

**MAGISTRATE COURT OF CHEROKEE COUNTY**

**The Honorable Jack Goodwin, III, Chief Magistrate**

90 North Street, Suite 150

Canton, GA 30114

678-493-6431

DO NOT WRITE IN THIS SPACE

CASE NO. \_\_\_\_\_

Plaintiff: Name/Street address/City/State/Zip Code

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

vs.

Defendant: Name/Street address/City/State/Zip Code

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PETITION FOR WRIT OF POSSESSION**

Personally appeared the undersigned affiant who on oath says that he is the:

\_\_\_\_owner \_\_\_\_attorney at law, \_\_\_\_agent for the Plaintiff herein, and that Defendant is in possession as tenant of the premises as the address as stated above, in Cherokee County, the property of said Plaintiff. FURTHER: (Mark all that apply with an "X"):

- \_\_\_\_\_ that tenant fails to pay the rent which is now past due;
- \_\_\_\_\_ that tenant holds the premises over and beyond the term for which they were rented or leased to him;
- \_\_\_\_\_ that tenant is a tenant at sufferance;
- \_\_\_\_\_ that Plaintiff is entitled to recover any and all rent that may come due until this action is finally concluded.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plaintiff desires and has demanded possession of the premises and Defendant has failed and refused to deliver said possession. WHEREFORE, Plaintiff demands: (Mark all that apply with an "X"):

- \_\_\_\_\_ possession of premises;
- \_\_\_\_\_ past due rent of \$ \_\_\_\_\_;
- \_\_\_\_\_ rent accruing up to the date of judgment or vacancy at the rate of \$ \_\_\_\_\_ per day.

Sworn and subscribed before me,

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

\_\_\_\_\_  
(Plaintiff or Agent for Plaintiff)

\_\_\_\_\_  
Notary Public or Attesting Official

\_\_\_\_\_  
(If agent, title/capacity)

**NOTICE AND SUMMONS**

To the Defendant:

You are commanded and required to file and answer to said affidavit in writing at the Magistrate Court of Cherokee County (at the address shown above) on or before the 7<sup>th</sup> day after the date of service of this affidavit and summons. If such answer is not made, a writ of possession and/or a judgment shall issue as provided by law. Witness the Honorable Jack Goodwin, III, of said court.

\_\_\_\_\_  
Deputy Clerk, Magistrate Court of Cherokee County