

MAGISTRATE COURT OF ATHENS-CLARKE COUNTY
325 E. WASHINGTON STREET, ROOM 228
P.O. BOX 1868
ATHENS, GA 30603
(706)613-3310

Benjamin R. Makin, Chief Judge
Donarell R. Green, IV, Judge
Jessica I. Benjamin, Judge

Marilyn Emerson, Clerk of Court
Haley J. Fouche, Deputy Civil Clerk

PROCEDURES FOR FILING A FORCLOSURE OF PERSONAL PROPERTY:

The filing fee is \$104.00 for one defendant and \$50.00 for each additional defendant per affidavit. Checks should be made payable to: **ACC Magistrate Court**.

The address of the defendant or the property must be located in Athens-Clarke County.

The Affidavit for Foreclosure of Personal Property must be completely filled out. The Affiant's signature must be notarized (or sworn to in the presence of the Magistrate Judge, Clerk or Deputy Clerk of the Court). The Affiant must have **one** original of the affidavit and **two** copies for each defendant. There must also be a summons form and sheriff service form for each defendant.

Once a foreclosure of personal property affidavit has been filed with the Court the forms will be processed and transferred to the Sheriff's Department for service. The affidavits can either be served personally or by tack & mail. Once the forms are filed, no refunds will be made.

After service has been performed, the Court will mail to the Plaintiff the yellow copy of the Sheriff's Entry of Service with the date it was served. The Defendant has seven days from the date of service to answer the affidavit and another seven days to open the default. The Defendant has fourteen (14) days to answer.

If an answer is received by the Court within fourteen 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 fourteen days, the Plaintiff may make a written request for issuance of a "Writ of Possession". At that point, the judge can order the Defendant to turn over the property to the Sheriff.

The Plaintiff must sign the Election of Options before the "Writ of Possession" can be taken to the Sheriff's Department. Once signed, the "Writ of Possession" will be delivered to the Sheriff's Department by the Clerk. Then Plaintiff may contact the Sheriff's Department to set up a date and time to retrieve the property.

If the person in possession of the property fails to return the property after the entry of the Order and service of the Writ of Possession, the Plaintiff may file a written request seeking the Defendant to be held in contempt. Upon filing of a written request, the Clerk shall schedule a hearing and send notice to both parties.