the office and place of doing business of said Corporation, in \_\_\_\_\_ County, Georgia.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

I have this day served the Defendant \_\_\_\_\_ by leaving a copy of the affidavit and summons at his most notorious place of abode in this county and delivered same into hands of \_\_\_\_\_ a \_\_\_\_\_ (white or colored) person described as follows: Age, about \_\_\_\_\_ years, weight, about \_\_\_\_\_ pounds, height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at this residence of defendant.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Constable

GEORGIA, \_\_\_\_\_ COUNTY.

Diligent search made and Defendant \_\_\_\_\_ not to be found in the jurisdiction of this Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Constable