



IN THE MAGISTRATE COURT OF FULTON COUNTY STATE OF GEORGIA

PROCEDURES FOR DEFAULT JUDGMENT REQUESTS

Pursuant to Uniform Magistrate Court Rule 43.1 (adopted March 13, 2014), a Plaintiff must comply with the following provisions before seeking entry of a Default Judgment in any Civil Action.

You (the Plaintiff) must certify to the following:

- 1) The date, time, and type of service perfected on your Claim to the Defendant;
- 2) That proof of service on the Defendant was filed with the Court;
- 3) The date of proof of service on the Defendant was filed with the Court; and
- 4) That no defensive pleadings (example – answer) have been filed by the Defendant as shown by Court records.

To comply with this requirement you may use the *Affidavit/Request for Default Judgment* form created by the Court but you are required to fill out the form completely as Court staff cannot complete this form for you.

Additionally, you must provide a *Military Service Search Affidavit* to be attached with your paperwork. The information for the Military Service Search Affidavit may be obtained in the following ways:

Website: <https://scra.dmdc.osd.mil>

Mail: Defense Manpower Data Center
 Attn: Military Verification
 1600 Wilson Blvd., Suite 400
 Arlington, VA 22209-2593

Telephone: 1 (800) 538-9552

To comply with this requirement, you may use the Military Service Search Affidavit form created by the Court but you are required to fill out this form completely as Court staff cannot complete this for you. If you are unable to determine the Defendant's Military Status, then you must provide specific facts as to why you are unable to make this determination in the space provided in the Affidavit/Request for Default Judgment. The **Request for Default Judgment** and **Affidavit** must be electronically filed via eFileGA at <https://georgia.tylerhost.net/OfsWeb/>.

If you have any questions of procedure you may contact Court staff. If you have legal questions, these will need to be addressed to an attorney.

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

_____, Plaintiff/Landlord,

File No. _____

v.

_____, Defendant/Tenant.

AFFIDAVIT and REQUEST FOR DEFAULT JUDGMENT

Plaintiff declares that Defendant(s) has/have failed to answer and has/have failed to open the default by filing an answer and paying court costs no later than 15 days after the date of the default. Defendant was served [] personally, or [] notoriously on _____, 20____, and proof of service was filed with the Magistrate Court on _____, 20_____.

[] Defendant is an individual and I have attached a military affidavit, pursuant to 50 U.S.C. appx. § 521 (Servicemembers Civil Relief Act); or [] Defendant is not an individual so a military affidavit is unnecessary.

Plaintiff requests default judgment in the amount of \$_____ (TOTAL), itemized as follows: \$_____ Principal; \$_____ Interest; \$_____ Attorney's Fees; and \$_____ Court Costs.

Signature of Affiant

Subscribed and sworn to before me this
____ day of _____, 20____

Printed/Typed Name of Affiant

Notary Public / Clerk / Deputy Clerk

ORDER GRANTING DEFAULT JUDGMENT

It appearing to the Court that Defendant(s) has/have failed to file an answer in the above-styled matter in the time required by law, after service has been perfected, the case being in default, it is, hereby ORDERED AND ADJUDGED that Plaintiff(s) have judgment and shall recover the sum of \$_____ (TOTAL), itemized as follows: \$_____ Principal; \$_____ Interest; \$_____ Attorney's Fees; and \$_____ Court Costs.

SO ORDERED this _____ day of _____, 20_____.

Judge [____], Magistrate Court of Fulton County