



# MAGISTRATE COURT OF HARALSON COUNTY

4485 GA HWY 120  
P O Box 1040  
Buchanan GA 30113  
770.646.2015

**Jason Blackmon**, Chief Magistrate  
**Crystal Damiano**, Assistant Magistrate  
**Stephanie Tanner**, Clerk of Court  
**Hannah Robinson**, Deputy Clerk

## **DISPOSSESSORY (EVICTION)**

1. The Landlord files the eviction with the court. \$78.00 filing fee required
2. The court forwards the eviction to the Sheriff Deputy for the tenant to be served. This usually is within 24 hrs. or less of the filing of the eviction.
3. If the tenant is not served personally, it may be delivered by tack and mail, that is, posted on the door of the premises.
4. The tenant will have 7 days to file an answer with the court once service has been made.
5. The landlord **SHOULD NOT ACCEPT ANY MONEY** from the tenant unless he or she is closing the eviction. Acceptance of rent during the eviction process will void the eviction with the court.
6. The landlord needs to contact the court within 7 days of filing the eviction if he/she has not heard from the court.
7. Should the tenant fail to file an answer within the allotted 7-day period, an immediate eviction will be granted at the request of the landlord. **NOTE:** if the 7<sup>th</sup> day falls on a weekend or holiday the tenant will have until end of business on the following business day to file an answer.
8. After the Judge has signed the writ of possession and the landlord has obtained a copy of the order from the court, the landlord may contact the Sheriff's Office to set up a time for the eviction.
9. If the tenant **DOES** file an answer within 7 days a court date will be issued for the following week. A copy of the hearing notice will be personally given to the tenant by the court at the time the answer is filed, the landlord will receive a notice in the mail.

## **WHAT TO EXPECT AT COURT**

1. If the judge determines the tenant does in fact owe back rent the law requires the court to give the tenant 7 days from the court date to vacate the property.
2. If there is a money judgement issued by the court and the tenant fails to pay the judgement the only remedy is to file for a garnishment and/or FISA against the tenant(s).
3. Should the judge find that the tenant **DOES NOT** owe back rent (*according to the law*) it is possible that the tenant be given 60 days to vacate the property. However, the tenant will have to continue to pay monthly rent on time or an immediate eviction will be issued.

IN THE MAGISTRATE COURT OF HARALSON COUNTY  
STATE OF GEORGIA

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

\_\_\_\_\_

\_\_\_\_\_

Plaintiff's Name & Address

V.

Case No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant's Name & Address

**AFFIDAVIT FOR SUMMONS OF DISPOSSESSORY**

Personally appeared \_\_\_\_\_, who upon oath says that he is owner, or (attorney, agent or lessee) for the owner of said premises, and that Defendant is in possession as tenant of premises at the above address in Haralson County.

Further That:

- A: tenant fails to pay the rent which is now past due;
- B: tenant holds the premises over and beyond the term for which they were rented or leased to tenant;
- C: Other: \_\_\_\_\_; and

THAT Plaintiff(s) is/are entitled to recover any and all 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 failed and refused to deliver said possession.

WHEREFORE, Plaintiff DEMANDS:

- (A) Possession of the premises; Told Tenant to vacant on \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_
- (B) Past due rent of \$ \_\_\_\_\_
- (C) Rent accruing up to the date of judgment of vacancy at the rate of \_\_\_\_\_ per day, PLUS

~~\$78.00~~ court cost. (calculate daily rental rate, if seeking rent accruing to date of judgment or vacancy.)  
**\$82.00**

Sworn to and subscribed before me,

This \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Clerk/Deputy Clerk/Magistrate

**SUMMONS**

TO: The Constable or the Magistrate Court of Sheriff or his Deputies of said County.

GREETING:

The defendant(s) herein is/are commanded and required personally or by attorney to answer orally or in writing, to the Judge of Clerk of Magistrate Court, in the County Courthouse, Buchanan, Georgia, between the hours of 8:30 a.m. and 4:30 p.m. on or before the SEVENTH day from the date of service of the within affidavit and summons (or on the first business day thereafter IF the seventh day falls on Saturday, Sunday or legal Holiday). If the answer is NOT made, a Writ of Possession shall issue instanter and judgment shall be granted as demanded by the Plaintiff named herein.

Witness the Presiding Judge of said Court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk/Deputy Clerk/Magistrate