

**IN THE MAGISTRATE COURT OF COBB COUNTY**  
**STATE OF GEORGIA**  
32 Waddell Street, 3rd Floor  
Public Safety Building  
Marietta, Georgia 30090-9656

In order for your Petition to be processed immediately, please complete the following procedures before filing a **Foreclosure of Abandoned Motor Vehicle** in Cobb County:

- A. Prior to filing a Petition for Foreclosure of Abandoned Motor Vehicle:
1. Send proper notice to the Motor Vehicle Division of the Department of Revenue (DMV) requesting the name and address of all owners, lessors, lessees, security interest holders, and lienholders.
  2. Check the motor vehicle records of another state if you have reason to believe that the vehicle is registered or titled in such other state.
  3. Notify, all owners, lessors, lessees, security interest holders, and lienholders listed on the DMV printout and/or the records of another state by registered or certified mail of the location of the vehicle and the fact that it is deemed abandoned and shall be disposed of if not redeemed.
  4. If the identity of the owner cannot be ascertained, advertise in the Marietta Daily Journal once a week for two consecutive weeks.
  5. Make written demand for payment upon all ascertained owners, lessors, lessees, security interest holders, and lienholders. If, within ten (10) days of delivery of said demand, the ascertained persons fail to respond or refuse to pay, a Petition to Foreclose Abandoned Motor Vehicle may be filed.
- B. Upon filing your Petition to Foreclose, submit the following (**do not staple paperwork**):
1. A copy of the Georgia Motor Vehicle Services or Vehicle Title & Tag Information sheet (attached hereto as Exhibit 1).
  2. A copy of the advertisement, if applicable (See A3).
  3. A \$38.50 filing fee.
- C. Within thirty (30) days after the date of a public sale:
1. Submit a copy of the bill of sale, as provided to the purchaser, with the corresponding civil action case number.
  2. Submit all proceeds of the sale exceeding the amount of the lien stated in the order to the clerk of the court.

Your petition will be returned or dismissed if the above procedures are not followed correctly.

Thank you,

Magistrate Court

Tag No :  
Veh Dtls :  
VIN :  
Title No :  
Owner Dtls :

\* 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 \_\_\_\_\_ in writing of your request within 10 days. (County where the vehicle is located) \_\_\_\_\_.
  - 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

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(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 : \_\_\_\_\_  
Phone Number : \_\_\_\_\_  
\_\_\_\_\_

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

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

\_\_\_\_\_  
Plaintiff/Lien Claimant  
v.  
\_\_\_\_\_  
(Motor Vehicle)  
\_\_\_\_\_  
(Vehicle Identification Number)

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Civil Action No:

**AFFIDAVIT FOR FORECLOSURE OF  
LIEN AGAINST ABANDONED MOTOR  
VEHICLE**

**Personally appeared before the undersigned officer, duly authorized to administer oaths, \_\_\_\_\_, who, being duly sworn, and deposes and states as follows:**

1. I am over 18 years of age, competent to make this affidavit and do so based upon my personal knowledge. I make this affidavit in support of the claim by \_\_\_\_\_ (self and/or Company) for foreclosure upon the above-described motor vehicle.
2. The Plaintiff is in possession of the above-described motor vehicle. The vehicle was impounded at the request of [ ] private individual [ ] city officer/official [ ] county officer/official [ ] Georgia State Patrol.
3. 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
Vehicle Towed or date delivered to repair facility	N/A	
Owner information requested from law enforcement per O.C.G.A. 40-11-2(a)(b) (Not applicable to repair facility)	Within 3 business days of removal.	
First notice to all known owners per O.C.G.A. 40-11-2(d). (Vehicle to become abandoned if not redeemed within 30 days, And include summary of charges, including daily storage rate) OR If repair facility: state date vehicle received, or date agreed upon for pick up or date repairs completed.	Within 7 calendar datys of removal of vehicle. (unless Sat., Sun., or legal holiday), OR Within 1 business day after the information is furnished by law enforcement. OR after 30 days for repair facility only.	
MV-603. Notice of Abandoned Motor Vehicle and Request owner Information. Request Filed Within 7 Calendar Days Vehicle Became Abandoned 40-11-1(e);	Within 7 calendar days of the 30 day deadline from date vehicle removed.  Date Vehicle Became Abandoned  _____ (Date)	
Information Received from DMVS or Tax Commissioner	No deadline applicable	
Notice(s) to Known Owner By Certified or Registered Mail or statutory overnight delivery of vehicle location and the fact vehicle is deemed abandoned and shall be disposed of if not redeemed. 40-11-2(f)	Within 5 calendar days of receipt of DMV info, excluding Sat., Sun., & legal holidays.	

Demand must be by from prescribed by Dept. of Motor Vehicles.		
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4. This affidavit is filed with the court within one year from the recording of a lien on the vehicle with the Department of Motor Vehicle Safety, or within one year of retention of the vehicle from date vehicle removed/retained.
5. **IF THE OWNER IS UNKNOWN:** Attached hereto is a true and correct copy of the publication and/or notice that was published or posted in the Courthouse for the period of time as required by law.
6. Affiant deposes and states that the above described vehicle has not been redeemed at the time this affidavit was filed and affiant further has no knowledge of any request for hearing by any owner filed or pending in any court of competent jurisdiction.
7. Affiant further deposes and states that he/she has sent, via certified or registered mail, or otherwise authorized overnight delivery service, notice per OCGA 40-11-2 (f) to all known owners, at each address (or multiple addresses), and that this affidavit is being filed at least 10 days since the delivery of said notices. Affiant further deposes and states that attached hereto as Exhibit 1 is a true and correct copy of the Georgia Motor Vehicle Services, Vehicle Title & Tag Information sheet received, or the notice of Publication if there are no known owners.
8. WHEREFORE, Plaintiff makes the affidavit for the purpose of foreclosing the lien upon the above described vehicle and prays that execution issue for:

Removal/Impound Fee \$ \_\_\_\_\_

(no Accrued Storage Fee (repair costs) \$ \_\_\_\_\_ (\_\_\_\_\_ days @ \$ \_\_\_\_\_/day)

Administrative Fee \$ \_\_\_\_\_

Advertising & Notification Fee \$ \_\_\_\_\_

Court Costs \$ \_\_\_\_\_

**TOTAL \$ \_\_\_\_\_**

[ \_\_\_\_\_ ] Plaintiff [ ] Agent for Plaintiff

\_\_\_\_\_  
Signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.  
Address \_\_\_\_\_

Print name \_\_\_\_\_

\_\_\_\_\_  
Clerk of Court/Notary Public  
Phone: \_\_\_\_\_

\_\_\_\_\_  
Attorney Bar#, if applicable

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

IN RE: \_\_\_\_\_  
(Description of Vehicle)

CIVIL ACTION \_\_\_\_\_

**REQUEST FOR HEARING  
ABANDONED MOTOR VEHICLE**

I \_\_\_\_\_, hereby request the court to set a hearing to determine the facts and circumstances in the above stated case as stated in O.C.G.A. 40-11-5.

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
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\_\_\_\_\_  
one

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

IN RE:

\_\_\_\_\_  
(Description of Vehicle)

CIVIL ACTION \_\_\_\_\_

**NOTICE OF HEARING  
ABANDONED MOTOR VEHICLE**

A request having been made for a hearing on the facts in the above styled case;  
This case has been set for a hearing on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_ (a.m.) (p.m.), courtroom "H", 3<sup>rd</sup> floor of the Public Safety  
Building, Marietta, Georgia.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Magistrate Court

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

**IN RE:**

**Civil Action No:**

\_\_\_\_\_  
Year                      Make and Model                      VIN Number

**ORDER TO FORECLOSE  
ABANDONED MOTOR VEHICLE**

\_\_\_\_\_, doing business at \_\_\_\_\_  
\_\_\_\_\_, having filed the affidavit required by law showing such facts as necessary to constitute a lien on the above-referenced abandoned motor vehicle, which was removed from public or private property at \_\_\_\_\_, at the request of \_\_\_\_\_, with \_\_\_\_\_, who is not the vehicle owner, and the Court having found that the Petitioner has complied with all notices and other requirements of O.C.G.A. Chapter 40-11, as amended, and that no petition or hearing has been filed by the owner within ten (10) days following delivery of notice of said affidavit;

**THEREFORE**, the Court finds that a valid lien in the amount of \$\_\_\_\_\_ exists.

Foreclosure thereof is hereby authorized through public sale, as defined by O.C.G.A. Section 11-1-201, in order that Petitioner may recover said lien amount, as provided by law "Said vehicle

shall be sold free and clear of any and all liens and encumbrances in order that Petitioner may recover the said lien amount". The person selling said vehicle shall, not later than thirty (30) days after the date of such sale, provide a copy of the bill of sale as provided to the purchaser and

the remaining proceeds of such sale, if any, to the Clerk of the Cobb County Magistrate Court.

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge, Magistrate Court of Cobb County

**DMV – ATLANTA**

**(404) 362-6500**