

IN THE MAGISTRATE COURT OF TOOMBS COUNTY  
STATE OF GEORGIA

Affidavit in Proof of Claim

PLAINTIFF \_\_\_\_\_  
V. \_\_\_\_\_  
Defendant

CASE # \_\_\_\_\_

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, came \_\_\_\_\_ and states on oath, the following facts to wit:

1. The undersigned affiant is of sound mind and of the age of majority, and the matters stated herein are within affiant's personal knowledge.
2. Affiant has been continuously employed with Plaintiff since \_\_\_\_\_.
3. Affiant's job title with Plaintiff is \_\_\_\_\_.
4. Plaintiff has a routine practice concerning the preparation of customer's statement(s) of account and affiant is familiar with these routine practices.
5.
  - a. Attached to this affidavit and marked Plaintiff's Exhibit #1 is Defendant's statement(s) of account, which was prepared and maintained in accordance with Plaintiff's routine business practices.
  - b. Attached to this affidavit and marked Plaintiff's Exhibit #2 contract, promissory note, other documents signed by Defendant concerning Plaintiff's claim, all of which were prepared and maintained in accordance with Plaintiff's routine business practices.
6. Based on affiant's review of Defendant's statement(s) of account (attached as Exhibit #1), Defendant owes Plaintiff \$ \_\_\_\_\_ as principal (excluding cost, late payment charges, interest and attorney fees).
7. Plaintiff has made written demand on Defendant to pay the above stated amount of unpaid principal and Defendant has repeatedly failed to pay the sum demanded. The most recent statement for payment on this account was mailed to defendant on \_\_\_\_\_ date.
8. Defendant agreed in writing to pay interest/delinquent charges at the rate of \_\_\_\_\_ per month.
9. Collateral and/or merchandise was recovered/repossessed by Plaintiff \_\_\_\_\_ yes, \_\_\_\_\_ no. Attached is Plaintiff's written explanation of the disposition of such recovered/repossessed property.
10. The Service members Civil Relief Act (50 U.S.C. App. 521) does not apply to this action because the defendant to this action is not in the military service of the United States, and the defendant was not in the military service of the United States at the time of the filing of this action or at the time of service of process on the Defendant(s).
11. Defendant has not filed a bankruptcy action and no automatic stay has been granted to defendant (debtor) under the United States Bankruptcy Code.

Affiant does solemnly declare and affirm under the penalties of perjury that the contents of this Affidavit herein are true and Affiant is competent to testify to these matters.

**Affiant does solemnly declare and affirm under the penalties of perjury that the contents of this Affidavit herein are true and Affiant is competent to testify to these matters.**

**Sworn to and subscribed**

Before me this \_\_\_\_\_

Day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_