

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

Plaintiff/Lien Claimant
vs. _____

(Motor Vehicle)

(Vehicle Identification Number)

(Tag Number)

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Civil Action File No:

**ABANDONED MOTOR VEHICLE
AFFIDAVIT**

The name(s) and address(es) of the last known registered owner(s) and/or all lienholder(s) of the vehicle is/are: _____

(Owner means registered owner, the owner as recorded on title, lessor, lessee, security interest holders & all lienholders as show on the records of Dept. of Motor Vehicle Safety.) Unknown;
Personally appeared before the undersigned officer, duly authorized to administer oaths, _____
_____, who being duly sworn, deposes and states as follows:

1. I am in possession of the above described motor vehicle. I am an automobile dealer; repairman; wrecker service or private property owner. The vehicle was impounded at the request of a: private individual city officer/official county officer/official Georgia State Patrol.
2. I have taken the following described actions to foreclose the lien on the vehicle as set forth below:
 - A. Notices have been provided to the last known owner and lienholder as follows: (See O.C.G.A. 40-11-2) More than ten (10) days prior to filing this Affidavit, demand was made by certified or registered mail or statutory overnight delivery upon the last known registered owner of the vehicle for the payment of the reasonable fees for removal and storage plus the costs of any applicable advertisement, including an itemized statement of all charges. No action is pending with any court of competent jurisdiction within the judicial circuit where the vehicle is located.

OR

- B. The above notices were not sent because the identity of the owner and/or lienholder cannot be ascertained. Proper notice has been given by running an advertisement as required by O.C.G.A. § 40-11-2(g).
3. I have complied with the provisions of O.C.G.A. § 40-11-2, by completing the following statutory requirements:

4.

Event	Deadline	Date Completed
Vehicle Towed	No deadline.	
Owner & Lien info requested from law enforcement 40-11-2(a)(b)	Within 3 business days of towing	
<p>First Notice to All Owners & Lienholders By Certified or Registered Mail or by written acknowledgment or statutory overnight delivery 40-11-2(d).</p> <p>Notice must list:</p> <p>X date of removal of vehicle;</p> <p>X all fees connected with removal and storage of such vehicle;</p> <p>X that such motor vehicle will be deemed abandoned under this chapter unless the owner, security interest holder, or lienholder redeems such motor vehicle within 30 days of the day such vehicle was removed.</p>	<p>Within 7 calendar days of removal of vehicle (or forfeit storage fees) [] 7th day ended on Sat., Sun., or legal holiday and notice was given next day,</p> <p style="text-align: center;">OR</p> <p>Within 1 business day after the information is furnished to the remover or storer by law enforcement, IF Owner/Lienholder requested from law enforcement within 3 business days of towing, (or forfeit storage fees),</p> <p>WHICHEVER IS LATER.</p>	<p>Attach copy to this Affidavit.</p>
<p>MV-603. Notice of Abandoned Motor Vehicle and Request for Information + \$2.00 Research fee. Affidavit Filed Within 7 Calendar Days Vehicle Became Abandoned 40-11-2(e);</p> <p>(If a person removing or storing the vehicle has knowledge of facts which reasonably indicate that the vehicle is registered or titled in a certain other state, such person shall check the motor vehicle records of that other state in the attempt to ascertain the identity of the owner of the vehicle.)</p>	<p>Within 7 calendar days of the 30 day deadline from date vehicle removed.</p> <p>The 30 day deadline ended,</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(Date)</p>	<p>Attach copy to this Affidavit.</p>
<p>Information Received from DMV or Tax Commissioner. Attach copy to this Affidavit.</p>	<p>No deadline applicable.</p>	<p>No Deadline.</p>
<p><u>This notice applies ONLY when owner/lienholder ascertained solely thru DMV:</u> Notice(s) to Owner & Lienholder By Certified or Registered Mail or statutory overnight delivery of vehicle location and the fact such vehicle is deemed abandoned and shall be disposed of if not redeemed. 40-11-2(f)</p> <p>Demand upon owners for payment of all reasonable fees for removal or storage of vehicle + costs of any notification or advertisement + and attach an itemized statement of charges. (Attached that notice to this affidavit.)</p> <p>Demand must be by form prescribed by Dept. of Motor Vehicles. (Attach copy.)</p>	<p>Within 5 calendar days of receipt of DMV info, excluding Sat., Sun., & legal holidays.</p>	<p>Date DMV information received:</p> <p style="text-align: center;">_____</p> <p>Date demand mailed to owner(s), lienholders:</p> <p style="text-align: center;">_____</p>
<p>If owner/lienholder are UNKNOWN:</p> <p>a. Begin process for newspaper advertisement if owner/lienholder cannot be determined. (Attach published notice to affidavit.)</p> <p>b. Verify vehicle not reported stolen through national VIN search (attach search)</p>	<p>Begin publication of this notice with enough time to prevent the lapsing of one year statute of limitations.</p>	
<p>Statute of limitations</p>	<p>This action has been filed within one year of date that vehicle was deemed abandoned.</p>	

5. I have complied with the notice requirements of O.C.G.A. § 40-11-2 by one or more of the following methods: (Check **ALL** applicable provisions.)

- seeking the identity of the last known registered owner from a local law enforcement agency and the identity of the last known registered owners, lessors, lessees, security interest holders and lienholders from the Department of Revenue.
- notifying the owner by registered or certified mail or statutory overnight delivery of the owner=s right to redeem the vehicle.
- checking the motor vehicle records of another state because the Plaintiff had knowledge of facts which reasonably indicate that the vehicle is registered in another state.
- placing an advertisement in a newspaper of general circulation in Fulton County once a week for two consecutive weeks for vehicles of which the identity of the owner cannot be ascertained.

6. This affidavit is filed with the court within a period of one year from:

- the recording of a lien on the vehicle with the Department of Motor Vehicles, as set forth in paragraph 2, above.
- the assertion of a lien by retention of the vehicle from date vehicle removed/retained as set forth in paragraph 2, above.

WHEREFORE, Plaintiff makes this affidavit for the purpose of foreclosing the lien upon the above described vehicle and prays that execution issue for:

Removal (Towing) Fee	\$ _____
Accrued Storage Fee	\$ _____ (_____ days @ \$ _____/day
Future Storage Fee	\$ _____ per day from date of filing this action until date of public sale of vehicle.
Reasonable Administrative Fee	\$ _____
Advertising & Notification Costs	\$ _____
Court Costs	\$ _____
TOTAL COSTS	\$ _____

Sworn to and subscribed before me this _____ day of _____, 20____.

Clerk of Court/Notary Public

 Plaintiff Agent for Plaintiff

Address: _____

City, State, Zip: _____

Telephone No: _____

Attorney Bar #, if applicable: _____