

MAGISTRATE COURT OF ATHENS-CLARKE COUNTY

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
Danielle Helm, Dispossessory Clerk

PROCEDURES FOR FILING A DISPOSSESSORY WARRANT:

The filing fee is **\$79.00** for one defendant and **\$25.00** for each additional defendant per case.
Checks should be made payable to: **ACC Magistrate Court**.

The address of the premises **must** be located in Athens-Clarke County.

The forms must be completely filled out (see sample on back). The affidavit must be notarized (or sworn in the presence of the Magistrate Judge, Clerk of Court or Clerk).

You must have **one** original affidavit and **two** additional copies for each defendant.

You must have **one** Summons form for each defendant and one "Sheriff's Entry of Service" form for each defendant.

If you want a copy of your file stamped affidavit returned to you, you must provide a self- addressed stamped envelope at the time of filing, or purchase a copy of the same online via [www.athensclarke magistratecourt.com](http://www.athensclarkemagistratecourt.com)

Once a dispossessory warrant has been filed with the Court, the forms will be processed and transferred to the Sheriff's Office. for service. Once the forms are processed, no refunds will be made. The warrants can either be served personally or by tack & mail. Plaintiff should request the type of service desired when filing. If service is made by tack & mail, then Plaintiff may not be able to obtain a money judgment against Defendant.

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 dispossessory warrant. If an answer is received by the Court within seven 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 seven days, the Plaintiff can request a "Writ of Possession" to remove the tenant from the premises.

Upon approval by the Judge, the Clerk will take the "Writ of Possession" to the Sheriff's Department. The Plaintiff should contact the Sheriff to set up a date and time to evict the tenant from the premises.

**325 E. WASHINGTON STREET, ROOM 228
P.O. BOX 1868
ATHENS, GA 30603
(706)613-3310**

IN THE MAGISTRATE COURT OF ATHENS-CLARKE COUNTY
STATE OF GEORGIA

ABC Realty

Plaintiff

vs.

John Doe

SAMPLE

Civil Action No. MC-01-CV-DP-

Defendant(s)

DISPOSSESSORY AFFIDAVIT

1. I, Steve Smith, state that I am the:
 landlord or owner attorney or agent for above business or (other) for the premises.

2. Defendant(s) is/are tenant(s) in possession under the following lease type:

oral lease or written lease or possession after foreclosure or (other).

3. Premises is located at:

456 Hard Times Lane Apt 3 ; Athens GA 30606
Street address Apt #/Lot # City Zip Code

4. The premises type is:

house apartment condo duplex mobile home & lot lot only commercial space

5. If the premises is a bedroom only, list bedroom # where defendant(s) are located: B (attach map)

Select all that apply:

Defendant(s) failed to pay rent each month as follows: \$900/November
24; \$900/December

Rent Total:
\$ 1800.00

Defendant(s) owe late fees under the terms of the lease at \$ 100 per month
for the months of: Nov & Dec 2024

Late Fee Total:
\$ 200.00

Defendant(s) owe other fees for: _____

Other Fee Total:
\$

Defendant's lease has been terminated as follows: _____

Court Costs:
\$ 79.00

Defendant failed to surrender after notice/foreclosure

TOTAL:
\$ 2,079.00

1. Plaintiff has demanded possession of the premises and such demand has been refused by the Defendant(s). Plaintiff requests that rent and fees accrue through the date of trial.

2. Plaintiff makes this affidavit that a dispossessory warrant may issue for the removal of said tenant(s) from the premises and for a judgment of rent, fees, and costs of this action.

Sworn to and subscribed before me this:

27th Day of December, 2024

(Notary or Magistrate)
(Court Clerk signs)

Notary Public/Clerk/Deputy Clerk

Steve Smith

Plaintiff or Plaintiff's Agent's Signature

123 Acorn Drive Athens GA 30601

Address

706-555-5555

Phone