

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

Plaintiff
vs. _____
Respondent (Person/Company Holding Vehicle)

(Motor Vehicle)

(Vehicle Identification Number)

(Tag Number)

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Civil Action File No: _____

**PETITION FOR HEARING
CONCERNING ABANDONED MOTOR
VEHICLE**

Comes Now, the undersigned, the petitioner, the [] owner; [] lienholder; of the vehicles and submits this petition as follows:

Respondent served an abandoned motor vehicle lien demand upon the Petitioner on the ____ day of _____, 20__.

[] A copy of that demand is hereto attached as Exhibit A, and incorporated by reference herein. (See O.C.G.A. 40-11-5(5))

The Respondent is a resident of Fulton County, Georgia. Respondent can be served with this petition at:

Name of Respondent: _____
Address: _____
City, State & Zip Code: _____

Petitioner is filing this petition [] on, or before the 10th day from the date of service of the Respondent's lien claim, or on the first business day thereafter if the 10th day falls on a Saturday, Sunday or legal holiday; [] more than ten days have elapsed since the service of the petition upon petitioner.

Petitioner contests the foreclosure of lien against the above listed motor vehicle based upon the following:

- [] The initial notice to a local law enforcement agency was not made within three (3) business days of removal of vehicle; O.C.G.A. 40-11-2(A)(B)
- [] The first notice to all last known registered owner(s) and/or lienholder(s), was not sent within the foregoing time periods, whichever is later: [] within seven (7) calendar days of date vehicle removed; [] within one (1) business day after the information was furnished to respondent by law enforcement; O.C.G.A. 40-11-2(D).
- [] The later date described above, ended on a Saturday, Sunday or legal holiday, and the required notice was not sent on the next business day thereafter; O.C.G.A. 40-11-2(D)
- [] MV-603, Notice of Abandoned Motor Vehicle & Request for Information was not sent to either the Dept. of Motor Vehicles, or the county tax commissioner in the county where respondent's place of business is located, within seven (7) calendar days AFTER the vehicle was considered abandoned, which is within thirty (30) days after vehicle removal; O.C.G.A. 40-11-2(E).
- [] This action was filed earlier than thirty days from the date the vehicle was removed.

- Second notice for demand for payment was not made by certified mail, registered mail, or statutory overnight delivery, to the last known owner(s) lienholder(s) of record within five (5) calendar days of receipt of information from the Dept. of Motor Vehicles or the county tax commissioner;
- This action was filed more than one year from date lien recorded or vehicle retained.
- The underlying action was based upon repairs to the vehicle. Plaintiff is attempting to recover the cost of repairs, over and above the storage fees.
- Petitioner contends that the actions of the Respondent in asserting Respondent=s lien against the vehicle was not taken in good faith. These actions were as follows:

Petitioner claims that petitioner should be awarded damages in the amount of \$_____.

- Other: (Attach additional sheets, as necessary.) _____
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I hereby request that this Court schedule a hearing to determine:

- the validity of the lien;
- the validity of the amount of lien, if any;
- the proper person to have and retain possession of the vehicle;
- to determine an award for damages because the lien against the vehicle was not taken in good faith;

And for all other matters connected with the filing of this petition as the court deems just and proper.

Date	Signature
Address	Name of Petitioner/ Attorney of Petitioner
City, State & Zip	Day Tel. Number:

CLERK'S CERTIFICATE OF SERVICE IS ON PAGE 3

Clerk' s Certificate of Service

I certify that I hereby certify that I have mailed a copy of this pleading to the Respondent at the above-listed address by my depositing it in the U.S. mail in a properly addressed envelope with adequate postage thereon.

This ____ day of _____, 20_____.

Deputy Clerk