

Procedures of the Whitfield County Magistrate Court Constables for the Execution of the Writ of Possession [Eviction]

1. Plaintiff must have a default judgment or seven (7) days must have elapsed since your court appearance and a judgment was entered in the Plaintiff's favor. The plaintiff must also pay a twenty-five dollar (\$25.00) constable fee.
2. Executions (set-outs) of the Writ of Possession are generally scheduled after the payment of the constable fee by the Chief Constable Tom Hall. If the chief constable is unavailable the date and time of set-out will be scheduled by other office personnel.
3. The Plaintiff or Plaintiff's Agent must be present at all times during the eviction proceedings. The Plaintiff will provide the name and telephone number of the person who is to be present at the time of execution of the eviction.
4. The Plaintiff or the Plaintiff's Agent must schedule a large enough labor crew to complete the eviction in two [2] hours or less. A general "rule of thumb" is two workers per bedroom for a home. Some situations may require larger crews.
5. If there is an insufficient crew size when the Constable arrives, the eviction will be cancelled and rescheduled by the Chief Constable and/or office personnel.
6. It is the responsibility of the Plaintiff or the Plaintiff's Agent to provide the eviction crew. If the eviction crew is not at the address within 15 minutes of the schedule time for the eviction, then the Constable will cancel the eviction and return the Writ of Possession to the court.
7. If the Plaintiff and the Plaintiff's Agent want to cancel the scheduled evictions for any reason, then the Magistrate Court must be contacted immediately.
8. Eviction property must be moved to locations set forth by O.C.G.A. 44-7-55. The Plaintiff or the Plaintiff's Agent is responsible for arranging and compensating wrecker services for vehicles that are towed. Vehicles cannot be left on the roadway.

OCGA 44-7-55

"Any writ of possession issued pursuant to this article shall authorize the removal of the tenant or his or her personal property or both from the premises and permit the placement of such personal property on some portion of the landlord's property or on other property as may be designated by the landlord and as may be approved by the executing officer; provided, however, that the landlord shall not be a bailee of such personal property and shall owe no duty to the tenant regarding such personal property. After execution of the writ, such property shall be regarded as abandoned."