

THE MAGISTRATE COURT OF HOUSTON COUNTY

89 Cohen Walker Drive
Warner Robins, Georgia 31088
Phone (478) 987-4695 Fax (478) 987-5255
Hours: 8:30 am - 4:30 pm
magistrate@houstoncountyga.gov

**The Court allows the following payment options:
Cash, Company Checks and/or Money Orders.**

Abandoned Motor Vehicle
Tow Company

Filing of Petition \$39.00

Certified Copy of Order..... \$14.00

Please feel free to check out our website that is now available!

<http://www.houstoncountyga.gov>

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89 Cohen Walker Dr.
 Warner Robins, Georgia 31088
 Phone (478) 987-4695
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Angela W. Sammons
 Chief Magistrate

ABANDONED MOTOR VEHICLE CHECKLIST FOR USE BY TOWING & STORAGE FIRM

EVENT	DEADLINE	DATE(S) COMPLETED
1. The vehicle was impounded at the request of: Private Individual () Peace Officer ()	No deadline	
2. Request the identification and addresses of all owners/lienholders of the towed vehicle. If such vehicle has an out of state license plate, such request shall be made to the state where the vehicle is registered or to an entity with access to such state's vehicle registrations information. OCGA 40-11-15(d) & 40-11-16(a)(1)	Within 3 business days of removal of the vehicle. <u>Attach copy of the request and the return to the petition.</u>	
3. If towed from private property, submit notification of the removal by hand delivery, electronic transmission, or fax transmission to the law enforcement agency with jurisdiction over the location of the tow. OCGA 40-11-16(a)(2).	Within 1 business day from the date the information was requested. <u>Attach copy of the notification to the petition.</u>	
4. Send all owners/lienholders the notification form MAG 40-03, by certified mail or by hand delivery with acknowledgment of such receipt by signature of the owner and a copy of such owner's driver's license. OCGA 40-11-19(a)(1).	Within 15 calendar days of removal or initial storage. <u>Attach copy of letter and certified receipt or proof of hand delivery to petition.</u>	
5. When identity of owner cannot be ascertained, place an advertisement in a newspaper of general circulation or the legal organ in the county where the vehicle was towed from, once a week for two consecutive/straight weeks using form MAG 40-04. OCGA 40-11-19(a)(2).	Within 60 days of removal of the vehicle. <u>Attach a copy of the publication to the petition.</u>	
6. Send a notification letter to the owner/lienholder, if their identities become known during or after publication. OCGA 40-11-19(a)(1) and 40-11-19(a)(3).	Within 10 days of obtaining owner/lienholder information, while advertising is running. Attach a copy and certified receipt or proof of hand delivery to the petition.	
7. If no answer has been filed, the plaintiff may then seek to foreclose the lien by filing a motion, using form MAG 40-11.	No sooner than 10 days after the owner/ lienholder receives the plaintiff's petition. Attach proof of service upon owner/lienholder.	

Have you previously filed an AMV for this vehicle? _____

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a towing or storage facility repair facility salvage dealer, and files this petition to foreclose on the above-referenced abandoned motor vehicle.

_____ Date vehicle was towed left at repair facility left with salvage dealer (authority to tow attached)
_____ Date information was requested from Department of Revenue or authorized entity (copy of owner information attached)
_____ Date and method of first notice mailed hand delivery advertised disclaimer (proof of compliance attached for all owners)

The accrued fees allowed under OCGA § 40-11-19, as set forth below, have not been paid.

PETITIONER PRAYS that the lien be foreclosed and an order be issued to allow for public sale of the vehicle to satisfy a lien for the following amounts:

Removal (Towing) Fee: \$ _____
Storage: (At \$ _____ per day for _____ days) \$ _____
Future Storage Fee: \$ _____ per day from date of filing this action through 25 days after judgment is rendered
Repair Fees (if applicable, with invoice attached): \$ _____
Cost of Obtaining Owner Information: \$ _____
Notification/Advertising Fees: \$ _____
TOTAL: \$ _____

PETITIONER ALSO PRAYS for prejudgment interest at the rate of 4% per annum from which the OCGA § 40-11-19 notification was received, 15% attorney's fees (if applicable), and all costs of court.

Sworn to and Subscribed before me
This ____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Plaintiff/Attorney for Plaintiff

SUMMONS

YOU MUST FILE AN ANSWER TO THIS CLAIM NO LATER THAN TEN (10) DAYS FROM RECEIPT OF THIS NOTICE USING THE STANDARDIZED ANSWER FORM PROVIDED. FAILURE TO FILE A TIMELY ANSWER WILL RESULT IN FORECLOSURE OF THE LIEN AND A COURT ORDER AUTHORIZING DISPOSITION OF THE VEHICLE PURSUANT TO OCGA 40-11-19.2.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

ANSWER TO PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES RESPONDENT, Owner of the above-referenced vehicle, and files this answer to the petition to foreclose lien on the above-referenced abandoned motor vehicle.

Owner Name: _____

Owner Address: _____

Date owner obtained an interest in the motor vehicle: _____

Check all that apply, and explain in the space provided (attach additional sheets if necessary).

The towing or storage firm was not authorized to remove the vehicle for the following reason(s):

The lien claimed is not valid because:

Additional facts that support why the lien should not be foreclosed upon:

I dispute the following charges:

THEREFORE, Respondent prays for a hearing on all relevant issues within ten (10) days.

Sworn to and Subscribed before me
This ____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Defendant/Attorney for Defendant

ABANDONED MOTOR VEHICLE NOTICE
(TOWING OR STORAGE COMPANY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(a)(1). The following fees are currently due:

\$ _____ Fees associated with removal of the vehicle

\$ _____ Daily fee for storage of the vehicle

Daily fees will accrue until full payment has been made at the rate of \$ _____ per day. Additional fees that are recoverable by a towing or storage firm include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The towing and storage firm has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

_____ (name and address of party owed fees)

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

IN THE MAGISTRATE COURT OF HOUSTON COUNTY
STATE OF GEORGIA

Plaintiff,

v.

Case Number _____

Defendant,

MILITARY AFFIDAVIT

The undersigned, after first being duly sworn, states the following:

1.

I am of age, of sound mind, and legally authorized to sign this affidavit on behalf of the Plaintiff.

2.

This affidavit is executed pursuant to the Service Members Civil Relief Act, 50 U.S.C. App. 521. Affiant further acknowledges any false statement made in this affidavit may subject the affiant to imprisonment not to exceed one year and a fine.

3.

Affiant states the Defendant, _____ () is, () is not, or () unable to determine, a member of the military forces of the United States.

4.

Affiant is personally knowledgeable of the facts contained in this affidavit and affirms the information contained herein is true and correct.

This _____ day of _____, 202__.

Signature _____

Printed name: _____

Title: _____

Sworn to and subscribed before me
this _____ day of _____, 202__.

NOTARY PUBLIC

www.dmdc.osd.mil/appj/scra

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed: _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

MOTION FOR ORDER ON MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a towing or storage facility, repair facility, salvage dealer, and shows the following:

1. A petition was filed to foreclose on the lien placed on the above-referenced vehicle on _____ [date petition was filed];
2. Service of a copy of the oath or affirmation page of the filed petition and of a copy of the answer form was perfected on all owners by certified mail, return receipt requested advertisement (see attached);
3. No answer has been filed as required by OCGA § 40-11-19.1 (c); and
4. I am attaching an Affidavit of Military Service indicating that the Petitioner has no knowledge that the Owner/Lien Holder is in military service and entitled to protection under the Servicemembers Civil Relief Act. 50 U.S.C. § 3931.

WHEREFORE, PETITIONER PRAYS that (a) a judgment be issued declaring the vehicle to be abandoned and the lien to be valid, and (b) an order be issued authorizing public sale of the vehicle to satisfy the lien as prayed for in the complaint.

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk
My Commission Expires: _____

Authorized Signature