

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

PLANTIFF

vs

Civil Action No. _____

DEFENDANT

ABANDON VEHICLE ORDER

The Plaintiff having demonstrated to the Court that the following motor vehicle:

(Vehicle Identification Number) (Year) (Make) (Model)

is an abandoned vehicle as described on O.C.G.A. §40-11-1(1) and subject to a lien pursuant to O.C.G.A. §40-11-4; and

The Plaintiff having an affidavit as required in O.C.G.A. §40-11-5(2) wherein he/she/it demonstrated compliance with the requirements of said statute for the foreclosure of said lien; and

No timely petition for a hearing has been filed with the Court or Plaintiff having otherwise proven by a preponderance of the evidence that such lien is valid; **IT IS HEREBY ORDERED** that foreclosure of said lien is authorized, and the vehicle may be sold subject to the lien to satisfy the debt if not otherwise immediately paid in full.

SO ORDERED, this _____ day of _____, 20_____.

Judge
Magistrate Court of Cherokee County

Magistrate Court of Cherokee County
The Honorable James E. Drane, III, Chief Magistrate
90 North Street, Suite 150
Canton, Georgia 30114-2786
Phone 678-493-6431
Email address: www.cccourt.com

IN THE MAGISTRATE COURT OF CHEROKEE COUNTY

STATE OF GEORGIA

ABANDONED VEHICLE AFFIDAVIT

I, _____ do hereby solemnly swear or affirm that the vehicle described as:
(Owner/Representative of Towing Company)

(Vehicle Identification Number) (Vehicle Year) (Make) (Model)
was removed to and/or has been stored at: _____ is an abandoned vehicle
(Location)

as defined in O.C.G.A §40-11-1(1), and has not been claimed by the owner, lessor, lessee or any holder of a security interest or lien.

I hereby further solemnly swear or affirm that in following the procedure to foreclose on an abandoned vehicle lien on said vehicle, I have complied with the requirements of O.C.G.A. §40-11-2 as evidenced by the following:

- 1. Within three (3) days of the removal or storage of said vehicle, I obtained the identity and address of all known owners of such vehicle from the law enforcement officer requesting removal of the vehicle or from a local law enforcement agency for the jurisdiction in which my business is located as evidenced by document(s) attached hereto and incorporated herein as "Exhibit A", and,
2. Using the information contained in Exhibit A, I notified or attempted to notify the owner, lessor, lessee, or any holder of a lien or security interest of said vehicle that said vehicle would be deemed abandoned at the expiration of thirty (30) days as evidenced by the document(s) attached hereto and incorporated herein as "Exhibit B", and,
3. On or after the thirty-first day following the removal or storage of said vehicle without said vehicle having been redeemed, I gave notice in writing to the Department of Motor Vehicle Safety or applicable County Tag Agent (hereinafter referred to as the "Department") pursuant to the procedure set forth in O.C.G.A. §40-11-2(e) and requested the name and address of all owners of such vehicle as evidenced by the document(s) attached hereto and incorporated herein as "Exhibit C", and,
4. Within five (5) calendar days of having received the information requested in Exhibit C, I either:
A. Notified the owner, any lessee, and any holder of a lien or security interest by certified mail and first class mail; or,
B. Placed an advertisement in a newspaper of general circulation in the county where such vehicle was obtained once a week for two (2) consecutive weeks; or
C. Placed an advertisement at the county courthouse in such place where other public notices are posted for two consecutive weeks;
5. Advised the owner(s) of their obligations and rights to redeem such vehicle and such owner, lessee or holder of a lien or security interest disclaimed their ownership or interest in such vehicle as evidenced by the document(s) attached hereto and incorporated herein as "Exhibit D", and,
6. I have made a demand for payment of \$ _____, which has been made without satisfaction, as evidenced by the document(s) attached hereto and incorporated herein as "Exhibit E", without a timely filing of a petition for a judicial hearing and/or the identity of the owner cannot be ascertained.

Therefore, I am asking a court of competent jurisdiction to authorize the foreclosure of my lien and the sale of this motor vehicle.

(Signature of Owner/Representative of Towing Company)

(Date)

(Address of Towing Company)

Sworn and Subscribed before me this:
_____ day of _____, 20 _____.

(City, State, Zip & County)

(Notary Public's Signature & Notary Seal or Stamp)

(Telephone Number Including Area Code)

(Date My Notary Commission Expires)

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IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

FROM: _____

ADDRESS: _____

IN ACCORDANCE WITH GEORGIA CODE ANNOTATED, 40-11-2(B) (72 HOURS), VEHICLES FOR HIRE, 3-25-27-(A) (72 HOURS) WE ARE HEREBY GIVING NOTICE TO:

AUTO THEFT SQUAD, CRIMES AGAINST PROPERTY DIVISION:

MAKE / MODEL / YEAR

COLOR

VIN#

TAG# / STATE

DATE

WHERE TOWED FROM

WHO AUTHORIZED / PHONE#

LOCATION OF VEHICLE

16-10-20. FALSE STATEMENTS, CONCEALMENTS OF FACTS, FRAUDULENT WRITINGS, ETC., IN MATTERS WITHIN JURISDICTION OF STATE OR POLITICAL SUBDIVISIONS.

A PERSON WHO KNOWINGLY AND WILLINGLY FALSIFIES, CONCEALS, OR COVERS UP BY ANY TRICK, SCHEME, OR DEVICE, A MATERIAL FACT; MAKES A FALSE, FICTITIOUS, OR FRAUDELENT STATEMENT OR REPRESENTATION; OR MAKES OR USES ANY FALSE WRITING OR DOCUMENT, KNOWING THE SAME TO CONTAIN ANY FALSE WRITING OR JURISDICTION OF ANY DEPARTMENT OR AGENCY OF STATE GOVERNMENT OR OF THE GOVERNMENT OF ANY COUNTY, CITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE, SHALL UPON CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT MORE THAN \$1,000.00 OR BY IMPRISONMENT FOR NOT LESS THAN ONE NOR MORE THAN FIVE YEARS, OR BOTH.

SIGNATURE

DATE

WHERE TOWED FROM

Magistrate Court of Cherokee County
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IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

FROM: _____

ADDRESS: _____

PHONE: _____

To Whom It May Concern:

This written notice is to notify you, the registered owner of the vehicle listed below, that this vehicle is presently being held in storage at our impound yard. Please contact our office at the number listed above immediately to make the necessary arrangements to pick this vehicle up, or hereby be notified by written notice that the vehicle listed below will be sold at public auction in the allocated time required by the governing laws set forth and adopted by the State of Georgia. Your cooperation regarding this matter will be greatly appreciated, and will prevent any future conflict or confusion concerning this matter.

VEHICLE DESCRIPTION:

Date Removed: _____

Removed From: _____

VIN No.: _____

Year: _____

Make: _____

Model: _____

Tag No.: _____

State: _____

_____ concerning this matter.

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

NOTICE OF ABANDONED VEHICLE AND REQUEST FOR INFORMATION

Research fee: \$2.00 for printout of tag, title and lien information per abandoned vehicle

I do solemnly swear that the vehicle herein is or will become abandoned or a derelict motor vehicle as described in Code Section §40-11-1 of the Official Code of Georgia Annotated; and, as provided in Code Sections §40-11-2 and §40-11-1 of the Official Code of Georgia Annotated, this is to request the names and addresses of all owners, lessors, lessees, security interest holders and lien holders of such vehicle. This is to further swear that all proper notification(s) has been given in writing and according to the provisions of Code Sections §40-11-2 and §40-11-9 O.C.G.A.

I understand that I shall not be entitled to any storage fees if I do not provide the notice and information required by Code Sections §40-11-2 and §40-11-9 of the Official Code of Georgia Annotated. I also understand that any person who knowingly provides false and misleading information when providing any notice of information as required by Code Sections §40-11-2 and §40-11-9 of the Official Code of Georgia Annotated shall be guilty of a misdemeanor punishable by fine up to \$1000 or by imprisonment of up to 1 year.

| | | | | | |
|--|-------|-----|--------------------------------|----------------|--------------|
| Person Removing or Storing Vehicle | | | Vehicle Identification Number | | |
| Street | | | Year | Make | Model |
| City | State | Zip | Tag No. | State of Issue | Date Removed |
| Present Location of Vehicle (Street Address) | | | Date Vehicle Becomes Abandoned | | |
| City | State | Zip | Location Vehicle Removed From | | |
| Telephone Number (Including area code) | | | City as provided in | State | Zip |

Sworn to and subscribed before me this _____ day of _____, _____
Month Year

X _____
(Authorized signature of person removing / storing vehicle)

X _____
Notary Public

Notice and Request for Motor Vehicle Information:
Mail with fee to:

ATTN: Research / Abandoned vehicles
Motor Vehicle Division
P.O. Box 740381
Atlanta, Georgia 30374-0381
Form must be typed or electronically completed and printed

THIS NOTICE MUST BE SENT CERTIFIED, REGISTERED, OR OVERNIGHT DELIVERY.

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IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

TO: _____

DATE: _____

ADDRESS: _____

Tag No.: _____

Vehicle Details: _____

VIN No.: _____

Title No.: _____

*In accordance with the official code of Georgia §40-11-5, the above described vehicle has been declared abandoned and subject to a lien for redemption of fees due. A complete list of all fees is attached to this notice. Total Due \$ _____.

Name of the (Towing) company recovering vehicle is listed below:

Name of Towing Company: _____

Location of Recovery: _____

Date of Recovery: _____

Date Declared Abandoned: _____

To Owner of Vehicle:

You have the following rights and responsibilities to prevent the person / company recovering this vehicle and declaring the vehicle abandoned from seeking a court order to sell this vehicle for the fees due.

_____ You may disclaim ownership of this vehicle by signing where indicated and returning this notice to the (Towing) company listed on the next page. *

_____ You have the right to pay the fees due for the charges of towing and storing the vehicle to the (Towing) company listed on the next page within 30 days of the above date.

_____ You have the right to request a hearing to determine the validity of the person recovering such vehicle.

- a. To request a hearing you must notify both the person / company recovering the vehicle at addressee listed on the next page and the Magistrate Court of Cherokee in writing of your request within 10 days. (County where the vehicle is located) _____ County.
- b. You must appear in this court on the date set by the courts to present your facts as to why the person / company recovering the vehicle does not have a valid claim.

"I, (name of owner / lessee) _____ disclaim any ownership of this vehicle."

* Owner / Lessee Signature

* Security Interest / Lien Holder Signature

Date

Sworn and Subscribed before me this _____ day of _____, 20_____.

(Printed Name of Notary Public)

(Signature of Notary Public)

(Commission Expires)

Important Notice:

If you or anyone holding a security interest or other lien fails to answer the above, the person / company recovering this vehicle may proceed to a court of competent jurisdiction to obtain an order to sell this vehicle at a public sale.

Please forward this form to the (Towing) Company listed below:

Name of (Towing) Company: * _____
(submitting this notice)

Address of (Towing) Company: _____
City (County) (State) (Zip Code)

(Signature of Owner / Representative of (Towing) Company)

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IN THE MAGISTRATE COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

TO: _____ FROM: _____
ADDRESS: _____ ADDRESS: _____
PHONE: _____ PHONE: _____

DESCRIPTION OF FEES ON ABANDONED VEHICLES:

Removal Fee: \$ _____
Storage: _____ days at \$ _____ per day = \$ _____
Advertisement: \$ _____
TOTAL \$ _____

PHONE:

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