

MAGISTRATE COURT of GWINNETT COUNTY
P.O. BOX 246
LAWRENCEVILLE, GA 30046-0246

Civil Action File

No. _____

Plaintiff(s) Name, Address
vs.

INFO & FORMS ON INTERNET
www.gwinnettcourts.com

Defendant(s) Name, Address
Telephone: (Day) _____; (Night) _____

AFFIDAVIT FOR FORECLOSURE OF PERSONAL PROPERTY

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 Gwinnett 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 of Gwinnett 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 or orally.** (See mailing address above, or file in person at 75 Langley Drive, Lawrenceville GA 30046.) 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_____ WITNESS the Honorable Krisitna Blum, Chief Magistrate

Magistrate/Deputy Clerk of Court