

MAGISTRATE COURT OF FULTON COUNTY

PROCEEDING AGAINST TENANT HOLDING OVER

PLAINTIFF'S NAME, ADDRESS & PHONE NO.

VS.

DEFENDANT'S NAME & ADDRESS (Include. PHONE NO.)

PLAINTIFF'S **ATTORNEY**: NAME, ADDRESS & PHONE

1. Defendant is in possession as Tenant of premises at the address in Fulton County as stated.
2. **Plaintiff/Affiant** is the () Owner () Attorney () Agent () Lessee of the owner of said Premises.
3. **Tenant**: () Fails to pay the rent which is now past due.
() Holds the premises over and beyond the term for which they were rented or leased to him.
() other grounds: _____
4. Plaintiff desires and has demanded possession of the premises.
5. Defendant has failed and refused to deliver possession of the premises.

WHEREFORE, Plaintiff DEMANDS (check and complete all that apply):

- (a) Possession of the premises.
- (b) Past due rent of \$_____ for the month(s) of _____
- (c) Rent accruing up to the date of judgment or vacancy at the rate of \$_____ per _____
- (d) other: _____

Sworn to and subscribed on _____, 20 _____

Signature of Affiant

Name of Affiant (Print or Type)

Phone Number/ Email Address

Witness the Honorable Chief Judge of said Court: The above affidavit was sworn to and subscribed before the undersigned Deputy Clerk by affiant as provided by O.C.G.A.

Magistrate/Deputy Clerk/ Notary Public

SUMMONS

TO THE CONSTABLE MARSHAL OF FULTON COUNTY or his lawful deputies and to Sheriff of Fulton County of his lawful deputies.

GREETINGS: The Defendant must file either an oral or written Answer at room TG100, 185 Central Ave., S.W. Atlanta, Georgia 30303 between 8:30 A.M. and 5:00 P.M. **OR** electronically at <http://www.odysseyefilega.com> (convenience fee applies) **within seven (7) days from the date of the actual service** unless the seventh day is a Saturday, a Sunday, or a Court holiday, in which case the Answer may be made on the next day which is not a Saturday, a Sunday, or a Court holiday. If the Answer is oral, the substance thereof shall be endorsed on the dispossessory affidavit. The Answer may contain any legal or equitable defense or counterclaim. If no valid legal or factual Answer is filed, a writ of possession may be issued pursuant to O.C.G.A. § 44-7-53. **If no Answer is made, a writ of possession shall issue instantler.**

This ____ day of _____, 20____ DEPUTY CLERK



ENTRY OF SERVICE (Marshall/Sheriff/Private)

I certify that I have served the foregoing Dispossessory Affidavit & summons **on the Defendant** by delivering a copy of same:

- () **Personally**
- () Defendant not found at/within Address on said Summons and Affidavit
- () **Notoriously** upon an individual residing at the premises (Name) _____. Deponent further states that the person served was of suitable age and discretion, and:- Race ____ Gender ____ Age ____ Weight ____ Height ____
- () **Tack and Mail:** By posting a copy to the door of the premises **AND** depositing a copy in the U.S. Mail, First Class in an envelope properly addressed, said copy containing notice to the Defendant to Answer at the hour & place in said summons.

DATE OF SERVICE _____

DEFENDANT TO FILE ANSWER ON OR BEFORE _____

PROCESS SERVER: - Print name: _____, **Officer's Radio/Badge Number** _____

Signature: _____ (Must be **NOTARIZED** if served by Private Process Server)