

**MAGISTRATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA**

**DISPOSSESSORY PROCEEDING**

CLERK'S USE ONLY

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
PLAINTIFF'S NAME & ADDRESS  
\_\_\_\_\_  
\_\_\_\_\_

CASE NUMBER  
20 CM \_\_\_\_\_

DEFENDANT'S NAME & ADDRESS

Personally appeared the undersigned affiant who on oath says that he/she is (owner), (agent), (attorney at law) for plaintiff herein, and that defendant(s) is (are) in possession as tenant of premises at said address as stated above, in Clayton County, the property of said plaintiff.

FURTHER: (circle only one)  
(a) THAT tenant fails to pay the rent which is now past due;  
(b) THAT tenant holds the premises over and beyond the term for which they were rented or leased to tenant(s);  
(c) THAT tenant is a tenant at sufferance;  
(d) THAT \_\_\_\_\_; and plaintiff is entitled to recover any and all rent that may come due until this action is finally concluded.

Plaintiff desires and has demanded possession of the premises and Defendant has failed and refused to deliver said possession.

WHEREFORE, Plaintiff DEMANDS: (circle all that apply)

(a) possession of the premises; (b) past due rent of \$ \_\_\_\_\_; (c) rent accruing up to the date of judgment or vacancy at the rate of \$ \_\_\_\_\_ per day; (d) \_\_\_\_\_.

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
Affiant Phone # w/ Area Code

By: \_\_\_\_\_  
Deputy Clerk/ Notary Public

**SUMMONS**

**TO THE SHERIFF OF CLAYTON COUNTY OR HIS LAWFUL DEPUTIES**

**GREETINGS:** The defendant(s) is/are commanded and required to file an answer to said affidavit in writing or orally in person at the Magistrate Court of Clayton County, Jonesboro, Georgia on or before the seventh (7<sup>th</sup>) day after the date of service of the within affidavit and summons. EACH defendant is required to file an answer in his or her own name. If such an answer is not made, a Writ of Possession and/or Judgment may issue as provided by law.

Witness the Honorable Richard C. Brown, Interim Chief Magistrate of said Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
Deputy Clerk

FOR CLERK'S USE ONLY:  
Mailed Copy to Pltf Atty \_\_\_\_\_ / \_\_\_\_\_ /20 \_\_\_\_\_

**SHERIFF'S ENTRY OF SERVICE**

I have served the foregoing affidavit and summons on the Defendant(s) by delivering a copy of same : ( ) Personally ( ) Notoriously (name) \_\_\_\_\_ ( ) 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, with adequate postage thereon, said copy containing notice to the Defendant(s) to answer at the place stated in said summons.

DATE OF SERVICE \_\_\_\_\_ D/Sheriff

**IMPORTANT NOTICE**

Pursuant to *Official Code of Georgia*, Section 44-7-55(c), any writ of possession issued pursuant to this article shall authorize the removal of the tenant or his or her personal property or both from the premises and permit the placement of such personal property on some portion of the landlord's property; further, it provides that after execution of the writ, such property shall be regarded as abandoned.

**Pursuant to Code of Clayton County, Georgia, Section 82-91 et. seq.**, if such personal property is not removed from the landlord's property within twenty-four (24) hours of the date and time of the execution of the writ of possession, and if the property otherwise is in violation of the county code, a citation for violation of the county code may issue against the plaintiff.

**WRIT OF POSSESSION**

To the Sheriff of Clayton County or his lawful deputies:  
You are hereby commanded to remove said defendant together with defendant(s)' property thereon from said premises and to deliver full and quiet possession of the same to the plaintiff herein; effective 1.) Instantly or 2.) Seven days from the date of judgment; or 3.) Pursuant to the terms of a consent judgment filed herewith.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_  
Judge, Magistrate Court of Clayton County