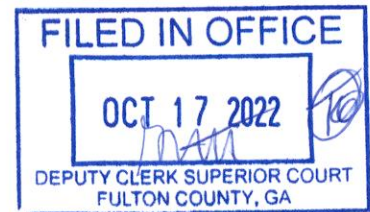


**IN THE MAGISTRATE COURT OF FULTON COUNTY  
STATE OF GEORGIA**

2022-EX-001310

IN RE:  
Abandoned Motor Vehicle  
  
Internal Operating Policy and  
Procedure 2022 - 101722

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**SUPPLEMENTAL STANDING ORDER ON  
ABANDONED MOTOR VEHICLES**

Pursuant to Uniform Rules of Magistrate Court Rule 1.2(C), the Court ORDERS that the following standing order and internal operating procedures shall apply to any Abandoned Motor Vehicle Foreclosure Petition filed on or after October 31, 2022.

The Servicemembers Civil Relief Act ("SCRA"), 50 U.S.C. § 3931 applies to any civil action or proceeding in which the defendant does not make an appearance. SCRA requires that, prior to entering judgment for the plaintiff, the plaintiff file an affidavit stating:

- 1) Whether or not the defendant is in military or;
- 2) That the plaintiff is unable to determine whether or not the defendant is in military.

The Court ORDERS that any Plaintiff wishing to obtain an Abandoned Motor Vehicle Foreclosure Order against any defendant shall file the Military Affidavit with the Foreclosure Petition, as required by Uniform Magistrate Court Rule 43.1 and the Servicemembers Civil Relief Act, 50 U.S.C. § 3931. No foreclosure petition shall be granted without the filing of a Military Affidavit.

THE COURT FURTHER ORDERS that, for Foreclosure Petitions currently pending before the Court where no Order has been issued, Plaintiffs shall have thirty (30) days from the effective date of this Order to file a Military Affidavit. Thereafter, if the Military Affidavit is not filed with the Petition, the Petition will be denied, and the Petitioner will have ten (10) days to cure the defect pursuant to the Standing Order on

Abandoned Motor Vehicles dated October 11, 2021. Failure to follow statutory requirements will result in dismissal and no storage fees will be awarded.

If the Military Affidavit shows that the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days upon application of counsel, or on the court's own motion, if the court determines that:

- 1) There may be a defense to the action and a defense cannot be presented without the presence of the defendant; or
- 2) After due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

**WHEREFORE**, in consideration of the judicial administration, resources of the Court, and in the interest of the parties and general public to move cases to conclusion expeditiously and with the intent to provide due process to all parties, it is evident to the Court that the orderly conduct of its business requires the establishment of an automatic Standing Order to clarify and address recurring issues with Abandoned Motor Vehicle cases.

**IT IS THEREFORE ORDERED** that any Abandoned Motor Vehicle Petition filed shall comply fully with this order, consistent with the requirement of Uniform Magistrate Court Rule and the Servicemembers Civil Relief Act pertaining civil cases and specifically, Abandoned Motor Vehicle cases.

**SO ORDERED** this \_\_17\_\_ day of October, 2022.

  
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CASSANDRA KIRK, CHIEF MAGISTRATE JUDGE  
Magistrate Court of Fulton County