

# MAGISTRATE COURT OF MITCHELL COUNTY

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Judge Randall E. Chew

Chief Magistrate

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Judge E. P. "Bubba" Lamb

Magistrate

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## INSTRUCTIONS FOR PLAINTIFF IN CASE OF DISPOSSESSORY

Once the appropriate paperwork has been completed, the dispossessory will be given to the Sheriff's Department for service upon the Defendant (tenant).

The Defendant will have (7) days from the date of service to:

1. get in touch with you to settle the rent arrearage;
2. vacate (move from) the property;
3. file an answer contesting the dispossessory.

You, as landlord, would know if your tenant has paid the rent or vacated the premises.

If defendant has failed to respond, you can contact the court to find out if defendant has contested the dispossessory; if not, you may proceed with the writ process. If he has contested, you will be notified by mail as to the date and time of your hearing.

If at any time following the filing of the dispossessory procedure you accept any money (partial or in full) from the tenant, this will void this action and it will be necessary for you to file another dispossessory.

However, if this is the 1<sup>st</sup> dispossessory you have filed against this tenant within the preceding 12-month period and defendant is able to his rent in full plus court cost, Georgia law states that you shall accept the rent. If you still wish him to vacate the property after catching up the rent, then it would be necessary for you to give him a 60-day notice.

If you have a question as to whether to accept the rent after the dispossessory is filed, please feel free to contact the court.

PLEASE be sure that the property is identifiable by a house number on the house so as not to delay service of the dispossessory.

In cases where there is a duplex or several apartments or trailer, please have the apartment or trailer identified by a letter or number to insure that the correct party will be served.