

IN THE MAGISTRATE COURT OF WALTON COUNTY, STATE OF GEORGIA

Civil Action#: _____

Plaintiff/Lien Claimant

Vs.

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

Motor Vehicle (list year, make, model)

Vehicle Identification Number (VIN#)

Tag number (list State, if applicable)

The name(s) and addresses(s) of the last known registered owner(s) &/or lienholder(s): ("Owner" means registered owner, the owner as recorded on title, lessor, lessee, security interest holder(s) & all lienholders as shown on the records of the Department of Motor Vehicle Safety);

OR: ARE UNKNOWN

I, _____, (hereinafter referred to as Plaintiff), personally appeared before the undersigned officer, duly authorized to administer oaths, swears/affirms the following;

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:

(List street address, city, state, zip code) Name of business, if applicable

Vehicle is now an abandoned vehicle as defined in O.C.G.A. § 40-11-1, ¶ (1), 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 registered owner(s) &/or lienholder(s) as follows: (See O.C.G.A. § 40-11-2) OR

The above notices were not sent because the identity of the owner(s) &/or lienholder(s) 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 Mail Registered Mail Statutory overnight delivery

Upon the last known registered owner of the vehicle for the payment of the reasonable fees for removal and storage plus costs of any applicable advertisement, including an itemized statement of all charges. No action is pending with any Court of competent jurisdiction with the judicial circuit where the vehicle is located.

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 Fees: \$ _____ (\$ _____ X _____ days)

Advertising Fees/Costs: \$ _____

Administrative Fees: \$ _____ PLUS future storage at \$ _____ (per day) until the date of public sale.

Court Costs: \$ _____

Repair Fee: \$ _____ TOTAL LIEN: \$ _____

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

Notary Public/Attesting Official

Plaintiff or Agent for Plaintiff

(Area Code) Phone Number (cell, home, or work)

Address (Street, City, State, Zip Code)

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>): <input type="checkbox"/> at a certain time/date; <input type="checkbox"/> 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>)</p> <p><input type="checkbox"/> the time agreed upon to retrieve vehicle; <input type="checkbox"/> the date vehicle turned over to repair facility; <input type="checkbox"/> 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, OR the date repairs completed.</p> | <p>_____</p> <p>Date</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 & Lienholders By Certified or Registered Mail or statutory overnight delivery 40-11-2(d).</p> | <p>Within 7 calendar days 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.</p> <p>Attach copy to this Affidavit.</p> | <p>No deadline applicable.</p> | <p>Date DMV information received</p> <p>_____</p> <p>Date</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);</p> <p>Notice must advise the owner(s) of:</p> <p>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. (Attached that notice to this affidavit.)</p> | <p>Within 5 calendar days of having received the information requested.</p> | <p>Date demand mailed to owner(s), lienholders:</p> <p>_____</p> <p>Date</p> <p>Attach copy to this Affidavit.</p> |
| <p>If owner/lienholder are UNKNOWN:</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:</p> <p>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. (Attach published notice to affidavit.)</p> | <p>Within 5 calendar days of having received the information requested.</p> | <p>Attach notice</p> |

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| Statute of limitations | This action has been filed within one year of date that vehicle was deemed abandoned | |
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4. 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 Gwinnett County once a week for two consecutive weeks for vehicles of which the identity of the owner cannot be ascertained.

5. 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 ¶ 2, above.
- the assertion of a lien by retention of the vehicle from date vehicle removed/retained as set forth in ¶ 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 Fees: \$ _____ AT: (\$ _____ X _____ days)
 Advertising Fees/Costs: \$ _____
 Court Costs: \$ _____
 Repair Fee: \$ _____ TOTAL LIEN: \$ _____

PLUS future storage at \$ _____ (per day) until the date of public sale.

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| Sworn to and subscribed before me this _____ day of _____, 20_____. <div style="text-align: right; margin-top: 5px;"> _____ Notary Public/Attesting Official </div> |
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 Plaintiff or Agent for Plaintiff (Area Code) Phone Number (cell, home, or work)

 Address (Street, City, State, Zip Code)