

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

Plaintiff	Civil Action No: _____
Address	Property in Security Agreement:
V.	_____
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 Defendant, is indebted to said Plaintiff in the principal amount of \_\_\_\_\_ dollars together with \_\_\_\_\_ 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 defendant is in default, and that the Defendant is either now a resident of \_\_\_\_\_ County, Georgia, or the secured property is located there, and that this affidavit is made for the purpose of foreclosing said writing, obtaining a writ of possession for the property described therein or 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 \_\_\_\_\_, 200 \_\_\_\_.

Clerk/Judge	Affiant
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**SUMMONS**

TO THE ABOVE NAMED DEFENDANT:

The defendant is commanded and required personally or by attorney to file with the Clerk of Magistrate Court of Carroll County, Georgia 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 is in default but may reopen the default as a matter of right by making an answer within seven days after the date of the default and paying cost of Court, 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.

If answer is not so made, a writ of possession shall issue against you as provided by law, pursuant to plaintiff's affidavit.

Witness the Honorable \_\_\_\_\_ Judge of said Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_.

\_\_\_\_\_  
Clerk/Deputy Clerk