

Abandonment of Motor Vehicle Packet Effective 9-1-19

Current Law

40-11-11. Short title.

The article shall be known and may be cited as the "Abandoned Motor Vehicle Act."

(Code 1981, § 40-11-11, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-12. Legislative intent.

The intent of the General Assembly is to provide a comprehensive and streamlined process for businesses removing motor vehicles from public rights of way and private or public property to recover the costs associated with this work while balancing the rights of a motor vehicle owner, when a motor vehicle has been abandoned or unclaimed. Businesses removing motor vehicles from public rights of way and private property without the consent of an owner are regulated by the Department of Public Safety pursuant to Code Section 44-1-13 and, as such, the recoverable fees for these businesses are limited. When executed at the request of law enforcement, these businesses perform an essential public function of keeping highways in this state free from obstructions that could cause a threat to public health or safety or cause traffic congestion. As a result of licensure, these businesses often incur great costs in performing this service but are unable to recover the full amounts expended. The intent of the General Assembly is to allow such businesses to continue to remove abandoned vehicles at the request of law enforcement and private property owners, by providing a method for obtaining excess funds from the sale of abandoned and unclaimed vehicles and applying those funds as reimbursements for unrecovered expenses of such businesses, which will allow them to remain viable and to minimize any financial loss in performing this important public safety function.

(Code 1981, § 40-11-12, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-13. Definitions.

As used in this article, the term:

(1) "Day" means a business day unless otherwise stated and shall not include Saturdays,

Sundays, and legal holidays recognized by the state.

(2) "Department" means the Department of Revenue or any entity that has an agreement with such department to serve as an authorized entity to access information relating to motor vehicle ownership and disseminate such information upon request and which is identified as such an authorized entity on the website of the Department of Revenue.

(3) "Motor vehicle" means every trailer and vehicle which is self-propelled.

(4) "Owner" means any secured interest holder with a current interest in a motor vehicle and person listed on the registration of a motor vehicle found in the records of the department or in the records of the state where the vehicle is registered.

(5) "Paid private parking lot" means private property where the owner or operator of a motor vehicle pays a valuable consideration for the right to park in such location.

(6) "Repair facility" means any person maintaining physical custody of a motor vehicle for repairs that have been requested or authorized by an owner or by an insurance company acting on behalf of an owner.

(7) "Salvage dealer" means any person taking possession of a motor vehicle from or upon request from an insurance company which is damaged to the extent that its restoration to an operable condition would require the replacement of two or more major component parts or for which the insurance company has paid a total loss claim and has been unable to obtain a certificate of title.

(8) "Secured interest holder" means a secured party within the meaning of Code Section 11-9-102 or a person with a perfected encumbrance pertaining to an interest in a motor vehicle.

(9) "Towing and storage firm" means any person regulated by the Department of Public Safety and in compliance with requirements set forth in Code Section 44-1-13 who removes a motor vehicle from private or public property with or without the consent of the motor vehicle owner or authorized user and provides storage for such motor vehicle after removal.

(10) "Trailer" means a vehicle with or without motive power designed to be drawn by a motor vehicle; provided, however, that such term shall not include a mobile home as such term is set forth in Code Section 8-2-160 unless such vehicle was left unattended on public property and its removal was requested by a peace officer.

(Code 1981, § 40-11-13, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-14. Unattended vehicle checks; completion and attachment of check card; determination if vehicle stolen.

(a) Any peace officer, or any entity authorized by such peace officer or the Department of Public Safety, who discovers a motor vehicle which has been left unattended on a highway or other public property shall immediately perform an unattended vehicle check on such motor vehicle, unless an unattended vehicle check card is displayed on such motor vehicle, indicating that an unattended vehicle check has been previously performed. For purposes of this Code section, an unattended vehicle check shall consist of such actions as are reasonably necessary to determine that the unattended vehicle does not contain an injured or incapacitated person and to determine that the unattended vehicle does not pose a threat to public health or safety or traffic congestion.

(b) A peace officer, or any entity authorized by such peace officer or the Department of Public Safety, who completes an unattended motor vehicle check shall attach the completed check card to the vehicle. Unattended vehicle check cards shall be in such form and shall be attached to vehicles in such manner as may be specified by rule or regulation of the Department of Public Safety. Unattended vehicle check cards shall be serially numbered; shall be of a distinctive color and shape, so as to be readily visible to passing motorists; and shall contain spaces for the investigating individual to set forth the location of the vehicle, the date and time of the completion of the unattended vehicle check, and the name of his or her law enforcement or other authorized agency. Detachable stubs shall be included upon such unattended vehicle check cards and shall bear the same serial number and provide for the same information as the portion of the unattended vehicle check card to be left on the vehicle, shall include a space to identify the investigating individual, and shall include a space for the officer to set forth the license plate number and other pertinent identifying information relating to the unattended vehicle. Completed detachable stubs shall be filed with the investigating individual's law enforcement or other authorized agency. The Department of Public Safety may provide unattended vehicle check cards free of charge if sufficient funds for such purpose are available to the Department of Public Safety.

(c) It shall be unlawful for any person other than a peace officer or any entity authorized by such peace officer or the Department of Public Safety, to attach any type of unattended motor vehicle check card to a motor vehicle. Any person convicted of violating this subsection shall be guilty of a misdemeanor.

(d) Within 24 hours of completing an unattended vehicle check or discovering an unattended motor vehicle with an unattended motor vehicle card attached to such vehicle by an authorized individual who is not a peace officer, a peace officer shall query the criminal justice information system to determine if the unattended motor vehicle has been entered into the criminal justice information system as a stolen vehicle. If an unattended vehicle has been reported as stolen, the peace officer shall place a phone call to the law enforcement agency that filed such report,

providing the location of the motor vehicle. The law enforcement agency receiving such phone call shall notify the owner of the vehicle of the location of the motor vehicle.

(e) Failure of a peace officer to comply with any provision of this Code section shall not limit the remedies available to any person pursuant to this article.

(Code 1981, § 40-11-14, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-15. Removal of vehicle; liability; duty of towing and storage firm when removal at request of law enforcement.

(a) Any peace officer who finds a motor vehicle which has been left unattended on a highway for more than five days, as evidenced by the date on an unattended vehicle check card, may cause such motor vehicle to be removed to a garage or other place of safety.

(b) Any peace officer who finds a motor vehicle which has been left unattended on a highway and which poses an immediate threat to public health or safety or traffic congestion, may cause such motor vehicle to be removed to a garage or other place of safety. Within 24 hours of causing an unattended motor vehicle to be removed pursuant to this subsection, the peace officer shall query the criminal justice information system to determine if the unattended motor vehicle has been entered into the criminal justice information system as a stolen vehicle. If a removed vehicle has been reported as stolen, the peace officer shall place a phone call to the law enforcement agency that filed such report, providing the name and address of the towing and storage firm that removed the motor vehicle. The law enforcement agency receiving such phone call shall notify the owner of the vehicle of the location of the motor vehicle.

(c) Any peace officer who causes an unattended motor vehicle to be removed pursuant to this Code section shall be liable only for gross negligence.

(d) A towing and storage firm that has removed an unattended motor vehicle from public property at the request of a peace officer shall, within three days of the removal, request from the department the identification and addresses of all owners of such vehicle contained in the records of the department; provided, however, that if such vehicle has an out-of-state license plate, such request shall be made to the state where the vehicle is registered or to an entity with access to such state's vehicle registration information. The department shall furnish the requested owner information no later than five days from the date the request was received. The department may charge a fee of no more than \$2.00 for such owner information. For purposes of this subsection, an unattended motor vehicle shall include a motor vehicle required to be moved due to arrest of the vehicle's operator or any direction of a peace officer.

(e) Failure of a peace officer to comply with any provision of this Code section shall not limit the remedies available to any person pursuant to this article.

(Code 1981, § 40-11-15, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-16. Duty of towing and storage firm when removal at request of property owners; obligations of repair facility or salvage dealer in possession of vehicle.

(a) (1) Any towing and storage firm which has removed an unattended motor vehicle from private property at the request of the property owner shall, within three days of the removal, request from the department the identification and addresses of all owners of such vehicle contained in the records of the department; provided, however, that if such vehicle has an out-of-state license plate, such request shall be made to the state where the vehicle is registered or to an entity with access to such state's vehicle registration information. The department shall furnish the requested owner information no later than five days from the date the request was received. The department may charge a fee of no more than \$2.00 for such owner information.

(2) The towing and storage firm shall submit notification of the removal by hand delivery, electronic transmission, or telephonic facsimile transmission to the law enforcement agency with jurisdiction over the location from where the motor vehicle was removed no later than one day after submission of the request to the department. Within 24 hours of receipt of the copy of the request described in subsection (a) of this Code section, the local law enforcement agency shall query the criminal justice information system to determine if such motor vehicle has been entered into the criminal justice information system as a stolen vehicle. If such vehicle has been reported as stolen, the local law enforcement agency shall place a phone call to the law enforcement agency that filed such report, providing the name and address of the towing and storage firm who submitted a copy of the request described in subsection (a) of this Code section. The law enforcement agency receiving such phone call shall notify the owner of the vehicle of the location of the vehicle and contact information for the towing and storage firm and shall inform the towing and storage firm that the vehicle has been reported as stolen.

(3) Failure of a peace officer to comply with any provision of this subsection shall not limit the remedies available to any person pursuant to this article.

(b) (1) Any repair facility or salvage dealer which has been in possession of a motor vehicle for at least 15 days without communication from an owner or insurance company and which desires to file a petition pursuant to Code Section 40-11-19.1, shall request from the department the identification and addresses of all owners of such vehicle contained in the records of the

department; provided, however, that if such vehicle has an out-of-state license plate, such request shall be made to the state where the vehicle is registered or to an entity with access to such state's vehicle registration information. For purposes of this paragraph, the term "communication" includes any form of communication which can be verifiably documented.

(2) The department shall furnish the requested owner information no later than five days from the date the request was received. The department may charge a fee of no more than \$2.00 for such owner information.

(Code 1981, § 40-11-16, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-17. Removal from private parking lot; fees; penalty.

(a) It shall be unlawful for any person to remove, tow, or immobilize or cause to be removed, towed, or immobilized a motor vehicle left in a paid private parking lot between midnight and 9 A.M. of the following day. Nothing in this Code section shall prohibit the owner or operator of a paid private parking lot from charging a penalty for vehicles which remain in a paid private parking lot during such period without authorization. Such penalty shall not exceed \$25.00 in excess of normal parking fees. No owner or operator of a paid private parking lot shall be liable for any damages to any motor vehicle remaining in a paid private parking lot during such period without authorization. Nothing in this Code section shall prohibit a resident or a business owner who is not an owner or operator of a paid private parking lot from towing, removing, immobilizing, or causing to be towed, removed, or immobilized a motor vehicle left without authorization on private property.

(b) Any person violating the provisions of subsection (a) of this Code section shall be guilty of a misdemeanor.

(Code 1981, § 40-11-17, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-18. Retrieval of personal property.

(a) A towing and storage firm, repair facility, or salvage dealer shall allow an owner of a vehicle to retrieve any personal property within a stored vehicle for up to 30 days from the date which notice was sent pursuant to Code Section 40-11-19.

(b) Any personal property left in a vehicle after 30 days from the date which notice was sent pursuant to Code Section 40-11-19 shall be considered abandoned.

(c) For purposes of this code section, the term "personal property" shall not include any items attached or affixed to the motor vehicle.

(Code 1981, § 40-11-18, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-19. Notification letter to owners; advertisement; lien upon vehicle; recoverable fees; form disclaiming ownership; demand letter.

(a) (1) Within 15 calendar days of removal or initial storage of a motor vehicle, a towing and storage firm shall send all owners the notification letter form developed by the Council of Magistrate Court Judges for such purpose. Such notification shall be by certified mail or by hand delivery with acknowledgment of such receipt by signature of the owner and a copy of such owner's driver's license. Such notification letter shall include, at a minimum:

(A) The location of the vehicle;

(B) The fees connected with the removal of the vehicle, which shall be the maximum allowable charge for the removal of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs or the rate specified pursuant to an agreement with a local governing authority, except when otherwise exempted or provided for by federal law, rule, or regulation;

(C) The daily fees for storage of the vehicle, which shall be the maximum allowable daily rate for the storage of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs or the rate specified pursuant to an agreement with a local governing authority;

(D) A statement informing the recipient that daily fees will accrue until full payment has been made;

(E) A statement informing the recipient that the fees which are recoverable by a towing and storage firm include costs for obtaining the owner's information and notifying the owner, court filing costs, attorney's fees, and interest;

(F) A statement informing the recipient that the towing and storage firm has the right to petition a court to foreclose a lien for all amounts owed after ten calendar days from the date such notice is sent;

(G) A statement informing the recipient that a court may order the sale of the vehicle to satisfy the debt; and

(H) A form to disclaim ownership interest in the motor vehicle by oath or affirmation as set forth in Code Section 40-11-19.5.

(2) If the identity of the owners cannot be ascertained by the department or the department fails to timely furnish the owner information requested pursuant to Code Section 40-11-15 or 40-11-16, the towing and storage firm shall, within 60 days of such removal, place an advertisement in a newspaper of general circulation or the legal organ in the county where such vehicle was obtained. Any advertisement required by this paragraph shall run in the newspaper once a week for two consecutive weeks. The advertisement shall be in the form provided by the Council of Magistrate Court Judges for such purpose. Such advertisement form shall include a space for describing the motor vehicle's year, make, model, and manufacturer's vehicle identification number, the present location of such vehicle, the fact that such vehicle is subject to a lien which can be foreclosed upon, and the fact that such vehicle may be ordered sold to satisfy such lien.

(3) If the identity of an owner which was previously not ascertained becomes known while an advertisement is run pursuant to paragraph (2) of this subsection, the towing and storage firm shall send a notification letter pursuant to the same requirements set forth in paragraph (1) of this subsection within ten days of obtaining such information.

(b) (1) When a motor vehicle has been left with a repair facility for at least 15 days, and no later than 180 days, without payment of amounts owed, the repair facility desiring to file a petition pursuant to Code Section 40-11-19.1 shall send all owners by certified mail the notification letter form developed by the Council of Magistrate Court Judges for such purpose. Such notification letter shall include, at a minimum:

(A) The location of the vehicle;

(B) The fees owed for the repair of the vehicle;

(C) The daily fees for storage of the vehicle after completion of the repairs, which shall be the maximum allowable daily rate for the storage of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs;

(D) A statement informing the recipient that daily fees will accrue until full payment has been made;

(E) A statement informing the recipient that the fees which are recoverable by the repair facility include costs for obtaining the owner's information and notifying the owner, court filing costs, attorney's fees, and interest;

(F) A statement informing the recipient that the repair facility has the right to petition a court to foreclose a lien for all amounts owed in ten calendar days;

(G) A statement informing the recipient that a court may order the sale of the vehicle to satisfy the debt; and

(H) A form to disclaim ownership interest in the motor vehicle by oath or affirmation as set forth in Code Section 40-11-19.5.

(2) If the department fails to timely furnish the information regarding additional owners requested pursuant to Code Section 40-11-16, the repair facility shall, within 60 days of such failure, place an advertisement in a newspaper of general circulation or the legal organ in the county where the repair facility is located. Any advertisement required by this paragraph shall run in the newspaper once a week for two consecutive weeks. The advertisement shall be in the form provided by the Council of Magistrate Court Judges for such purpose. Such advertisement form shall include, at a minimum, a space for describing the motor vehicle, its license and manufacturer's vehicle identification numbers, the name of the person who left the vehicle with the repair facility, the present location of such vehicle, any information available relating to an owner, the fact that such vehicle is subject to a lien which can be foreclosed upon, and the fact that such vehicle may be ordered sold to satisfy such lien.

(3) If the identity of an owner which was previously not ascertained becomes known while an advertisement is run pursuant to paragraph (2) of this subsection, the repair facility shall send a notification letter pursuant to the same requirements set forth in paragraph (1) of this subsection within ten days of obtaining such information.

(c) (1) When a motor vehicle has been left with a salvage dealer for at least 15 days, and no later than 60 days, after determination by an insurance company to deny the owner's claim has been communicated to the salvage dealer, the salvage dealer desiring to file a petition to foreclose a lien pursuant to Code Section 40-11-19.1 shall send all owners by certified mail, the notification letter form developed by the Council of Magistrate Court Judges for such purpose. Such notification letter shall include, at a minimum:

(A) The location of the vehicle;

(B) The daily fees for storage of the vehicle, which shall be the maximum allowable daily rate for the storage of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs;

(C) A statement informing the recipient that daily fees will accrue until full payment has been made;

(D) A statement informing the recipient that the fees which are recoverable by the salvage

dealer include costs for obtaining the owner's information and notifying the owner, court filing costs, attorney's fees, and interest;

(E) A statement informing the recipient that the salvage dealer has the right to petition a court to foreclose a lien for all amounts owed in ten calendar days;

(F) A statement informing the recipient that a court may order the sale of the vehicle to satisfy the debt; and

(G) A form to disclaim ownership interest in the motor vehicle by oath or affirmation as set forth in Code Section 40-11-19.5.

(2) If the department fails to timely furnish the information regarding additional owners requested pursuant to Code Section 40-11-16, the salvage dealer shall, within 60 days of the last communication described in paragraph (1) of this subsection, place an advertisement in a newspaper of general circulation or the legal organ in the county where the salvage dealer is located. Any advertisement required by this paragraph shall run in the newspaper once a week for two consecutive weeks. The advertisement shall be in the form provided by the Council of Magistrate Court Judges for such purpose. Such advertisement form shall include, at a minimum, a space for describing the motor vehicle, its license and manufacturer's vehicle identification numbers, the name of the insurance company from which the vehicle was obtained or which requested the vehicle removal, the present location of such vehicle, any information available relating to an owner, the fact that such vehicle is subject to a lien which can be foreclosed upon, and the fact that such vehicle may be ordered sold to satisfy such lien.

(3) If the identity of an owner which was previously not ascertained becomes known while an advertisement is run pursuant to paragraph (2) of this subsection, the salvage dealer shall send a notification letter pursuant to the same requirements set forth in paragraph (1) of this subsection within ten days of obtaining such information.

(d) Any towing and storage firm, repair facility, or salvage dealer shall have a lien on a motor vehicle located on its property in the amount of any unpaid and incurred fees upon compliance with the notice requirements of this Code section. Fees that have actually been incurred by any towing and storage firm, repair facility, or salvage dealer and which are documented to the court are recoverable under such lien and shall be limited to the following:

(1) (A) For a towing and storage firm, the rate specified pursuant to an agreement with a local governing authority if the removal was upon the request of a peace officer, or the maximum allowable charge for the removal of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs if the removal was not upon the request of a peace officer, except when otherwise exempted or provided for by federal law, rule, or regulation; or

(B) For a repair facility or salvage dealer, the maximum allowable charge for the removal of

the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs;

(2) (A) For a towing and storage firm, the daily storage rate specified pursuant to an agreement with a local governing authority if the removal was upon the request of a peace officer, or the maximum allowable daily rate for storage of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs if the removal was not upon the request of a peace officer, multiplied by the number of days such motor vehicle has been stored to the date any judgment is issued plus 25 days; or

(B) For a repair facility or salvage dealer, the maximum allowable daily rate for the storage of the motor vehicle as set forth by rule and regulation of the Department of Public Safety for maximum state-wide rate tariffs multiplied by the number of days such motor vehicle has been stored from the date notification required under this Code section was received to the date any judgment is issued plus 25 days;

(3) For a repair facility, all outstanding charges or fees for repairs;

(4) The cost of obtaining owner information from the department pursuant to this article;

(5) The cost of any notification to owners required by this article, including any costs of advertising;

(6) The cost to file an action pursuant to Code Section 40-11-19.1 and the cost of the certified order;

(7) Attorney's fees, which shall be 15 percent of the total amount of the lien for recoverable fees and shall be awarded for appearance as attorney of record on the matter before the court; and

(8) Any prejudgment interest from the date which notification pursuant to this Code section was deemed received at a rate of 4 percent per annum.

Any fees listed in this subsection which have been paid to a towing and storage firm, repair facility, or salvage dealer by an owner or any third party shall not be included in a lien.

(e) The receipt of a properly notarized form disclaiming ownership in a motor vehicle shall be filed with the action provided for in Code Section 40-11-19.1, but shall not be deemed to relieve a towing and storage firm, repair facility, or salvage dealer of any obligation to any other owners of such vehicle under this article. Such form shall be evidence to be considered by the court in any action filed pursuant to Code Section 40-11-19.1.

(f) If at any time prior to filing a petition to foreclose a lien pursuant to Code Section 40-11-19.1, a repair facility receives a demand from an owner pursuant to subsection (b) of Code Section 40-3-54, such repair facility shall, within 30 days, institute foreclosure proceedings

pursuant to such Code section or to Code Section 40-11-19.1. If upon receipt of such demand a repair facility fails to institute foreclosure proceedings pursuant to either Code section, the lien is forfeited. Receipt of such demand shall relieve the repair facility from the notification requirement set forth in paragraph (1) of subsection (b) of this Code section.

(Code 1981, § 40-11-19, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2019, "Code Section" was inserted in the middle of the first sentence of paragraph (b)(1).

40-11-19.1. Petition to foreclose a lien on motor vehicle; answer; motion for judgment; timing; fees.

(a) Not sooner than ten calendar days and not later than six months after compliance with the notice requirements set forth in Code Section 40-11-19, a towing and storage firm, repair facility, or salvage dealer may file an action for a petition to foreclose a lien against the motor vehicle in any magistrate court in the county where the motor vehicle is located. An action filed pursuant to this Code section shall be on a form provided by the Council of Magistrate Court Judges for such purpose and shall be accompanied by a filing fee of no more than \$11.00. Any person bringing such action shall include with such form a copy of the owner information obtained pursuant to the request required by Code Section 40-11-15 or 40-11-16 and proof of compliance with the notice requirements set forth in Code Section 40-11-19. The petition to foreclose a lien shall be verified by oath or affirmation by the towing and storage firm, repair facility, or salvage dealer in a manner consistent with Article 5 of Chapter 10 of Title 9.

(b) (1) The party bringing such action shall send a copy of the oath or affirmation page of the filed petition to any person known to be an owner of the motor vehicle by certified mail or statutory overnight delivery, return receipt requested. The court shall accept electronic documentation as proof that such copy of the filed petition was sent and delivered in accordance with the requirements of this subsection. Included in such mailing shall be a copy of a standardized answer form provided by the Council of Magistrate Court Judges for such purpose. Such form shall require oath or affirmation of the respondent and shall include space to set forth:

(A) The name of the owner;

(B) The address at which the owner resides;

(C) A description of the motor vehicle, including the license plate number and the model, make, and year of the vehicle;

- (D) A description of the date the owner obtained an interest in the motor vehicle;
- (E) A brief statement as to why removal of the vehicle was unauthorized, if applicable;
- (F) Any other brief statement as to why the lien claimed by the towing and storage firm, repair facility, or salvage dealer is invalid;
- (G) A copy of any documentation in the owner's possession supporting his or her answer; and
- (H) Any additional facts supporting the owner's answer or as to why the lien should not be foreclosed upon.

(2) If notice required under Code Section 40-11-19 was satisfied by advertisement, or the signed proof of receipt of a copy of the petition required to be sent under paragraph (1) of this subsection has not been returned after ten days of such mailing or has been returned as unclaimed, the party filing the petition shall, within 60 days, place an advertisement in a newspaper of general circulation or the legal organ where such action has been filed. No such advertisement shall be required if the return receipt required as proof of delivery has been returned with a notation that the notice of the filing of the petition has been refused. Such notice shall run in the newspaper once a week for two consecutive weeks. Such notice shall include instructions for how an owner may obtain the standardized answer form described in this subsection and shall be deemed as notice to any and all persons having an interest in or right affected by such petition and from any sale of the motor vehicle resulting therefrom.

(3) If the identity of an owner which was previously not ascertained becomes known while an advertisement is run pursuant to paragraph (2) of this subsection, the party filing a petition to foreclose shall send a copy of the filed petition pursuant to the same requirements set forth in paragraph (1) of this subsection within ten days of obtaining such information.

(c) An owner may file an answer to the petition no later than ten days after receipt by using the standardized answer form provided. If service is made by advertisement pursuant to paragraph (2) of subsection (b) of this Code section, an owner may file an answer no later than ten days after the expiration of the required two-week advertisement.

(d) If no answer has been filed at the expiration of the period set forth in subsection (c) of this Code section, the towing and storage firm, repair facility, or salvage dealer may seek to foreclose the lien through a judgment as provided in Code Section 15-10-43 by making such request in writing and submitting to the court proof of service as set forth in subsection (b) of this Code section. Unless providentially hindered, it shall be the duty of the judge to decide all motions for judgment submitted pursuant to this subsection no later than 15 days from when such motion has been made. When a judgment is granted, the vehicle shall be considered abandoned and within five days the court shall issue an order for the disposition of the motor vehicle as provided for in Code Section 40-11-19.2. A certified copy of such order shall be issued by the

clerk of court. A fee of no more than \$14.00 may be charged for a certified copy of such order, which shall be issued by the clerk of court. If no answer has been filed but the court finds that a petition fails to comply with the requirements of this article, a petition may be refiled for such action once within six months of the issuance of denial of a judgment.

(e) (1) If an answer is returned to the court, a trial shall be held within ten days after receipt of such answer; provided, however, that such trial may be continued by the court for good cause shown by either party.

(2) At the trial, the court shall hear evidence of and determine whether the removal of the vehicle was lawful, whether the lien amount is based upon recoverable fees as set forth in subsection (d) of Code Section 40-11-19, and whether notice to all owners was proper, and shall hear any other facts pertinent to the case to reach a decision on foreclosure of the lien. The court may hear evidence of and make a determination on whether storage fees should accrue after the filing date of the petition. Upon conclusion of the trial, the court shall issue a decision on whether to foreclose the lien for the recoverable fees set forth in subsection (d) of Code Section 40-11-19 and, if foreclosure is granted, the court shall order the disposition of the motor vehicle as provided for in Code Section 40-11-19.2. A fee of no more than \$14.00 may be charged for a certified copy of such order which shall be issued by the clerk of court.

(Code 1981, § 40-11-19.1, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-19.2. Public sale authorized upon court order; procedure following satisfaction of lien; disposition of excess proceeds.

(a) (1) As used in this subsection, the term "public sale" means a sale:

(A) Held at a place reasonably available to persons who might desire to attend and submit bids;

(B) At which those attending shall be given the opportunity to bid on a competitive basis; and

(C) Except as otherwise provided in Title 11 for advertising or dispensing with the advertising of public sales, of which notice is given by advertisement once a week for two weeks in the newspaper in which the sheriff's advertisements are published in the county where the sale is to be held, and which notice shall state the day and hour, between 9:00 A.M. and 5:00 P.M., and the place of sale and shall briefly identify the motor vehicle to be sold.

(2) Upon order of the court issued pursuant to Code Section 40-11-19.1, the towing and storage firm, repair facility, or salvage dealer shall be authorized to sell the motor vehicle to the

highest and best bidder at public sale.

(b) After satisfaction of the lien, the towing and storage firm, repair facility, or salvage dealer selling such motor vehicle shall, not later than 15 days after the date of such sale, provide the Department of Revenue with a copy of the bill of sale as provided to the purchaser and turn the remaining proceeds of such sale, if any, over to the department to be treated as unclaimed property pursuant to Article 5 of Chapter 12 of Title 44, the "Disposition of Unclaimed Property Act." The towing and storage firm, repair facility, or salvage dealer selling such vehicle may deduct from such proceeds the cost incurred by the advertisement of the public sale, provided that such amount is no greater than \$120.00, and the cost incurred by the holding of the public sale, provided that the cost is no greater than \$200.00. Any deduction so made shall be evidenced by receipts or on a form prescribed by the Department of Revenue for such purpose through rule and regulation. Any person convicted of failing to comply with the requirements of this subsection shall be subject to a civil penalty as provided for in Article 5 of Chapter 12 of Title 44.

(Code 1981, § 40-11-19.2, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-19.3. Certified copy of court order; obtaining certificate of title.

The purchaser of a motor vehicle at a sale authorized in this article shall receive a certified copy of the court order from the seller of the vehicle authorizing such sale. Any such purchaser may obtain a certificate of title to such motor vehicle by filing the required application, paying the required fees, and filing a certified copy of the order of the court with the Department of Revenue. The Department of Revenue shall then issue a certificate of title, which shall be free and clear of all liens and encumbrances.

(Code 1981, § 40-11-19.3, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-19.4. Development and publication of forms by the Council of Magistrate Court Judges; requirements.

Any forms required to be made available by the Council of Magistrate Court Judges under this article shall be developed and published no later than September 1, 2019. Such forms shall be no longer than one page per form, front and back, and every effort shall be made to

consolidate any required notice or mailing to a single page.

(Code 1981, § 40-11-19.4, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

40-11-19.5. Form for disclaimer of motor vehicle ownership interest.

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

_____ (motor vehicle year, model, and make)

_____ (vehicle identification number (VIN))

_____ (vehicle registration number, if available)

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, "The Abandoned Motor Vehicle Act."

Owner signature

Sworn to and subscribed in _____ County, Georgia,

This _____ (date)

Before me:

(Notary public signature, seal, and commission expiration date).

If you wish to disclaim ownership, return this completed and notarized form to

_____ (name and address of party owed fees) .

(Code 1981, § 40-11-19.5, enacted by Ga. L. 2019, p. 872, § 5/HB 307.)

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2019, near the beginning of the Code section, a parentheses was added after "(vehicle identification number (VIN))" and near the middle of the Code section, "of the Official Code of Georgia Annotated" was added following "Title 40".

44-12-215. Publication of "Georgia Unclaimed Property List"; contents of notice.

(a) The commissioner shall electronically publish notice of the reports filed under Code Section 44-12-214 on the Department of Revenue's website.

(b) The published notice shall be entitled the "Georgia Unclaimed Property List" and shall contain the names in alphabetical order and the internal identification number of persons listed in the report and entitled to notice within the county as provided in Code Section 44-12-214.

(c) The notice shall contain a statement that information concerning the amount or description of the property and the name of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the commissioner. In cases of property submitted pursuant to Code Section 44-12-211.1, the notice shall also contain the year, make, model, and vehicle identification number of the motor vehicle sold pursuant to Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

(d) The commissioner shall not be required to publish in such notice any item with a value of less than \$50.00 unless the commissioner deems such publication to be in the public interest.

(Code 1981, § 44-12-215, enacted by Ga. L. 1990, p. 1506, § 1; Ga. L. 2015, p. 30, § 2/SB 82; Ga. L. 2019, p. 872, § 7/HB 307.)

The 2015 amendment, effective March 31, 2015, in subsection (a), substituted "electronically publish" for "cause to be published" near the beginning and substituted "on the Department of Revenue's website" for ", once a year in a newspaper of general circulation" at the end; and, in subsection (d), substituted "shall not be required" for "is not required" near the beginning and substituted "the commissioner" for "he" near the middle.

The 2019 amendment, effective May 7, 2019, added the second sentence in subsection (c).

Editor's notes. - Ga. L. 2019, p. 872, § 8/HB 307, not codified by the General Assembly, provides: "This Act shall become effective upon approval by the Governor or upon its becoming law without such approval for purposes of developing the required forms and shall become effective on September 1, 2019, for all other purposes." The Governor signed this Act on May 7, 2019.

RESEARCH REFERENCES

Am. Jur. 2d. - 27 Am. Jur. 2d, Escheat, § 33.

C.J.S. - 76 C.J.S., Records, §§ 60 et seq., 93 et seq.

U.L.A. - Uniform Disposition of Unclaimed Property Act (U.L.A.) §§ 12, 23.

44-12-211.1. Excess funds from sale of abandoned motor vehicle; claim for funds; definitions.

(a) Within 15 days of the sale of a motor vehicle pursuant to Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act," and the satisfaction of the amounts owed for liens on such motor vehicle, any towing and storage firm, repair facility, or salvage dealer selling such motor vehicle shall provide to the commissioner any excess funds minus the allowable costs incurred for the public sale of such motor vehicle as set forth in subsection (b) of Code Section 40-11-19.2. The funds turned over to the department shall be accompanied by copies of the court order issued pursuant to Code Section 40-11-19.1, the bill of sale, and the receipt for the costs associated with the sale held pursuant to Code Section 40-11-19.2 on a form prescribed by the department for such purpose.

(b) (1) Any person claiming a property interest in the motor vehicle sold pursuant to Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act," and the excess funds from such sale may make such claim to the department upon a form provided for such purpose through rule or regulation within six months of the sale.

(2) If such excess funds remain unclaimed for more than six months, any person authorized to make a claim under paragraph (1) of this subsection, or the towing and storage firm, repair facility, or salvage dealer selling such motor vehicle may make a claim to the department for such excess funds. If more than one claim is made during this six month period, the party first making a claim determined by the department as authorized shall be entitled to the excess funds. No claim shall be authorized after one year from the date excess funds are provided to the commissioner.

(c) For purposes of this Code section, the terms "repair facility," "salvage dealer," and "towing and storage firm" shall have the same meanings as provided for in Code Section 40-11-13.

(Code 1981, § 44-12-211.1, enacted by Ga. L. 2019, p. 872, § 6/HB 307.)

Effective date. - This Code section became effective May 7, 2019.

Editor's notes. - Ga. L. 2019, p. 872, § 8/HB 307, not codified by the General Assembly, provides: "This Act shall become effective upon approval by the Governor or upon its becoming law without such approval for purposes of developing the required forms and shall become effective on September 1, 2019, for all other purposes." The Governor signed this Act on May 7, 2019.

Forms

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES PETITIONER, a ☐ towing or storage facility ☐ repair facility ☐ salvage dealer, and files this petition to foreclose on the above-referenced abandoned motor vehicle.

_____ Date vehicle was ☐ towed ☐ left at repair facility ☐ left with salvage dealer (authority to tow attached)

_____ Date information was requested from Department of Revenue or authorized entity (copy of owner information attached)

_____ Date and method of first notice ☐ mailed ☐ hand delivery ☐ advertised ☐ disclaimer (proof of compliance attached for all owners)

The accrued fees allowed under OCGA § 40-11-19, as set forth below, have not been paid.

PETITIONER PRAYS that the lien be foreclosed and an order be issued to allow for public sale of the vehicle to satisfy a lien for the following amounts:

Removal (Towing) Fee: \$ _____

Storage: (At \$ _____ per day for _____ days) \$ _____

Future Storage Fee \$ _____ per day from date of filing this action through 25 days after judgment is rendered

Repair Fees (if applicable, with invoice attached): \$ _____

Cost of Obtaining Owner Information: \$ _____

Notification/Advertising Fees: \$ _____

TOTAL: \$ _____

PETITIONER ALSO PRAYS for prejudgment interest at the rate of 4% per annum from which the OCGA § 40-11-19 notification was received, 15% attorney's fees (if applicable), and all costs of court.

Sworn to and Subscribed before me

This ____ day of _____ 20____

Notary Public or Clerk

My Commission Expires: _____

Plaintiff/Attorney for Plaintiff

SUMMONS

YOU MUST FILE AN ANSWER TO THIS CLAIM NO LATER THAN TEN (10) DAYS FROM RECEIPT OF THIS NOTICE USING THE STANDARDIZED ANSWER FORM PROVIDED. FAILURE TO FILE A TIMELY ANSWER WILL RESULT IN FORECLOSURE OF THE LIEN AND A COURT ORDER AUTHORIZING DISPOSITION OF THE VEHICLE PURSUANT TO OCGA 40-11-19.2.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

ANSWER TO PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

NOW COMES RESPONDENT, Owner of the above-referenced vehicle, and files this answer to the petition to foreclose lien on the above-referenced abandoned motor vehicle.

Owner Name: _____

Owner Address: _____

Date owner obtained an interest in the motor vehicle: _____

Check all that apply, and explain in the space provided (attach additional sheets if necessary).

☐ The towing or storage firm was not authorized to remove the vehicle for the following reason(s):

☐ The lien claimed is not valid because:

☐ Additional facts that support why the lien should not be foreclosed upon:

☐ I dispute the following charges:

THEREFORE, Respondent prays for a hearing on all relevant issues within ten (10) days.

Sworn to and Subscribed before me

This ____ day of _____ 20 ____

Notary Public or Clerk

My Commission Expires: _____

Defendant/Attorney for Defendant

ABANDONED MOTOR VEHICLE NOTICE
(TOWING OR STORAGE COMPANY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(a)(1). The following fees are currently due:

\$_____ Fees associated with removal of the vehicle

\$_____ Daily fee for storage of the vehicle

Daily fees will accrue until full payment has been made at the rate of \$_____ per day. Additional fees that are recoverable by a towing or storage firm include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The towing and storage firm has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____
Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20 ____

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(TOWING OR STORAGE COMPANY)

You are hereby notified, in accordance with OCGA 40-11-19 (a) (2), that each of the below-referenced vehicles are subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicles are currently located at _____.

The vehicles subject to liens as stated above are identified as:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

List additional vehicles as necessary.

Anyone with an ownership interest in any of these vehicles should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

ABANDONED MOTOR VEHICLE NOTICE
(REPAIR FACILITY)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN)#: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(b)(1). The following fees are currently due:

\$_____ Fees owed for repair of vehicle

\$_____ Daily fee for storage of vehicle after completion of repairs

Daily fees will accrue until full payment has been made at the rate of \$_____ per day. Additional fees that are recoverable by a repair facility include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The repair facility has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(REPAIR FACILITY)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Person who left vehicle at facility: _____

Any information relating to owner: _____

You are hereby notified, in accordance with OCGA 40-11-19 (b) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

ABANDONED MOTOR VEHICLE NOTICE
(SALVAGE DEALER)

Owner Name: _____

Owner Address: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID (VIN) #: _____ Vehicle License #: _____ State _____

Dear Owner:

You have been identified as an owner of the above-referenced vehicle, which is currently being held at the business listed below, and are being notified in accordance with OCGA 40-11-19(c)(1). The following fees are currently due:

\$ _____ Fee for storage of the vehicle. (\$ _____ per day for _____ days.)

Daily fees will accrue until full payment has been made at the rate of \$ _____ per day from the date of this notice. Additional fees that are recoverable by a salvage dealer include fees for obtaining the owner's information, notifying the owner (including advertising, if necessary), court filing costs, attorney's fees, and interest.

The salvage dealer has the right to petition a court to foreclose a lien for all amounts owed after 10 calendar days from the date this notice was sent. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

If you wish to disclaim ownership in this vehicle, complete and return the form found on the next page/back of this letter. Disclaiming ownership and judgment of foreclosure being entered shall result in the holding of an auction. The excess proceeds (if any), that may exist shall be deposited with the Department of Revenue and be treated as unclaimed property. Disposition of such property shall be governed pursuant to O.C.G.A. § 44-12-211.1.

Please contact us immediately, or we will avail ourselves of all remedies allowed by law.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately.

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me

This ____ day of _____ 20__

Notary Public or Clerk

Owner of Vehicle

My Commission Expires: _____

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE ADVERTISEMENT NOTICE
(SALVAGE DEALER)

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Person who left vehicle at facility: _____

Any information relating to owner: _____

You are hereby notified, in accordance with OCGA 40-11-19 (b) (2), that the above-referenced vehicle is subject to a lien and a petition may be filed in court to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

The vehicle is currently located at _____.

Anyone with an ownership interest in this vehicle should contact the following business immediately:

Business Name: _____

Address: _____

Telephone #: _____

DISCLAIMER OF MOTOR VEHICLE OWNERSHIP INTEREST

Georgia, _____ County

I, _____ (name of motor vehicle owner) do hereby swear that I disclaim any and all ownership interest in:

Vehicle Make: _____ Year: _____ Model: _____
Vehicle ID # (VIN): _____ Vehicle License #: _____ State _____

I understand that by signing this form I will no longer hold any rights to the above listed vehicle and such vehicle may be sold at auction to satisfy a debt related to a lien filed against the vehicle.

I further understand that disclaiming an ownership interest in this vehicle does not relieve me of any other debts related to such vehicle, such as a debt entered into for the purchase of such vehicle.

By signing this form, I understand that I waive all future notices to which I am entitled under Article 1A of Chapter 11 of Title 40, "The Abandoned Motor Vehicle Act."

Sworn to and Subscribed before me
This _____ day of _____ 20____

Notary Public or Clerk
My Commission Expires: _____

Owner of Vehicle

If you wish to disclaim ownership, return this completed and notarized form to _____

(name and address of party owed fees)

ABANDONED MOTOR VEHICLE PETITION ADVERTISEMENT

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Present location of vehicle: _____.

You are hereby notified that a petition was filed in the Magistrate Court of _____ County to foreclose a lien for all amounts owed. If the lien is foreclosed, a court shall order the sale of the vehicle to satisfy the debt.

Anyone with an ownership interest in this vehicle may file an answer to this petition on or before:

Answer forms may be found in the Magistrate Court Clerk's office located at:

Forms may also be obtained online at www.georgiamagistratecouncil.com.

ABANDONED MOTOR VEHICLE PETITION ADVERTISEMENT

You are hereby notified, in accordance with O.C.G.A. Section 40-11-19.1, that petitions were filed in the Magistrate Court of _____ County to foreclose liens against the vehicles listed below for all amounts owed. If a lien is foreclosed, the Court shall order the sale of the vehicle to satisfy the debt. The present location of the vehicles is:

Anyone with an ownership interest in a vehicle listed herein may file an answer to the petition on or before: 1/2/34

Answer forms may be found in the Magistrate Court Clerk's office located at:

Forms may also be obtained online at www.georgiamagistratecouncil.com.

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Vehicle Make: _____ Year: _____ Model: _____

Vehicle ID #: _____ Vehicle License #: _____ State _____

Magistrate Court Case No.: _____

Attach additional sheets as necessary.

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

MOTION FOR ORDER ON MOTOR VEHICLE LEIN FORECLOSURE

NOW COMES PETITIONER, ☐ a towing or storage facility ☐ repair facility ☐ salvage dealer and shows the following

1. A petition was filed to foreclose on the lien placed on the above-referenced vehicle on
2. Service was perfected on all owners by ☐ certified mail ☐ return receipt requested ☐ advertisement ☐ disclaimer (Attach proof of service)
3. No answer has been filed as required by OCGA § 40-11-19.1 (c).

WHEREFORE, PETITIONER PRAYS that (a) an order be entered declaring the lien to be valid, and (b) an order be issued within five (5) days to allow for public sale of the vehicle to satisfy the lien as prayed for in the complaint.

Sworn to and Subscribed before me

This ____ day of _____ 20____

Notary Public or Clerk

My Commission Expires: _____

Authorized Signature

MAGISTRATE COURT OF _____ COUNTY, GEORGIA

Date Filed _____

Case No: _____

Plaintiff(s) Name, Address

vs

Vehicle Owner Name, Address

Motor Vehicle Description and VIN

Lien Holders Notified

ORDER ON PETITION FOR ABANDONED MOTOR VEHICLE LIEN FORECLOSURE

The above-referenced petition coming before this Court for ☐ a motion for judgment pursuant to OCGA § 40-11-19.1 (d) ☐ a hearing on the merits pursuant to OCGA § 40-11-19.1 (e), and the Court further finding that the petition should be granted,

THIS COURT HEREBY ORDERS that the lien be foreclosed on the above-referenced vehicle for the following amounts:

Removal (Towing) Fee:	\$ _____
Storage	\$ _____
Repair Fees (if applicable)	\$ _____
Cost of Obtaining Owner Information:	\$ _____
Notification/Advertising Costs:	\$ _____
Attorney's Fees (if applicable):	\$ _____
Prejudgment Interest	\$ _____
Court Costs/Certified Copies	\$ _____
<u>TOTAL:</u>	\$ _____

IT IS FURTHER ORDERED that the vehicle shall be sold at public auction to satisfy this lien in accordance with OCGA § 40-11-19.2.

SO ORDERED, this ____ day of _____, 20 ____.

Magistrate

REQUEST OF OFFICER REMOVAL

~If Georgia tag, 3 days to obtain owner information from department and \$2.00 fee to Law Enforcement Agency. Agency has 5 days to respond.

~ If OUT OF STATE, 3 days to go through the appropriate state.

NONLAW ENFORCEMENT REQUEST

~Removal must be reported within 1 day to Law Enforcement

~Must store personal property for 30 days from notice date; maintain proof of notice, abandoned after 30 days

TOWING AGENCY

~Must mail notification letter within 15 days to all registered owners by certified mail. Standard letter to be furnished by Magistrate Court Council.

~If owners can't be ascertained, ad must be run in local news paper within 60 days for 2 weeks.

~10 days after notice compliance and no longer than 6 months foreclosure can begin \$11.00 fee.

~10 days to answer and hearing within 10 days

~Once judgment issued, clerk shall issue a certified copy for a fee not to exceed \$14.00

~Public sale must be advertised in local paper for 2 weeks.

~Sale must be at public place between 9 a.m. – 5 a.m. and sold to highest bidder.

~Within 15 days bill of sale must be filed with the Department of Revenue and provide the funds to the Department of Revenue minus:

Advertisement cost (must have receipt, max of \$120.00)

Cost of public sale (must have receipt, max \$200.00)

Within 6 months of sale a person claiming property interest in an Abandoned Motor Vehicle may make a claim to Department of Revenue of excess funds, if no claim made then the towing agency or repair facility may make a claim after 6 months and before 12 months.

Petition for Abandoned Motor Vehicle Lien Foreclosure

Answer to Petition for Abandoned Motor Vehicle Lien Foreclosure

AMV Notice (Towing or Storage Facility)

AMV Legal Notice for Newspaper (Towing or Storage Company) Single Vehicle

AMV Legal Notice for Newspaper (Towing or Storage Company) Multiple Vehicles

AMV Notice (Repair Facility)

AMV Legal Notice for Newspaper (Repair Facility)

AMV Notice (Salvage Dealer)

AMV Legal Notice for Newspaper (Salvage Dealer)

Disclaimer of Ownership

AMV Petition Advertisement Notice Single Vehicle

AMV Petition Advertisement Notice Multiple Vehicles

Motion for Order on Foreclosure