

GENERAL INSTRUCTIONS

Before filing your first civil action in Magistrate Court, you may want to visit the Council of Magistrate Court Judges' website at www.georgiamagistratecouncil.com. Our site offers many tools that will assist you in understanding how our court system operates. There are numerous videos that explain each step of the process. There is also a variety of forms that you can download, some of which are fill-able. You may wish to utilize our Forms Generator, which is a system that will guide you through a series of questions to create a free, customized form that you can file in Magistrate Court.

Civil actions, in most cases, must be filed in the county where the Defendant (the person that you are planning to sue) lives. There is a Court Directory that will provide the address and phone number of the Magistrate Court in each of Georgia's 159 counties. Some Courts are equipped to receive e-filing or a filing may be made through www.ncourt.com.

Magistrate Court personnel, including the Judges, are prohibited from providing any legal advice to either party. We can, however, answer questions about filing and procedures. You may want to contact the court where you will be filing to check on the amount of the filing fee and the requirements for filing.

MAGISTRATE COURT OF HARALSON COUNTY, GEORGIA

DATE FILED _____ STATEMENT OF CLAIM CASE NO. _____

vs.

Defendant's Name & Address

Defendant's Name & Address (If two Defendants)

Suit on Note Suit on Account Other: _____

1. The Court has jurisdiction over the defendant(s) the Defendant(s) is a resident of _____ County;

other (please specify) _____

2. Plaintiff(s) claims the Defendant(s) is indebted to the Plaintiff(s) as follows (You must include a brief statement giving reasonable notice of the basis for each claim contained in the Statement of Claim):

3. That said claim is in the amount of \$ _____, principal \$ _____ interest, plus _____ costs to date, and all future costs of this suit.

State of Georgia, _____ County:

_____ being duly sworn on oath says the foregoing is a just and true statement the amount owing by defendant(s) to plaintiff(s), exclusive of all set-offs and just grounds of defense.

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

Plaintiff(s) or Agent
(If Agent, Title or Capacity) _____

Notary Public/Attesting Official

Daytime Phone Number

NOTICE AND SUMMONS

TO: All Defendant(s) You are hereby notified that the above named Plaintiff(s) has/have made a claim and is requesting judgment against you in the sum shown by the foregoing statement. YOU ARE REQUIRED TO FILE or PRESENT AN ANSWER (answer forms can be obtained at <https://georgiamagistratecouncil.com/forms> or from the clerk's office) 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 PERSON and within the 30 day period. NO TELEPHONE ANSWERS ARE PERMITTED. The court will hold a hearing on this claim at a time to be scheduled after your answer is filed. 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(s), you should notify the court by immediately filing an answer and counterclaim. If you admit to the Plaintiffs' claim but need additional time to pay, you must come to the hearing in person and tell the court your financial circumstances. Your answer must be RECEIVED by the clerk within 30 days of the date of service. If you are uncertain whether your answer will timely arrive by mail, file your answer in person at the clerk's office during normal business hours.

This _____ day of _____, 20____