

# **Index**

## **ACCORD AND SATISFACTION**

Response of defendant, § 3:4

## **ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS**

Form of request for, § 8:22

## **ADMISSION OF FDEBT**

Unrepresented defendant, § 3:1

## **ADVANTAGES**

Repossession of personal property, advantages of, § 5:1

## **AFFIDAVITS**

Beginning the Collection Process, this index

Collecting the Judgment, this index

Collection Practice Management, this index

Forms and Examples, this index

Repossession of personal property, form of, § 8:46

Response of defendant, this index

## **AFFIRMATIVE DEFENSES**

Response of Defendant, this index

## **ATTACHMENT**

Collecting the judgment, § 4:3

## **ATTORNEYS**

Client interview, § 1:1

Collection attorney's filing system, § 1:2

Form of attorney affidavit in support of motion for appointment of special agent for service, § 8:55

Response of defendant, § 3:2

Unrepresented defendant, § 3:1

## **ATTORNEY'S FEES**

Response of defendant, § 3:20

## **AUTOMATIC STAY**

Bankruptcy, § 6:2

## **BANKRUPTCY**

Generally, §§ 6:1-6:7

Automatic stay, § 6:2

**BANKRUPTCY—Cont'd**

- Chapter 7 liquidation, § 6:3
- Chapter 13 reorganization, §§ 6:5, 6:6
- Co-debtor stay, Chapter 13 reorganization, § 6:6
- Declaration for debtor's attorney, form of, § 8:51
- Forms and examples, generally, §§ 8:50-8:53
- Judgment liens, § 6:7
- Liens, § 6:7
- Motion for court approval, form of, § 8:52
- Order approving, form of, § 8:53
- Reaffirmation
  - generally, § 6:4
  - form of reaffirmation agreement, form of, §§ 8:50-8:53
- Scope of chapter, § 6:1
- Stay of proceedings, §§ 6:2, 6:6

**BEGINNING THE COLLECTION PROCESS**

- Generally, §§ 2:1-2:13
- Affidavits
  - default judgment against defendant, form of affidavit to obtain, § 8:9
  - domesticate foreign judgment, form of affidavit for, § 8:12
- Charge accounts, form of complaint on an account for, § 8:8
- Complaint on contract, form of, §§ 8:4-8:8
- Corporate borrower, form of complaint on contract, § 8:4
- Debts regulated under Fair Debt Collection Practices Act, § 2:4
- Default judgment against defendant, form of, §§ 8:9, 8:10
- Demand letter, form of, §§ 8:1, 8:2
- Disclosures Fair Debt Collection Practices Act, § 2:5
- Dismissal, § 2:13
- Domesticate foreign judgment, form of affidavit for, § 8:12
- Examples and forms, generally, §§ 8:1-8:12
- Fair Debt Collection Practices Act
  - generally, §§ 2:2-2:7
  - debts regulated, § 2:4
  - disclosures, § 2:5
  - penalties for failure to comply with Act, § 2:7
  - prohibited conduct, § 2:6
  - who is covered, § 2:3
- Filing the suit, § 2:10
- Financial considerations, § 2:1
- Foreign judgment, § 2:12
- Forms and examples, generally, §§ 8:1-8:12
- Forwarding address, form of letter to post office to obtain, § 8:3
- Identifying the real debtor/defendant, § 2:8

## INDEX

### **BEGINNING THE COLLECTION PROCESS—Cont'd**

- Individual borrower, form of complaint on contract, § 8:5
- Judgment, obtaining of, § 2:11
- Letters
  - demand letter, form of, §§ 8:1, 8:2
  - post office, form of letter to, § 8:3
- Locating the debtor, § 2:9
- Open account, form of demand letter, § 8:1
- Order for default judgment against defendant, form of, § 8:10
- Penalties for failure to comply with Fair Debt Collection Practices Act, § 2:7
- Post office, form of letter to, § 8:3
- Prohibited conduct under Fair Debt Collection Practices Act, § 2:6
- Promissory note, form of demand letter, § 8:2
- Second original of complaint, forms, §§ 8:6, 8:7

### **BRIEFS**

- Form of brief in support of plaintiff's motion for summary judgment, § 8:27

### **CERTIFICATE OF SERVICE OF MOTION FOR SUMMARY JUDGMENT**

- Forms and examples, § 8:28

### **CHAPTER 7 LIQUIDATION**

- Bankruptcy, § 6:3

### **CHAPTER 13 REORGANIZATION**

- Bankruptcy, §§ 6:5, 6:6

### **CHARGE ACCOUNTS**

- Form of complaint on an account for, § 8:8

### **CLAIM, FAILURE TO STATE**

- Response of defendant, § 3:13

### **CO-DEBTOR STAY**

- Bankruptcy, § 6:6

### **COLLECTING THE JUDGMENT**

- Generally, §§ 4:1-4:5
- Affidavits
  - continuing garnishment, form of, § 8:33
  - garnishment, form of, § 8:31
  - judgment against garnishee, form of affidavit to obtain, § 8:35
- Attachment, § 4:3
- Continuing garnishment, forms of, §§ 8:33, 8:34
- Discovery, § 4:5

**COLLECTING THE JUDGMENT—Cont'd**

Forms and examples, generally, §§ 8:29-8:43

Garnishment

generally, § 4:1

advice of judgment, form of letter to garnishee, § 8:37

affidavits, forms of, §§ 8:31, 8:33, 8:35

filing garnishment, form of letter to clerk, § 8:30

identification of defendant, forms to be included to aid bank in, § 8:29

judgment against garnishee, form of order of, § 8:36

summons, form of, §§ 8:32, 8:34

Identification of defendant, forms to be included to aid bank in, § 8:29

Interrogatories to defendant, forms of, § 8:43

Judgment against garnishee, forms, §§ 8:35-8:37

Keeping the judgment alive, § 4:4

Letters

garnishment, form of letter to clerk file, § 8:30

judgment, form of letter to garnishee advising of, § 8:37

record fi.fa., form of letter to clerk to, § 8:40

sheriff, form of letter requesting nulla bona, § 8:39

Levy against real and personal property, § 4:2

Orders

condemning funds, form of order, § 8:38

granting petition for writ of scire facias to review dormant judgment,  
form of order, § 8:42

judgment against garnishee, form of order of, § 8:36

Petition for scire facias, form of, §§ 8:41, 8:42

Post-judgment discovery, § 4:5

Sheriff, form of letter requesting nulla bona, § 8:39

Summons, form of, §§ 8:32, 8:34

**COLLECTION PRACTICE MANAGEMENT**

Generally, §§ 7:1-7:5

Affidavits

attorney's affidavit in support of motion for appointment of special agent  
for service, form of, § 8:55

process service company, form of affidavit, § 8:56

service by process server showing proof of service, form of, § 8:58

Attorney's affidavit in support of motion for appointment of special agent  
for service, form of, § 8:55

Bottom line, § 7:1

Forms and examples, generally, §§ 8:54-8:58

Getting started, § 7:1

Monthly statements, § 7:4

Motion for appointment of special agent for service, form of, § 8:54

Moving forward after service, § 7:3

## INDEX

### **COLLECTION PRACTICE MANAGEMENT—Cont'd**

- Order appointing process server, form of, § 8:57
- Process service company, form of affidavit of, § 8:56
- Proof of service, form of affidavit by server showing, § 8:58
- Service of process
  - generally, § 7:2
  - process service company, form of affidavit of, § 8:56
  - proof of service, form of affidavit by server showing, § 8:58
- Staying on top of things, § 7:5
- Tickler/update system, § 7:5

### **COMMERCIAL TRANSACTIONS**

- Repossession of personal property, § 5:3

### **COMPLAINT ON CONTRACT**

- Forms and examples, §§ 8:4-8:8

### **CONSENT ORDER**

- Forms and examples, §§ 8:13-8:19

### **CONSIDERATION, FAILURE OF**

- Response of defendant, § 3:5

### **CONSUMER TRANSACTIONS**

- Repossession of personal property, § 5:4

### **CONTINUING GARNISHMENT**

- Forms and examples, §§ 8:33, 8:34

### **CORPORATE BORROWER**

- Form of complaint on contract, § 8:4

### **DEBTS REGULATED**

- Fair Debt Collection Practices Act, debts regulated under, § 2:4

### **DECLARATION OF BANKRUPTCY DEBTOR'S ATTORNEY**

- Form, § 8:51

### **DEFAULT AND DEFAULT JUDGMENT**

- Forms and Examples, this index
- Response of Defendant, this index

### **DELAY OR LACHES**

- Response of defendant, § 3:15

### **DEMAND LETTER**

- Forms and examples, §§ 8:1, 8:2

### **DEPOSITION**

- Form of notice of, § 8:23

**DISCLOSURES**

Fair Debt Collection Practices Act, disclosures under, § 2:5

**DISCOVERY**

Collecting the judgment, § 4:5

Deposition, notice of, § 8:23

Interrogatories to defendant, § 8:43

Response of defendant, employment of discovery process, § 3:18

**DISMISSAL**

Beginning the collection process, § 2:13

**DOMESTICATE FOREIGN JUDGMENT**

Form of affidavit for, § 8:12

**DURESS**

Response of defendant, § 3:11

**FAILURE OF CONSIDERATION**

Response of defendant, § 3:5

**FAILURE TO STATE CLAIM**

Response of defendant, § 3:13

**FAIR DEBT COLLECTION PRACTICES ACT**

Generally, § App. A

Beginning the Collection Process, this index

**FILES AND FILING**

Beginning the collection process, § 2:10

Collection attorney's filing system, § 1:2

**FINANCIAL CONSIDERATIONS**

Beginning the collection process, § 2:1

**FOREIGN JUDGMENT**

Beginning the collection process, § 2:12

**FORMS AND EXAMPLES**

Generally, §§ 8:1-8:58

Admission of facts and genuineness of documents, request for, § 8:22

Affidavits

Beginning the collection process, below

Collecting the judgment, below

Collection management practice, below

repossession of personal property, § 8:46

Response of defendant, below

Attorney affidavit in support of motion for appointment of special agent for service, § 8:55

## INDEX

### FORMS AND EXAMPLES—Cont'd

#### Bankruptcy

- generally, §§ 8:50-8:53
- declaration of debtor's attorney, § 8:51
- motion for court approval, § 8:52
- order approving, § 8:53
- reaffirmation agreement, §§ 8:50-8:53

#### Beginning the collection process

- generally, §§ 8:1-8:12
- affidavits
  - Default judgment against defendant, affidavit to obtain, § 8:9
  - Domesticate foreign judgment, affidavit for, § 8:12
- charge accounts, complaint on an account for, § 8:8
- complaint on contract, §§ 8:4-8:8
- corporate borrower, complaint on contract, § 8:4
- default judgment against defendant, §§ 8:9, 8:10
- demand letter, §§ 8:1, 8:2
- domesticate foreign judgment, affidavit for, § 8:12
- forwarding address, letter to post office to obtain, § 8:3
- individual borrower, complaint on contract, § 8:5
- letters
  - Demand letter, §§ 8:1, 8:2
  - Post office, letter to, § 8:3
- open account, demand letter, § 8:1
- order for default judgment against defendant, § 8:10
- post office, letter to, § 8:3
- promissory note, demand letter, § 8:2
- second original of complaint, §§ 8:6, 8:7

#### Brief in support of plaintiff's motion for summary judgment, § 8:27

#### Certificate of service of motion for summary judgment, § 8:28

#### Charge accounts, complaint on an account for, § 8:8

#### Collecting the judgment

- generally, §§ 8:29-8:43
- affidavits
  - Continuing garnishment, § 8:33
  - Garnishment, § 8:31
  - Judgment against garnishee, affidavit to obtain, § 8:35
- continuing garnishment, §§ 8:33, 8:34
- garnishment
  - Advice of judgment, letter to garnishee, § 8:37
  - Affidavits, §§ 8:31, 8:33, 8:35
  - Filing garnishment, letter to clerk, § 8:30
  - Identification of defendant, forms to be included to aid bank in, § 8:29
  - Judgment against garnishee, order of, § 8:36

**FORMS AND EXAMPLES—Cont'd**

Collecting the judgment—Cont'd

garnishment—Cont'd

Summons, §§ 8:32, 8:34

identification of defendant, forms to be included to aid bank in, § 8:29

interrogatories to defendant, § 8:43

judgment against garnishee, §§ 8:35-8:37

letters

Garnishment, letter to clerk file, § 8:30

Judgment, letter to garnishee advising of, § 8:37

Record fi.fa., letter to clerk to, § 8:40

Sheriff, letter requesting nulla bona, § 8:39

orders

Condemning funds, § 8:38

Granting petition for writ of scire facias to review dormant judgment,  
§ 8:42

Judgment against garnishee, order of, § 8:36

petition for scire facias, §§ 8:41, 8:42

sheriff, letter requesting nulla bona, § 8:39

summons, §§ 8:32, 8:34

Collection management practice

generally, §§ 8:54-8:58

affidavits

Attorney in support of motion for appointment of special agent for  
service, § 8:55

Process service company, § 8:56

Service by process server showing proof of service, § 8:58

attorney affidavit in support of motion for appointment of special agent  
for service, § 8:55

motion for appointment of special agent for service, § 8:54

order appointing process server, § 8:57

process service company, affidavit of, § 8:56

service by process server showing proof of service, affidavit, § 8:58

Complaint on contract, §§ 8:4-8:8

Consent order, generally, §§ 8:13-8:19

Continuing garnishment, §§ 8:33, 8:34

Corporate borrower, complaint on contract, § 8:4

Declaration for debtor's attorney, bankruptcy, § 8:51

Default and default judgment

beginning the collection process, §§ 8:9, 8:10

Response of defendant, below

Demand letter, §§ 8:1, 8:2

Deposition, notice of, § 8:23

Domesticate foreign judgment, affidavit for, § 8:12

## INDEX

### FORMS AND EXAMPLES—Cont'd

- Forwarding address, letter to post office to obtain, § 8:3
- Garnishment. Collecting the judgment, above
- Identification of defendant, forms to be included to aid bank in, § 8:29
- Individual borrower, complaint on contract, § 8:5
- Interrogatories to defendant, § 8:43
- Judgments
  - Collecting the judgment, above
  - Default and default judgments, above
  - pleadings, plaintiffs motion for judgment on, § 8:20
  - summary judgment, plaintiff's motion for, §§ 8:26-8:28
- Letters
  - Beginning the collection process, above
  - Collecting the judgment, above
  - repossession of personal property, §§ 8:44, 8:48
  - Response of defendant, below
- Motions
  - appointment of special agent for service, motion for, § 8:54
  - bankruptcy, motion for court approval, § 8:52
- Notice of deposition, § 8:23
- Open account, demand letter, § 8:1
- Orders
  - appointing process server, § 8:57
  - bankruptcy, order approving, § 8:53
  - Collecting the judgment, above
  - default judgment, order for, §§ 8:10, 8:18
- Petitions
  - scire facias, petition for, §§ 8:41, 8:42
  - writ of possession, petition for, § 8:45
- Post office, letter to, § 8:3
- Process service company, affidavit of, § 8:56
- Promissory note, demand letter, § 8:2
- Reaffirmation agreement, §§ 8:50-8:53
- Repossession of personal property
  - generally, §§ 8:44-8:49
  - affidavit for repossession, § 8:46
  - letters to clerk, §§ 8:44, 8:48
  - petition of writ of possession, § 8:45
  - summons for repossession, § 8:47
  - writ of repossession, §§ 8:44, 8:45, 8:48, 8:49
- Response of defendant
  - generally, §§ 8:13-8:28
  - admission of facts and genuineness of documents, request for, § 8:22

**FORMS AND EXAMPLES—Cont'd**

Response of defendant—Cont'd

affidavits

Default, § 8:17

Summary judgment, motion for, § 8:26

brief in support of plaintiff's motion for summary judgment, § 8:27

certificate of service of motion for summary judgment, § 8:28

consent order, generally, §§ 8:13-8:19

default

Consent order, §§ 8:16-8:19

Motion for, § 8:21

deposition, notice of, § 8:23

judgment on the pleadings, plaintiffs motion for, § 8:20

letter to court file

Consent order, § 8:15

Default, § 8:19

letter to defendant

Consent order, § 8:14

Default, § 8:16

notice of deposition, § 8:23

order, default, § 8:18

statement of undisputed facts, § 8:25

summary judgment, plaintiff's motion for, §§ 8:24, 8:26-8:28

Second original of complaint, beginning the collection process, §§ 8:6, 8:7

Service by process server showing proof of service, affidavit, § 8:58

Sheriff, letter requesting nulla bona, § 8:39

Statement of undisputed facts, § 8:25

Summary judgment forms, §§ 8:24, 8:26-8:28

Summons

collecting the judgment, §§ 8:32, 8:34

repossession of personal property, § 8:47

Writ of repossession, §§ 8:44, 8:45, 8:48, 8:49

**FORWARDING ADDRESS**

Form of letter to post office to obtain, § 8:3

**FRAUD**

Response of defendant, §§ 3:7, 3:8

**GARNISHMENT**

Collecting the Judgment, this index

**IDENTIFICATION OF DEFENDANT**

Beginning the collection process, § 2:8

Forms to be included to aid bank in, § 8:29

## **INDEX**

### **ILLEGALITY**

Response of defendant, § 3:10

### **INDIVIDUAL BORROWER**

Form of complaint on contract, § 8:5

### **INTERROGATORIES TO DEFENDANT**

Forms and examples, § 8:43

### **INTERVIEW**

Initial client interview, § 1:1

### **JUDGMENT LIENS**

Bankruptcy, § 6:7

### **JUDGMENT ON THE PLEADINGS**

Form of plaintiff's motion for, § 8:20

### **JUDGMENTS**

Beginning the collection process, § 2:11

Forms and Examples, this index

Summary Judgment, this index

### **KEEPING THE JUDGMENT ALIVE**

Collecting the judgment, § 4:4

### **LACHES AND DELAY**

Response of defendant, § 3:15

### **LATE-FILED ANSWER**

Response of defendant, § 3:16

### **LETTERS**

Beginning the Collection Process, this index

Collecting the Judgment, this index

Forms and Examples, this index

Repossession of personal property, form of letter to clerk, §§ 8:44, 8:48

Response of Defendant, this index

### **LEVY AGAINST REAL AND PERSONAL PROPERTY**

Collecting the judgment, § 4:2

### **LIENS**

Bankruptcy, § 6:7

### **LIMITATION OF ACTIONS**

Response of defendant, § 3:12

### **LOCATING THE DEBTOR**

Beginning the collection process, § 2:9

**MONTHLY STATEMENTS**

Collection practice management, § 7:4

**MOTIONS**

Forms and Examples, this index

Response of defendant, motion to strike defense, § 3:17

**MOVING FORWARD AFTER SERVICE**

Collection practice management, § 7:3

**NOTICE OF DEPOSITION**

Forms and examples, § 8:23

**NOVATION**

Response of defendant, § 3:4

**OPEN ACCOUNT**

Form of demand letter, § 8:1

**ORDERS**

Collecting the Judgment, this index

Forms and Examples, this index

**PAROL EVIDENCE**

Response of defendant, § 3:8

**PAYMENT, DEFENSE OF**

Response of defendant, § 3:4

**PENALTIES**

Fair Debt Collection Practices Act, penalties for failure to comply with,  
§ 2:7

**PETITIONS**

Forms and Examples, this index

**PIERCING THE DEFENSIVE VEIL**

Response of Defendant, this index

**POST OFFICE**

Form of letter to, § 8:3

**POST-JUDGMENT DISCOVERY**

Collecting the judgment, § 4:5

**PROHIBITED CONDUCT**

Fair Debt Collection Practices Act, prohibited conduct under, § 2:6

**PROMISSORY NOTE**

Form of demand letter, § 8:2

## INDEX

### **PROOF OF SERVICE**

Form of affidavit by server showing, § 8:58

### **REAFFIRMATION**

Bankruptcy, this index

### **RELEASE**

Response of defendant, § 3:4

### **RENEWAL OF PRIOR OBLIGATION**

Response of defendant, § 3:6

### **REPOSSESSION OF PERSONAL PROPERTY**

Generally, §§ 5:1-5:4

Advantages of, § 5:1

Affidavit for repossession, form of, § 8:46

Commercial transactions, § 5:3

Consumer transactions, § 5:4

Forms and examples, generally, §§ 8:44-8:49

Letters to clerk, form of, §§ 8:44, 8:48

Petition of writ of possession, form of, § 8:45

Self-help repossession, § 5:2

Summons for repossession, form of, § 8:47

Writ of repossession, forms, generally, §§ 8:44, 8:45, 8:48, 8:49

### **RESPONSE OF DEFENDANT**

Generally, §§ 3:1-3:21

Accord and satisfaction, § 3:4

Admission of facts and genuineness of documents, form of request for,  
§ 8:22

Affidavits

default, form of affidavit for, § 8:17

summary judgment, form of affidavit for motion for, § 8:26

Affirmative defenses, generally, §§ 3:3-3:13

Attorney represented defendant, § 3:2

Attorney's fees, § 3:20

Brief in support of plaintiff's motion for summary judgment, form of,  
§ 8:27

Certificate of service of motion for summary judgment, form of, § 8:28

Claim, failure to state, § 3:13

Consent order, forms, generally, §§ 8:13-8:19

Consideration, failure of, § 3:5

Default and default judgment

generally, § 3:16

attack on, § 3:21

consent order, forms, generally, §§ 8:16-8:19

**RESPONSE OF DEFENDANT—Cont'd**

- Default and default judgment—Cont'd
  - motion for default, form of, § 8:21
- Delay or laches, § 3:15
- Deposition, form of notice of, § 8:23
- Discovery process, employment of, § 3:18
- Duress, § 3:11
- Failure of consideration, § 3:5
- Failure to state claim, defense of, § 3:13
- Forms and examples, generally, §§ 8:13-8:28
- Fraud, defense of, §§ 3:7, 3:8
- Illegality, § 3:10
- Judgment on the pleadings, form of plaintiffs motion for, § 8:20
- Late-filed answer, § 3:16
- Letter to court file
  - consent order, forms, § 8:15
  - default, forms, § 8:19
- Letter to defendant
  - consent order, forms, § 8:14
  - default, forms, § 8:16
- Limitation of actions, § 3:12
- Miscellaneous defenses, § 3:14
- Motion to strike defense, § 3:17
- Notice of deposition, form of, § 8:23
- Novation, § 3:4
- Order for default, form of, § 8:18
- Parol evidence of fraud, § 3:8
- Payment, defense of, § 3:4
- Piercing the defensive veil, generally, §§ 3:3-3:13
- Release, § 3:4
- Renewal of prior obligation, § 3:6
- Sealed instruments, § 3:12
- Statement of undisputed facts, form of, § 8:25
- Statute of limitations, § 3:12
- Statutory attorney's fees, § 3:20
- Striking defense, motion for, § 3:17
- Summary judgment, motion for
  - generally, § 3:19
  - forms, generally, §§ 8:24, 8:26-8:28
- Threats, § 3:11
- Unauthorized creditor, § 3:9
- Unrepresented defendant, § 3:1
- Usury, § 3:6

## **INDEX**

### **SEALED INSTRUMENTS**

Response of defendant, § 3:12

### **SECOND ORIGINAL OF COMPLAINT**

Forms and examples, §§ 8:6, 8:7

### **SELF-HELP REPOSSESSION**

Repossession of personal property, § 5:2

### **SERVICE OF PROCESS**

Collection Practice Management, this index

Locating the debtor, § 2:9

Process service company, form of affidavit of, § 8:56

### **SHERIFF**

Form of letter requesting nulla bona, § 8:39

### **STATEMENT OF UNDISPUTED FACTS**

Forms and examples, § 8:25

### **STATUTE OF LIMITATIONS**

Response of defendant, § 3:12

### **STATUTORY ATTORNEY'S FEES**

Response of defendant, § 3:20

### **STAY OF PROCEEDINGS**

Bankruptcy, §§ 6:2, 6:6

### **STAYING ON TOP OF THINGS**

Collection practice management, § 7:5

### **STRIKING DEFENSE, MOTION FOR**

Response of defendant, § 3:17

### **SUMMARY JUDGMENT**

generally, § 3:19

Forms, generally, §§ 8:24, 8:26-8:28

### **SUMMONS**

Forms and Examples, this index

### **THREATS**

Response of defendant, § 3:11

### **TICKLER/UPDATE SYSTEM**

Collection practice management, § 7:5

### **UNAUTHORIZED CREDITOR**

Response of defendant, § 3:9

GEORGIA LEGAL COLLECTIONS

**UNREPRESENTED DEFENDANT**

Response of defendant, § 3:1

**USURY**

Response of defendant, § 3:6

**WRIT OF REPOSSESSION**

Forms and examples, §§ 8:44, 8:45, 8:48, 8:49