

PICKENS COUNTY MAGISTRATE COURT - STATE OF GEORGIA
INSTRUCTIONS FOR FILING A DISPOSSESSORY ACTION

(please read carefully)

1. We **MUST** have the Plaintiff's (the individual/entity seeking to remove a tenant) name, mailing address and telephone number.
[Please check the box for which you would like notifications from the court]
2. We **MUST** have the Defendant(s)'s (the individual/individuals being removed) name, physical address. We **WILL NOT** accept a post office box as an address. **It is the Plaintiff's responsibility to have the correct address AND names of the individual(s) being dispossessed.**
3. Complete the Attached Form including listing the reason(s) for the Dispossession, any indebtedness (unpaid rent), and the court cost if requesting the Defendant be responsible for that sum. Research of notice to the tenant should be done prior to filing. *You may not file due to non-payment of rent without giving the tenant a 3-day notice to cure.*
4. The Filing **MUST** be verified by a signature, dated, and notarized if being mailed into our office; or if filing in person, must be sworn to and verified by a Judge, Clerk, or Deputy Clerk.
5. **\$110.00** is due at the time of filing. There is an additional cost of **\$50.00** for each person being evicted, i.e., if the Plaintiff is evicting 2 people, it would be **\$160.00** to file.
6. You **MUST** choose a preference for the Sheriff's Service: either personal/notorious service or tack and mail service. For questions, please refer to the Dispossession FAQ. Our office will mail or e-mail you a copy of the Sheriff's service once received, depending on the preference selected on the Notice of Election form, but you're welcome to call our office to inquire if service has been completed.
7. If the Defendant fails to file an answer within the time provided by law, a money judgment can only be issued if the Defendant was personally/notoriously served. You **CANNOT** receive a money judgment on tack and mail service, **UNLESS** the Defendant files an answer.
8. If an answer is filed by the Defendant, the Court will schedule a hearing date, a copy of the answer and hearing notice will be mailed or e-mailed to the address provided at the time of filing.
9. Should the Plaintiff no longer wish to proceed with the eviction for any reason, a written request to dismiss the case will need to be submitted to our Office.
10. Once the Defendant is served the Dispossession, they will have **SEVEN (7) days** to answer. If no answer is filed, on the **eighth (8) day**, the Plaintiff may request a Default Judgment and Writ of Possession. The Plaintiff **MUST** be present (**in person**) to receive the Writ of Possession. *Please see the instructions for requesting a Default Judgment.*
11. A Default Judgment and Writ of Possession **WILL NOT** be automatically issued. This request is the responsibility of the Plaintiff and must be completed in writing to the Magistrate Court. There is no fee due to the Court for issuing a Default Judgment or Writ of Possession. **HOWEVER**, you will have to pay the Pickens Sheriff's Office for executing the Writ of Possession. That cost is set by the Sheriff's Office.
12. Once a Writ of Possession has been issued a Clerk will escort you to the Sheriff's Office for their further instructions, if you have any questions regarding the Writ or placing the Defendant's belongings out of the premises, please contact the Sheriff's Office at (706) 253-8942.
13. Employees of the Magistrate Court of Pickens County, including Judges themselves, are prohibited by law from providing legal advice (**legal advice includes defining terms**) at any time during your contact with the Court. If you have questions about your legal rights, legal remedies available to you, what legal documents to file, or how to present evidence at a hearing, you **must** contact an attorney or conduct research on your own.
14. For Frequently Asked Questions (FAQ), please refer to our website, www.pickensgacourts.org.

Plaintiff Name _____ CASE #: _____

Address _____

VS.

Defendant Name _____ Other Defendants _____

Address _____ Address _____

DISPOSSESSORY PROCEEDING

Personally, appeared the undersigned affiant who on oath says that affiant is ☐ owner, ☐ attorney at law, or ☐ agent for Plaintiff(s) herein, and that Defendant(s) is/are in possession as tenant of premises at the address as stated above, in Pickens 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 claims)*

☐ Tenant fails to pay the rent which is now past due; The 3-day Cure Demand Notice was served to the tenant on _____ (mm/dd/yy)

☐ 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 all the 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):

☐ Past due rent of \$ _____; Based on \$ _____ per ☐ Month / ☐ Week.

☐ Rent accruing up to the date of judgment or vacancy at the rate of \$ _____ / per day (calculate daily rental rate, if seeking rent to date of judgment or vacancy).

☐ Court Costs of \$ _____.

☐ Other: _____

FURTHER, Affiant requests the Defendant(s) be served with this action by:

☐ Personal/Notorious service only OR ☐ tack and mail service.

This _____ day of _____, 20_____

Sworn and subscribed before me this
_____, 20_____

_____, _____ day of
☐ Plaintiff or ☐ Attorney or ☐ Agent

Telephone # _____

☐ Judge ☐ Clerk ☐ Deputy Clerk ☐ Notary Public

SUMMONS

To the Sheriff of Pickens 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 Pickens County, Jasper, Georgia on or before the seventh (7th) day after the date of service of this affidavit and summons. If such an answer is not made, a Writ of Possession and/or Default Judgment shall be issued as provided by law. Witness the Honorable Alan Morris, Chief Magistrate of Court.

This _____ day of _____, 20_____.

☐ Judge ☐ Clerk ☐ Deputy ☐ Clerk

Plaintiff(s)

VS

CASE #: _____

Defendant(s)

METHOD OF SERVICE ELECTION

1. ☐ I am the Plaintiff (OR) ☐ Defendant in the above case.
2. I elect to receive notice from the Court by (Choose One):
 ☐ EMAIL ☐ USPS MAIL
3. If I elect EMAIL notice, I understand and acknowledge that I will only receive notices from the Court via EMAIL, that said notices shall be considered proper notice in compliance with all service requirements under Georgia Law.

My email address for service is: _____

4. If I elect USPS Mail notice, I understand and acknowledge that the Court is not responsible for guaranteeing delivery or receipt of postal mail. I further understand that it is my responsibility to update my mailing address with the Court.

My address for service is:

