

THE LAST TWO PAGES OF THIS PACKET ARE THE ACTUAL ORDER AND THE AFFIDAVIT OF MILITARY SERVICE THAT MUST BE RETURNED TO THE CLERK'S OFFICE IN ORDER TO GET A JUDGMENT. **JUDGMENT CANNOT BE GRANTED WITHOUT THE COMPLETION AND ATTACHMENT OF THE MILITARY SERVICE AFFIDAVIT.**

IT IS THE RESPONSIBILITY OF THE PLAINTIFF TO COMPLETE BOTH OF THESE FORMS AND TO INCLUDE THE AMOUNT(S) ON THE JUDGMENT THAT THEY ARE REQUESTING.

MAGISTRATE COURT OF JACKSON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a towing or storage facility repair facility salvage dealer, and files this petition to foreclose on the above-referenced abandoned motor vehicle.

_____ Date vehicle was towed left at repair facility left with salvage dealer (authority to tow attached)
_____ Date information was requested from Department of Revenue or authorized entity (copy of owner information attached)
_____ Date and method of first notice mailed hand delivery advertised disclaimer (proof of compliance attached for all owners)

The accrued fees allowed under OCGA § 40-11-19, as set forth below, have not been paid.

PETITIONER PRAYS that the lien be foreclosed and an order be issued to allow for public sale of the vehicle to satisfy a lien for the following amounts:

Removal (Towing) Fee: \$ _____
Storage: (At \$ _____ per day for _____ days) \$ _____
Future Storage Fee \$ _____ per day from date of filing this action through 25 days after judgment is rendered
Repair Fees (if applicable, with invoice attached): \$ _____
Cost of Obtaining Owner Information: \$ _____
Notification/Advertising Fees: \$ _____
TOTAL: \$ _____

PETITIONER ALSO PRAYS for prejudgment interest at the rate of 4% per annum from which the OCGA § 40-11-19 notification was received, 15% attorney's fees (if applicable), and all costs of court.

Sworn to and Subscribed before me
This ____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Plaintiff/Attorney for Plaintiff

SUMMONS

YOU MUST FILE AN ANSWER TO THIS CLAIM NO LATER THAN TEN (10) BUSINESS DAYS FROM RECEIPT OF THIS NOTICE USING THE STANDARDIZED ANSWER FORM PROVIDED. FAILURE TO FILE A TIMELY ANSWER WILL RESULT IN FORECLOSURE OF THE LIEN AND A COURT ORDER AUTHORIZING DISPOSITION OF THE VEHICLE PURSUANT TO OCGA 40-11-19.2.

ABANDONED MOTOR VEHICLE NOTICE
(REPAIR FACILITY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(b)(1). The following fees are currently due:

\$ _____ Fees owed for repair of vehicle

\$ _____ Daily fee for storage of vehicle after completion of repairs

Daily fees will accrue until full payment has been made at the rate of \$ _____ per day. Additional fees that are recoverable by a repair facility include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The repair facility has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE PETITION ADVERTISEMENT

You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that petitions were filed in the Magistrate Court of _____ County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicles is:

Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before: 1/2/34

Answer forms may be found in the Magistrate Court Clerk's office located at:

Forms may also be obtained online at www.georgiamagistratecouncil.com.

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Attach additional sheets as necessary.

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at _____.

The vehicles subject to liens as stated above are identified as:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

List additional vehicles as necessary.

Anyone with an ownership interest in any of these vehicles should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____
Vehicle ID # (VIN): _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me
This ____ day of _____ 20__

Notary Public or Clerk
My Commission Expires: _____

Owner of Vehicle

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

MAGISTRATE COURT OF JACKSON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

MOTION FOR ORDER ON MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a towing or storage facility, repair facility, salvage dealer, and shows the following:

1. A petition was filed to foreclose on the lien placed on the above-referenced vehicle on _____
2. Service of a copy of the oath or affirmation page of the filed petition and of a copy of the answer form was perfected on all owners by certified mail, return receipt requested advertisement (see attached); and
3. No answer has been filed as required by OCGA § 40-11-19.1 (c).

WHEREFORE, PETITIONER PRAYS that (a) a judgment be issued declaring the vehicle to be abandoned and the lien to be valid, and (b) an order be issued authorizing public sale of the vehicle to satisfy the lien as prayed for in the complaint.

Sworn to and Subscribed before me

This ___ day of _____ 20___

Notary Public or Clerk
My Commission Expires: _____

Authorized Signature: _____

MAGISTRATE COURT OF JACKSON COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

ANSWER TO PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES RESPONDENT, Owner of the above-referenced vehicle, and files this answer to the petition to foreclose lien on the above-referenced abandoned motor vehicle.

Owner Name: _____

Owner Address: _____

Date owner obtained an interest in the motor vehicle: _____

Check all that apply, and explain in the space provided (attach additional sheets if necessary).

The towing or storage firm was not authorized to remove the vehicle for the following reason(s):

The lien claimed is not valid because:

Additional facts that support why the lien should not be foreclosed upon:

I dispute the following charges:

THEREFORE, Respondent prays for a hearing on all relevant issues within ten (10) days.

Sworn to and Subscribed before me
This ____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Defendant/Attorney for Defendant

ABANDONED MOTOR VEHICLE NOTICE
(SALVAGE DEALER)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN) #: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(c)(1). The following fees are currently due:

\$_____ Fee for storage of the vehicle. (\$_____ per day for _____ days.)

Daily fees will accrue until full payment has been made at the rate of \$_____ per day from the date of this notice. Additional fees that are recoverable by a salvage dealer include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The salvage dealer has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE PETITION ADVERTISEMENT

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Present location of vehicle: _____.

You are hereby notified that a petition was filed in the Magistrate Court of _____ County to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

Anyone with an ownership interest in this vehicle may file an answer to this petition on or before:

Answer forms may be found in the Magistrate Court Clerk's office located at:

Forms may also be obtained online at www.georgiamagistratecouncil.com.

ABANDONED MOTOR VEHICLE NOTICE
(TOWING OR STORAGE COMPANY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(a)(1). The following fees are currently due:

\$ _____ Fees associated with removal of the vehicle

\$ _____ Daily fee for storage of the vehicle

Daily fees will accrue until full payment has been made at the rate of \$ _____ per day. Additional fees that are recoverable by a towing or storage firm include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The towing and storage firm has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(SALVAGE DEALER)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Person who left vehicle at facility: _____

Any information relating to owner: _____

You are hereby notified, in accordance with OCGA 40-11-19 (b) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

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

DATE FILED: _____

CASE NO. _____

PLAINTIFF(S) NAME, ADDRESS

VEHICLE OWNER NAME, ADDRESS

VS.

MOTOR VEHICLE DESCRIPTION, VIN

LIEN HOLDER(S) NOTIFIED

ORDER ON PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

THE ABOVE REFERENCED PETITION coming before this court for [] a motion for judgement pursuant to OCGA §40-11-19.1(d) [] a hearing on the merits pursuant to OCGA §40-11-19.1(e), and the Court further finding that the petition should be granted,

THIS COURT HEREBY ORDERS that the lien be foreclosed on the above-referenced vehicle for the following amounts:

Removal (Towing) Fee:	\$ _____
Storage:	\$ _____
Repair Fees (If Applicable):	\$ _____
Cost of Obtaining Owner Information:	\$ _____
Notification/Advertising Costs:	\$ _____
Attorney's Fees (If Applicable):	\$ _____
Prejudgment Interest:	\$ _____
Court Costs/Certified Copies:	\$ _____
TOTAL:	\$ _____

IT IS FURTHER ORDERED that the vehicle shall be sold at public auction to satisfy this lien in accordance with OCGA §40-11-19.2.

SO ORDERED, this ____ day of _____, _____.

MAGISTRATE

MAGISTRATE COURT OF JACKSON COUNTY, GEORGIA

Date Filed: _____

Case No: _____

Plaintiff(s) Name,Address

vs

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

AFFIDAVIT OF MILITARY SERVICE

Personally appeared before me, the undersigned notary public or clerk, _____
(name of Affiant), who after being duly sworn, deposes and states as follows:

I am the Plaintiff, Attorney of Record for the Plaintiff, or the duly authorized agent for the Plaintiff, and I am executing this affidavit as required by Uniform Magistrate Court Rule 43.1 and the Servicemembers Civil Relief Act, 50 U.S.C. § 3931. To the best of my knowledge and belief:

I have searched the website for the Department of Defense Manpower Data Center and have been able to ascertain that the vehicle Owner/Lien Holder in the above-styled action is in military service as defined by 50 U.S.C. § 3911. The status report from the Department of Defense is attached.

I have searched the website for the Department of Defense Manpower Data Center and have found no indication that the vehicle Owner/Lien holder in the above-styled action is in military service. Therefore, to the best of my knowledge and belief, the vehicle Owner is not in military service as defined by 50 U.S.C. § 3911. The status report from the Department of Defense is attached.

I have not been able to ascertain whether or not the vehicle Owner/Lien Holder in the above-styled action is in military service as defined by 50 U.S.C. § 3911 after making a good faith effort.

Sworn to and Subscribed before me

This ____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Authorized Signature of Affiant