

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

\_\_\_\_\_  
Plaintiff  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

VS

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

\_\_\_\_\_  
Defendant  
Address: \_\_\_\_\_  
\_\_\_\_\_

**AFFIDAVIT FOR FORECLOSURE OF PERSONAL PROPERTY**

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 \_\_\_\_\_ 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 apart hereof, and that said indebtedness is past due, and that the Defendant is either now a resident of White County, 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 for the amount of the aforesaid indebtedness together with interest thereon and all cost 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 \_\_\_\_\_.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
NOTARY PUBLIC

**SUMMONS**

TO THE ABOVE NAMED DEFENDANT:

The Defendant is hereby commanded and required personally or by attorney to file with the Clerk of the Magistrate Court of White County 59 S. Main St, Suite B, Cleveland, GA 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 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 Code Section 9-11-55 of the Official Code of Georgia Annotated. If the seventh day is 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 \_\_\_\_\_ COREY HYDE \_\_\_\_\_, Magistrate of said Court.

This \_\_\_\_\_.

\_\_\_\_\_  
CLERK, Magistrate Court of White County

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

\_\_\_\_\_  
Plaintiff

Phone: \_\_\_\_\_

VS

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

\_\_\_\_\_  
Defendant

Address: \_\_\_\_\_

\_\_\_\_\_

**APPLICATION FOR WRIT OF POSSESSION**

The above and foregoing case having come on regularly for hearing on \_\_\_\_\_, 20\_\_\_\_, and Defendant having failed to appear, application is hereby made to the Court for issuance to the Plaintiff of a Writ of Possession as provided by Code, Title 44-14-233, as amended, and that Plaintiff have judgement against the Defendant for the amount specified as due in the affidavit heretofore filed with the Court together with interest thereon and all cost of these proceedings.

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

\_\_\_\_\_  
Plaintiff, Plaintiff's Attorney or Agent

**WRIT OF POSSESSION**

To: All and singular the Sheriff's or their lawful Deputies and to all constable of said state,

**GREETINGS:**

WHEREAS, pursuant to Code 44-14-230, as amended, the Plaintiff has been adjudged entitled to recover from the Defendant the possession of certain personal property, the description and location of which is follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Magistrate

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

**ORDER**

A writ of possession having been issued against the defendant for personal property to be foreclosed upon, it is:

ORDERED that the Defendant or the party in possession of the property specified in that writ of possession be and that person hereby is directed to turn over to the sheriff, marshal, or constable of White County or his lawful deputies, marshal, or Constable of this state or lawful deputies, all property listed in the Writ instanter, or advise said officer of the location of the property if same is not in Defendant's possession.

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Magistrate

ELECTION OF OPTION  
(Option desired must be initialed in the space provided)

Pursuant to Code 44-14-236 as amended, the undersigned (agent) (Attorney) for the Plaintiff in the above action, hereby directs that the property described in the within and foregoing Writ of Possession be:

☐ Surrendered to the Plaintiff for retention or disposition in accordance with Code Title 11 as amended.

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

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

\_\_\_\_\_  
Plaintiff, Plaintiff's Attorney or Agent

Georgia, White County

Diligent search made and the property specified in the within Writ of Possession not found to be in White County, Georgia.

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

\_\_\_\_\_  
Deputy Sheriff/Constable

Georgia, White County

I have this day execute the within Writ of Possession by levying upon seizing the following described property of Defendant, to-wit:

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

\_\_\_\_\_  
Deputy Sheriff/Constable

Levied at \_\_\_\_\_ street; \_\_\_\_\_, Georgia

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

\_\_\_\_\_  
Deputy Sheriff/Constable

Georgia, White County

I have this day turned over to the Plaintiff the property specified in the within Writ of Possession pursuant to the election of the Plaintiff's as authorized by Code 44-14-236, as amended.

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

\_\_\_\_\_  
Deputy Sheriff/Constable