

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

32 Waddell Street, 3rd Floor
Public Safety Building
Marietta, GA 30090-9656

In order for your Petition to be processed immediately, please complete the following procedures before filing a **Mechanic's Lien** in Cobb County.

A. Prior to filing a Petition for a Mechanic's Lien you must comply with the procedures listed below:

1. Request a DMV printout from the Department of Motor Vehicle.
2. Notify all lien holders, owners and applicants on the DMV printout by certified mail.
3. Notify party who brought car in for repairs, if that person is listed on DMV printout.
4. Advertise in the Marietta Daily Journal as required by statute if the DMV printout shows no known owner, lien holder or applicant.

B. Upon filing your Petition to foreclose (**do not staple paperwork**), please provide the following:

1. One original Mechanic's Lien and a copy for each for the owner, lien holder, etc;
2. Certified envelopes addressed to all persons listed on the DMV printout, which have an equitable interest in the vehicle along **with appropriate postage** of \$5.54 per envelope. Return address should be that of Magistrate Court.
3. A copy of the **ORIGINAL INVOICE** for repairs.
4. A copy of the DMV printout must be submitted when filing your Petition.
5. Copy of certified mail green card or front of envelope (See A2) or the advertisement (See A4) when applicable.
6. A \$48.50 filing fee.

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

Thank you,
Magistrate Court

REVISED 15AUG08

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

Civil Action _____

MECHANICS' LIEN

Personally appeared _____, who, on oath, says that he is a mechanic, that as such mechanic he was recently employed by _____

_____ of said county, to work and labor and to furnish material in repairing: _____, at the following rate of \$ _____ and that he, _____ did said work and labor and furnished said material on the said property according to the contract amount \$ _____, administrative fees \$ _____ and court costs \$ _____ for an earned total sum of \$ _____.

That said amount is due and unpaid and he, _____ has demanded payment of said debtor after it became due and it was refused. That the name and address of the owner and all lienholders having an interest in said vehicle are as follows:

Name Address (Owner, Lienhld. Etc.)

Name Address (Owner, Lienhld. Etc.)

Name Address (Owner, Lienhld. Etc.)

WHEREFORE, affiant, being possession of or having filed his claim of lien as required by law on said property now comes, within one year after said debt became due, and makes this affidavit for the purpose of foreclosing his lien upon said property and prays that execution issue for said sum with legal interest and all cost of this suit.

Sworn to and subscribed before me Affiant (Agent-Attorney)

This _____ day of _____, 20_____. Name of Company
Address _____
_____ City State Zip

Notary/Deputy Clerk _____
Telephone _____

NOTICE

In accordance with Georgia Law, O.C.G.A. 40-3-54, you are hereby notified that _____, has filed a petition to foreclose on a mechanics' lien in which you are listed as either the owner, lessor, lessee, security interest holder or lienholder. You have five (5) days from receipt of this notice to file in writing with the Clerk of Magistrate Court located at 32 Waddell Street, 3rd floor, Public Safety Building, Marietta, Georgia 30090-9656, a request for a Probable Cause Hearing. A Probable Cause Hearing Form may be obtained in the clerks office. If you fail to request a Probable Cause Hearing within the time allowed the lien will be deemed a valid one and foreclosure thereof allowed.

IN THE MAGISTRATE COURT OF COBB COUNTY
STATE OF GEORGIA

IN RE:

_____ Civil Action _____

(MAKE OF VEHICLE)

VIN # _____

ORDER

The petitioner, _____, in the above styled case having filed a petition to foreclose a mechanic lien in accordance with O.C.G.A. 40-3-54 and it appearing that the petitioner has complied with the conditions for foreclosure of the above stated vehicle. It further appears that notice was served by the clerk and the owner-debtor has not filed a response contesting the validity of the amount claimed within the time allowed by law.

Therefore, the court finds that a valid lien in the amount of \$ _____ exists.

Foreclosure therefore is hereby authorized through public sale, free and clear of any and all liens and encumbrances in order that petitioner may recover the said lien amount, as provided by law.

SO ORDERED, this _____ day of _____, 20 _____.

Judge, Magistrate Court
Cobb Judicial Circuit

REVISED 11JULY05

DMV – ATLANTA

(404) 362-6500