

**MAGISTRATE COURT OF FULTON COUNTY, GEORGIA**

Date Filed \_\_\_\_\_

Case No: \_\_\_\_\_

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

**ABANDONED MOTOR VEHICLE**

**Plaintiff(s) Name, Address**

**vs.**

**Motor Vehicle**

**AFFIDAVIT FOR FORECLOSURE OF LIEN  
AGAINST ABANDONED MOTOR VEHICLE  
FROM REPAIR FACILITY**

**(Vehicle Identification Number)**

**(Tag Number)**

\_\_\_\_\_

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.)

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

**or**  
 Unknown;

Personally appeared before the undersigned officer, duly authorized to administer oaths, \_\_\_\_\_  
\_\_\_\_\_, who being duly sworn, deposes and states as follows:

The Plaintiff is in possession of the above described motor vehicle. The vehicle was removed to and/or has been stored at the  
following location (Record location here), \_\_\_\_\_

\_\_\_\_\_

Said vehicle is now an abandoned vehicle as defined in '40-11-1, paragraph (1), of the O.C.G.A. and has not been claimed by the  
owner, lessor, lessee or any holder of a lien or security interest.

1. The Plaintiff has 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)

**OR**

**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).**

B.  **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.**

2. The Plaintiff has complied with the provisions of O.C.G.A. 40-11-2, by completing the following statutory requirements:

Event	Deadline	Date Completed
<p>Vehicle was turned over to the repair facility. The parties agreed that the vehicle would be called for (<i>check applicable</i>): [ ] at a certain time/date; [ ] after the repairs were completed.</p>	<p>No deadline. List date of event, either the date it was to be called for OR the date after repairs completed.</p>	
<p>Vehicle became abandoned because it was not called for within 30 days from (<i>check applicable</i>) [ ] the time agreed upon to retrieve vehicle; [ ] the date vehicle turned over to repair facility; or [ ] within 30 days repairs completed</p>	<p>Check applicable box to the left and calculate 30 days from the respective event selected, either the time agreed upon to retrieve vehicle, the date vehicle turned over to repair facility, <b>OR</b> the date repairs completed.</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.) First Notice to All Owners &amp; Lienholders By Certified or Registered Mail or statutory overnight delivery 40-11-2(d).</p>	<p><b>Within 7 calendar days</b> of the day such vehicle became an abandoned motor vehicle notice in writing made to the Georgia Department of Revenue pursuant to the procedure set forth in ' 40-11-2(e) of O.C.G.A. requesting the name and address of all owners of such vehicle as evidenced by the document attached to this affidavit.</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>Date DMV information received</p> <p>_____</p> <p>attach copy.</p>
<p>Notice sent to owner, lessee, or any holder of a lien or security interest by certified mail, registered mail or statutory overnight delivery;</p> <p>Pursuant to OCGA ' 40-11-2(f), Notice must advise the owner(s) of: their obligations and rights to redeem such vehicle description of the vehicle location of the vehicle that vehicle will be deemed abandoned unless redeemed within 10 days of notice. Demand upon owners for payment of all reasonable fees for storage of vehicle + costs of any notification or advertisement + and attach an itemized statement of charges. (<b>Attached that notice to this affidavit.</b>)</p>	<p>Within <b>5 calendar days</b> of having received the information requested.</p>	<p>Date demand mailed to owner(s), lienholders:</p> <p>_____</p> <p>Attach copy to this Affidavit.</p>

<p>If owner/lienholder are <b>UNKNOWN:</b></p> <p>Advertisement placed in a newspaper of general circulation in county where such vehicle was obtained once a week for two (2) consecutive weeks in accordance with OCGA ' 40-11-29(g).</p> <p>Notice must advise the owner(s) of their obligations and rights to redeem such vehicle description of the vehicle location of the vehicle that vehicle will be deemed abandoned unless redeemed within 10 days of notice. <b>(Attach published notice to affidavit.)</b></p>	<p>Within <b>5 calendar days</b> of having received the information requested.</p>	<p>Attach notice</p>
<p>Statute of limitations</p>	<p>This action has been filed within one year of date that vehicle was deemed abandoned</p>	

3. The Plaintiff has 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 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 \_\_\_\_\_ County once a week for two consecutive weeks for vehicles of which the identity of the owner cannot be ascertained.
4. 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:

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

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

\_\_\_\_\_  
 Plaintiff       Agent for Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No: \_\_\_\_\_

\_\_\_\_\_  
Attorney Bar #, if applicable: \_\_\_\_\_

\_\_\_\_\_  
Clerk of Court/Notary Public