

IN THE MAGISTRATE COURT OF WALTON COUNTY, STATE OF GEORGIA

INSTRUCTIONS FOR FILING A DISPOSSESSORY WARRANT

(Please read carefully)

1. Send the ORIGINAL of the suit to be filed. Our office will make copies.
2. We MUST have the Plaintiff's name, mailing address and telephone number(s).
3. We MUST have the Defendant's name and physical address. We WILL NOT accept a post office box as an address.
4. List the Defendant's indebtedness (unpaid rent owed) to the Plaintiff. Do not add court costs to the amount of unpaid rent owned. The court costs will be listed separately on the Dispossessory Warrant.
5. List the date that said rent is due and include a date (if different) when the rent is considered late.
6. The Dispossessory Warrant MUST be verified by a signature and be dated and notarized.
7. Complete a Sheriff's Entry of Service form. Please do not fill out any other paperwork on top of the Sheriff's Entry of Service form, this form is a triplicate and it will transfer through to the other copies.
8. To file the Dispossessory Warrant a filing fee in the amount of: **\$101.00** is due at the time of filing.
9. Service of the Dispossessory Warrant is provided by the Walton County Sheriff's Department. To find out the service date of the action, please call: Walton County Sheriff's Department (770-267-2144). Personnel in this department will be able to provide you with that information. NOTE: You may call the Magistrate Court at (770-267-1349) to inquire about the service, however our office would only have this information if the Sheriff's Department has provided a copy of the service to the Court. If our office does not have that copy of service, you will be referred to the Sheriff's Department Civil and Warrant Division at the aforementioned number.
10. A Default Judgment WILL NOT be issued automatically. You may request a Default Judgment eight (8) days after the date of service. The Defendant has seven (7) from the date of service to file answer to the action. This request is the responsibility of the Plaintiff and must be completed in writing to the Magistrate Court.
11. A money judgment can only be issued in a Dispossessory action provided the Defendant(s) was served by personal service or by notorious service. You CANNOT receive a money judgment on a TACK & MAIL service, unless an answer is filed by the Defendant or the Defendant appears in Court for the scheduled hearing.
12. If an answer is filed by the Defendant, the Court will schedule a date and time for the hearing of the action, at the soonest date possible.
13. If the Defendant pays you in full, please notify the Court in writing that said case has been satisfied and that you need the have the case dismissed.
14. Generally, the Court WILL NOT issue CONSENT JUDGMENTS in Dispossessory actions.
15. If the Defendant pays to the Court the amount due on the Dispossessory action (principal + court costs); we will hold these funds for fifteen (15) calendar days. At the end of this time period, a check in the amount due will be forwarded to you, usually by the following Friday.
16. If the Defendant FAILS to file an answer in the Dispossessory action with the Court, fails to pay you in full, or fails to move within the time allowed; then you can contact the Magistrate Court on the eighth (8th) day after service and request a Writ of Possession to be served to the Defendant(s) by the Walton County Sheriff's Department to regain possession of the premises in dispute. This request MUST be in writing by the Plaintiff, agent for the Plaintiff, or an attorney at law to the Magistrate Court. There is no fee to the Court for issuing a Writ of Possession under these circumstances. HOWEVER, you will be billed by the Walton County Sheriff's Department for SERVING THE WRIT. The cost of this service is regulated by the Walton County Sheriff's Department.
17. Once a Writ of Possession has been issued, if you have any questions regarding the writ or placing the Defendant(s) belongings out of the premises, please contact the Sheriff's Department Civil and Warrant Division at (770-267-2144).

Walton County Magistrate Court
303 South Hammond Drive, Suite 116
Monroe, Georgia 30655
770-267-1349
(Civil Division)