

OCONEE COUNTY MAGISTRATE COURT

23 N. MAIN STREET
P.O. BOX 1099
WATKINSVILLE, GA 30677
(706) 769-3940
Angela Elder-Johnson, Clerk

Stacy Carson
scarson@oconee.ga.us

Before filing a Dispossessory – PLEASE refer to Georgia Tenant-Landlord Rules on-line

PROCEDURES FOR FILING AN AFFIDAVIT FOR SUMMONS OF DISPOSSESSORY

The filing fee is \$83.00 for one Defendant, and \$25.00 for each additional Defendant per dispossessory. Checks should be made payable to: Oconee County Magistrate Court.

The address of the premises must be located in Oconee County.

The Plaintiff is the party filing the dispossessory and the Defendant is the party being filed against. Please provide complete address and telephone information for BOTH Plaintiff and Defendant. Also, please include an email address if available.

The form must be completely filled out. It must be notarized or signed in the presence of the Clerk or a Deputy Clerk of the Court. You must have the original form to submit to the court for filing. *Please attach a copy of the signed lease or rental agreement if there is one in place.* ANY FORMS RECEIVED THAT ARE NOT FILLED OUT CORRECTLY WILL BE RETURNED TO YOU. THIS INCLUDES THE FILING FEE.

Once a dispossessory has been filed with the Court, the forms will be processed and sent to the Sheriff's Office for service. Once the forms are processed, no refunds will be made. The papers can either be served personally, notoriously or by tack and mail. Plaintiff should specify if tack and mail service is desired. *If service is made by tack and mail, Plaintiff may not be able to obtain a money judgment against Defendant.

After service has been performed, the Court will mail to the Plaintiff a copy of the Sheriff's Entry of Service with the date it was served and the defendant's last day to answer. The defendant has seven days from the date of service to answer the dispossessory. If an answer is received by the Court within seven days, a hearing notice will be mailed to both parties. Both parties should bring any relevant letters, leases, records or receipts to the hearing. If the Defendant fails to answer within seven days, the plaintiff may request in writing from the court a "Writ of Possession" to remove the tenant from the premises.

If the plaintiff desires for the Sheriff's Office to be present at the eviction, the plaintiff will need to call the phone number on the back of the "Writ of Possession" to set up a date and time for a Deputy to meet with the parties. The Sheriff's Office does not assist in physically moving any property from the residence; they are only there to keep the peace.

MAGISTRATE COURT OF OCONEE COUNTY
ANGELA ELDER-JOHNSON, CLERK
P.O. BOX 1099, 23 N MAIN ST, ROOM 208,
WATKINSVILLE, GEORGIA 30677
(706) 769-3940

Case No: _____

Tack & Mail: Yes () No ()

VS

Plaintiff's Name, Address & Phone
Email: _____

Defendant's Name, Address & Phone

AFFIDAVIT FOR SUMMONS OF DISPOSSESSORY

Personally appeared, _____, who upon oath says that he or she is Owner or Agent for Owner and that Defendant is in possession as tenant of premises at the above address in Oconee County

Further :

- () That said tenant fails to pay the rent which is now due ;
- () That tenant is holding said premises over and beyond the term for which the same was rented or leased to them;
- () That said tenant is a tenant _____;
- () Plaintiff is entitled to recover any and all rent that may come due until is finally concluded .
- () Plaintiff desires and has demanded possession of the premises and Defendant has failed and refused to deliver said possession.

Affiant makes this affidavit that a warrant may issue for the removal of said defendant together with his property from said premises

PLAINTIFF PRAYS:

- (a.) Removal of said defendant together with his property from said premises
- (b.) Judgment for the past due rent in the amount of \$ _____
- (c.) Rent accruing up to the date of judgment or vacancy at the rate of \$ _____ per _____
- (d.) Court Cost \$ _____
- (e.) Other _____

Sworn to and subscribed before me this

_____ day of _____, _____

Plaintiff

Deputy Clerk

SUMMONS

The defendant(s) herein is commanded and required to personally or by attorney to file an answer in writing to the Clerk of Magistrate Court, P.O. BOX 1099, WATKINSVILLE, GEORGIA 30677, between the hours of 8:00am and 5:00pm on or before the SEVENTH day 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, Sunday, or a Legal Holiday). If the answer is NOT made, a Writ of Possession shall issue instanter and judgment shall be granted as demanded by the Plaintiff named herein.

Witness the Honorable CHIEF JUDGE RICHARD F. CONNELLY, JR. of said Court.

Filed in Office this _____ day of _____, _____.

Deputy Clerk, Magistrate Court