

MAGISTRATE COURT OF CHATHAM COUNTY
133 Montgomery Street, Room 303, Savannah, GA 31401
(912) 652-7181 <https://courts.chathamcountyga.gov>

Case #: _____

PLAINTIFF(S)

vs

**AFFIDAVIT FOR FORECLOSURE
OF PERSONAL PROPERTY**

DEFENDANT(S)

Personally appeared _____ who, on oath says that he/she is Plaintiff, (Agent); (Attorney-at-law) for Plaintiff herein, and is authorized to make this Affidavit, and that the above-named Defendant(s) is indebted to said Plaintiff in the principal amount of \$_____ interest thereon, upon a Security Agreement or 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 thereof, and that said indebtedness is past due, and that the Defendant(s) is either now a resident of Chatham 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 judgment entered in the amount of the aforesaid 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 § 44-14-237, as amended, and that the Defendant(s) has waived some 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).

Affiant declares under the penalty of perjury that the **Defendant [] is [] is not or [] Plaintiff is unable to determine if Defendant is a member of the Armed Forces of the United States on active duty.** This Affidavit is executed pursuant to the Soldiers and Sailors Civil Relief Act, 50 USC App a520 as required before any judgment in default may be entered by the Court. Any person who shall make an affidavit required under this section, or statement, declaration, verification, or certificate certified or declared to be true under penalty or perjury, knowing it to be false, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000.00 or both.

By authority of Uniform Magistrate Court Rule 19 and O.C.G.A. § 15-10-53, I swear or affirm, by affixing my electronic signature, that the statements set forth in the above pleading are true and correct and the date of execution is the date of receipt of electronic control by the Court.

This ____ day of _____, 20____.

Plaintiff(s)

SUMMONS

To: ALL DEFENDANTS

The Defendant(s) herein is hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of Chatham County, within seven (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. 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 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 that is not a Saturday, a Sunday or a legal holiday. The last possible date on which the Defendant(s) may answer is the ____ day of _____, 20____. If an answer is not made, a writ of possession shall issue against you as by law provided, pursuant to Plaintiff's Affidavit.

This ____ day of _____, 20____.

Deputy Clerk

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ELECTION OPTION

DEFENDANT(S)

(Option desired must be initialed in the space provided).

Pursuant to O.C.G.A. § 44-14-236, as amended, the undersigned (agent) (attorney) for the (Plaintiff) in the above action, hereby directs that the property described in the WRIT OF POSSESSION be:

surrendered to the Plaintiff for retention or disposition in accordance with O.C.G.A. Article 9 of Title 11 as amended, or

advertised and sold as in the case of levy and sale under execution by law provided.

This ____ day of _____, 20____.

Plaintiff(s)