

# MAGISTRATE COURT OF FULTON COUNTY

## PROCEEDING AGAINST TENANT HOLDING OVER

Dispossessory Division  
185 Central Avenue, SW,  
TG100  
Atlanta, Georgia 30303  
(404) 613-5360  
www.magistratefulton.org

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF'S NAME, ADDRESS & PHONE NO.

VS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEFENDANT'S NAME & ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLAINTIFF'S ATTY. NAME, ADDRESS & PHONE

1. Defendant is in possession as tenant of premises at the address in Fulton County as stated.
2. Affiant is the ( ) Owner. ( ) Attorney. ( ) Agent. ( ) Lessee of the owner of said premises.
3. Tenant: ( ) fails to pay the rent which is now past due.  
( ) holds the premises over and beyond the term for which they were rented or leased to him.  
( ) other grounds: \_\_\_\_\_
4. Plaintiff desires and has demanded possession of the premises.
5. Defendant has failed and refused to deliver possession of the premises.

WHEREFORE, Plaintiff DEMANDS:

- (a) possession of the premises.
- (b) past due rent of \$ \_\_\_\_\_ for the month(s) of \_\_\_\_\_
- (c) rent accruing up to the date of judgment or vacancy at the rate of \$ \_\_\_\_\_ per \_\_\_\_\_
- (d) other: \_\_\_\_\_

Sworn to and subscribed on \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Name of Affiant (Print or Type)

\_\_\_\_\_  
Phone Number/ Email Address

Witness the Honorable Chief Judge of said Court: The above affidavit was sworn to and subscribed before the undersigned Deputy Clerk by affiant as provided by O.C.G.A. §44-7-50 and summons issued pursuant thereto.

\_\_\_\_\_  
Magistrate/Deputy Clerk/ Notary Public

### SUMMONS

TO THE CONSTABLE MARSHAL OF FULTON COUNTY or his lawful deputies and to Sheriff of Fulton County of his lawful deputies.

**GREETINGS:** The Defendant must 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.odysseeyefilega.com> (convenience fee applies) within seven (7) days from the date of the actual service unless the seventh day is a Saturday, a Sunday, or a Court holiday, in which case the Answer may be made on the next day which is not a Saturday, a Sunday, or a Court holiday. If the Answer is oral, the substance thereof shall be endorsed on the dispossessory affidavit. The Answer may contain any legal or equitable defense or counterclaim. If no valid legal or factual Answer is filed, a writ of possession may be issued pursuant to O.C.G.A. § 44-7-53. If no Answer is made, a writ of possession shall issue instanter.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ DEPUTY CLERK

.....  
CONSTABLE MARSHAL ENTRY OF SERVICE

I have served the foregoing affidavit & summons on the Defendant(s) by delivering a copy of same: ( ) Personally ( ) Notoriously (name) \_\_\_\_\_ ( ) By posting a copy to the door of the premises & depositing a copy in the U.S. Mail, First Class in an envelope properly addressed, said copy containing notice to the Defendant(s) to answer at the hour & place in said summons.

DATE OF SERVICE \_\_\_\_\_, \_\_\_\_\_ D.M.

DEFENDANT TO ANSWER ON OR BEFORE \_\_\_\_\_, \_\_\_\_\_

.....  
WRIT OF POSSESSION

You are hereby commanded to remove said Defendant(s) together with his property therein from said house and premises and to deliver full and quiet possession of same to Plaintiff herein.

This \_\_\_\_\_  
PER ORDER DATED \_\_\_\_\_ JUDGE

TENANT: ( ) VACATED ( ) EJECTED ( ) SETTLED W PLAINTIFF ( ) HELD UP ( ) LABOR

DATE \_\_\_\_\_ DEPUTY MARSHAL