

Summons (MAG 10-17)

Purpose of form:

O.C.G.A.15-10-48 requires the defendant be given the statutory notice set forth in this code section for all magistrate court civil cases. This statutory notice is contained within this document, entitled MAG 10-17 Summons.

Our statement of claim form, MAG 10-01, contains this statutory notice. Therefore, if a plaintiff files a statement of claim using form MAG 10-01, then this document is not needed.

This form must be attached to all other civil complaints, or statement of claims, which do not otherwise contain the statutory notice required by O.C.G.A. 15-10-48.

MAGISTRATE COURT OF FULTON COUNTY, GEORGIA

Case No: _____

Plaintiff(s) Name, Address, Email Address

vs

NOTICE AND SUMMONS

Defendant(s) Name, Address

(This form is used when the Plaintiff drafts a separate Complaint, rather than using the Statement of Claim form)

To: All Defendant(s)

You are hereby notified that the above named Plaintiff has made a claim and is requesting judgment against you in the sum of \$ _____.

YOU ARE REQUIRED TO FILE or PRESENT AN ANSWER TO THIS CLAIM WITHIN 30 DAYS AFTER SERVICE OF THIS CLAIM UPON YOU. IF YOU DO NOT ANSWER, JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU. YOUR ANSWER MAY BE FILED IN WRITING OR MAY BE GIVEN ORALLY TO THE JUDGE OR CLERK.

If you choose to file your answer orally, it **MUST BE IN OPEN COURT IN PERSON** and within the 30 day period. **NO TELEPHONE ANSWERS ARE PERMITTED.**

If you file an answer, the court will hold a hearing on this claim at the Fulton County Courthouse – 185 Central Avenue SW, Atlanta, GA 30303, at a time to be scheduled after your answer is filed. (Answer & Counterclaim forms are available at the Magistrate Clerk's office. Answers & counterclaims should be electronically filed with the Clerk, Magistrate Court, file either an oral or written Answer at room TG100, 185 Central Ave., S.W. Atlanta, Georgia 30303 between 8:30 A.M. and 5:00 P.M. OR electronically at <http://www.odysseyefilega.com> (convenience fee applies).

You may come to court with or without an attorney. If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them to court at the time of your hearing. If you want witnesses or documents subpoenaed, see a staff person in the Clerk's office for assistance.

If you have a claim against the Plaintiff, you should notify the court and immediately electronically file a written answer and counterclaim.

If you admit to the Plaintiff's claim but need additional time to pay, you must come to the hearing in person and tell the court your circumstances.

Filed this ____ day of _____, 20__.

Magistrate or Deputy Clerk of Court