

MAGISTRATE COURT OF PEACH COUNTY, GEORGIA

DATE FILED \_\_\_\_\_

Dispossessory

CASE NO. \_\_\_\_\_

Plaintiff's Name & Address

vs.

Defendant's Name & Address

Defendant's Name & Address (If two or more Defendants)

AFFIDAVIT - Personally appeared the undersigned affiant who on oath says that affiant is the [ ] owner, [ ] attorney at law, [ ] agent for Plaintiff(s) herein, and that Defendant(s) is/are in possession as tenant(s) of premises at the address stated above, in \_\_\_\_\_ County, the property of said Plaintiff(s). Plaintiff(s) attest(s) that there are no other person(s)/entity(ies) or known occupant(s) with whom Plaintiff(s) has/have a landlord tenant relationship.

FURTHER THAT: (check applicable claim(s)):

- [ ] tenant fails to pay the rent which is now past due;
[ ] tenant holds the premises over and beyond the term for which they were rented or leased to tenant;
[ ] tenant is a tenant at sufferance;
[ ] Other: \_\_\_\_\_; and

THAT Plaintiff(s) is/are entitled to recover any and all rent that may come due until this action is finally concluded. Plaintiff(s) desires and has demanded possession of the premises and Defendant(s) has/have failed and refused to deliver said possession. WHEREFORE, Plaintiff(s) demand(s) (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. (Calculate daily rental rate, if seeking rent accruing to date of judgment or vacancy.) (d) \_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Affiant [ ] Owner [ ] Attorney at Law [ ] Agent

Attesting Official

Daytime Phone Number

SUMMONS -- To the Sheriff of this County or lawful deputies of the Sheriff -- 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 \_\_\_\_\_ County, Georgia on or before the seventh (7th) day after the date of service of this affidavit and summons. If such answer is not made, a Writ of Possession and/or Judgment shall issue as provided by law. Witness the Honorable Chief Magistrate of said Court.

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

Magistrate or Deputy Clerk

The last possible date to file an answer: \_\_\_\_\_

Application for Dispossessory Warrant

Please note: Your demands should be listed on the AFFIDAVIT (1<sup>st</sup> Page) to be considered.

**This Application is for information purposes only.**

1. Plaintiff (Landlord) \_\_\_\_\_
2. Legal name of titleholder of premises (if different from #1) \_\_\_\_\_
3. Applicant \_\_\_\_\_
4. Mailing address for Plaintiff:  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone # for Plaintiff \_\_\_\_\_
5. Name of Defendant(s) / Tenants(s)  
1. \_\_\_\_\_ 2. \_\_\_\_\_  
3. \_\_\_\_\_ 4. \_\_\_\_\_
6. Leased Premises:  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone # for Defendant \_\_\_\_\_
7. Type of Tenancy: Written Lease \_\_\_\_\_ At Will (Verbal) \_\_\_\_\_ At Sufferance \_\_\_\_\_
8. Reason for Eviction: ( ) Failure to Pay Rent ( ) Term Expired ( ) Breach of Lease  
( ) Other (Explain Here) \_\_\_\_\_
9. Has Landlord demanded possession after breach of termination? Yes No  
How? Written Verbal
10. If tenancy at Will was tenant given 60 days' notice to vacate? Yes No  
How? Written Verbal
11. If written agreement, does it provide both parties may collect attorney fees? Yes No  
If yes, has notice been sent of intention to enforce attorney fee provision? Yes No  
If yes, what is the measure of attorney fees? \$ \_\_\_\_\_
12. Amount of rent per month \$ \_\_\_\_\_
13. Total Amount of rent now due \$ \_\_\_\_\_
14. Total late charge past due: \$ \_\_\_\_\_  
Total amount due (RENT + LATE FEES, and other fees including Utilities) \$ \_\_\_\_\_  
**(Do not calculate court cost, it will be automatically added to your total)**
15. Has Plaintiff filed a dispossessory against this Defendant in the past 12 months? Yes No  
What type of service do you want? Personal \_\_\_\_\_ Tack \_\_\_\_\_

**Note:** If a case is tacked and no answer is filed, possession only will be issued in a Default Judgment. If a case is tacked and an answer is filed, a court date will be given and a possible money judgment may be issued.

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

\_\_\_\_\_  
Plaintiff

Vs.

Civil Action File No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**MILITARY AFFIDAVIT**

The undersigned, after first being duly sworn, state the following:

1.

I am of age, of sound mind, and legally authorized to sign this affidavit on behalf of the Plaintiff.

2.

This affidavit is executed pursuant to the Service Members Civil Relief Act, 50 U.S.C. App. 521. Affiant further acknowledges any false statement made in this affidavit may subject the affiant to imprisonment not to exceed one year and a fine.

3.

Affiant states the Defendant, \_\_\_\_\_ ( ) is, ( ) is not, or ( ) unable to determine, a member of the military forces of the United States.

Affiant is personally knowledgeable of the facts contained in this affidavit and affirms the information contained herein is true and correct.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Title: \_\_\_\_\_

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

[www.dmdc.osd.mil/appj/scra](http://www.dmdc.osd.mil/appj/scra)