

#8  
9am

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

Sherwin Bonadie,  
Plaintiff/Landlord,  
v.

PROCEEDING AGAINST TENANT HOLDING OVER  
File No. 19ED131182

Marla Kelly,  
Defendant/Tenant(s).

- Motion to Strike/Default Judgment
- Judgment on the Pleadings
- Trial Judgment
- Dismissal by Court

**ORDER AND JUDGMENT**

This matter came before the Court for hearing without a jury. Having considered the pleadings, evidence, argument, and law, the Court finds as follows:  Tenant did not appear  Landlord did not appear

**LANDLORD'S CLAIM FOR POSSESSION:**

- Landlord **IS NOT** entitled to a writ of possession.
- Landlord **IS** entitled to a WRIT OF POSSESSION  *instanter* or  upon application after seven (7) days from the date of entry of this judgment.

**LANDLORD'S CLAIM FOR MONEY DAMAGES:**

- FOR THE LANDLORD and against the Tenant in the amount of \$ \_\_\_\_\_ principal (which sum includes rent through \_\_\_\_\_) plus court costs and statutory interest.
- FOR THE TENANT and against the Landlord. Landlord failed to prove claim.
- Landlord's claim for money damages is DENIED / DISMISSED WITHOUT PREJUDICE.

**TENANT'S COUNTERCLAIM:**

- FOR THE LANDLORD and against the Tenant. Tenant failed to prove counterclaim.
- FOR THE TENANT and against the Landlord on the counterclaim in the amount of \$ \_\_\_\_\_ principal plus court costs and statutory interest.
- Tenant's counterclaim is DISMISSED WITHOUT PREJUDICE.

**OTHER:** PROPER NOTICE NOT GIVEN, ACTION FILED PRIOR TO LEASE AND/OR CONTRACTUAL TIME TO VACATE. TI DID NOT HAVE COPY OF LEASE

**APPEAL:** If Tenant appeals this Judgment and wishes to remain in possession of the premises, Tenant MUST make the following payments into the court registry by the time specified: (1) \$ \_\_\_\_\_ (which constitutes the full amount of the MONEY JUDGMENT plus the balance of \_\_\_\_\_'S RENT), **no later than SEVEN (7) DAYS from the date of entry of this Order AND** (2) MONTHLY RENT of \$ \_\_\_\_\_ by the 5<sup>th</sup> of each month beginning \_\_\_\_\_. Failure to comply may result in an immediate writ of possession. See O.C.G.A. § 44-7-56. There is no direct appeal from a Default Judgment.

IT IS SO ORDERED, this 22nd day of August 2019.

  
FULTON COUNTY MAGISTRATE JUDGE  
*Oliver*

CONSENTED TO BY:

Eviction cost paid/date: _____
Receipt No./Cash/Check: _____
Presented by: _____