

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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