



This Motion and Proposed Order to have a Court order the representatives of a gated community to allow entry by process servers is offered for use by Georgia process servers and attorneys as a sample that may be adapted to obtain Court sanctions requiring the representatives of gated communities to comply with O.C.G.A. § 9-11-4(f)(4)(B).

IN THE (NAME OF COURT) COURT OF (NAME OF) COUNTY
STATE OF GEORGIA

NAME OF PLAINTIFF	:	
	:	CASE NO. XXXXXXXXX
Plaintiff,	:	
vs.	:	
	:	
NAME OF DEFENDANT	:	
	:	
Defendant.	:	

**MOTION FOR ORDER DIRECTING REPRESENTATIVE
OF GATED COMMUNITY TO ALLOW ENTRY BY APPOINTED
PROCESS SERVER TO SERVE DEFENDANT PURSUANT TO
O.C.G.A. § 9-11-4(f)(4)(B)**

Comes now the Plaintiff, by and through his/her attorney of record and files this, Plaintiff's Motion directing [NAME OF LEASING AGENT OR OTHER REPRESENTATIVE OF GATED COMMUNITY] to allow entry of Court Appointed Process Server [NAME OF SERVER] for the purpose of serving the above Defendant in accordance with O.C.G.A. § 9-11-4(f)(4)(B).



The above action was filed on [Date]

2.

Mary Doe is a process server permanently appointed by this court to serve process pursuant to O.C.G.A. § 9-11-4(c).

(OR)

2.

Mary Doe is a process server specially appointed by this court to serve the Defendant in this matter pursuant to O.C.G.A. § 9-11-4(c).

3.

The Defendant resides at the [NAME OF GATED COMMUNITY]

4.

[NAME OF GATED COMMUNITY] is "Gated Community / Secured Community" as defined in O.C.G.A. § 9-11-4(f)(4)(A)

5.

As noted by her attached affidavit, Mary Doe has attempted to serve process on the Defendant at [NAME OF GATED COMMUNITY] on [Dates of attempted service]. On each attempted service attempt, process server Doe fulfilled the requirements of O.C.G.A. § 9-11-4(f)(4)(B)(i), (ii), and (iii). However, on each occasion, process server Doe was refused entry by representatives of [NAME OF GATED COMMUNITY].

WHEREFORE, Plaintiff prays



(a) That the Court enter an Order directing all representatives of [NAME OF GATED COMMUNITY] to grant any and all necessary access to [NAME OF GATED COMMUNITY] by Process Server Doe for a reasonable period of time and during reasonable hours (including during hours the defendant might reasonably be expected to be home), for the purpose of perfecting service upon the Defendant, and that the agents of (NAME OF GATED COMMUNITY] be instructed that they shall not give Defendant any advance notice of process server Doe’s presence. Failure to cooperate shall be punishable by incarceration;

(b) That the Plaintiff be awarded attorney’s fees surrounding service upon the Defendant;

(c) That the Plaintiff be awarded process server fees; and,

(d) That the Plaintiff be awarded such other and further relief as the Court deems just and equitable.

Respectfully submitted this the _____ day of _____, 2017

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(XXX) XXX-XXXX
Georgia Bar No. XXXXXX

JOHN J. ATTORNEY
Attorney for Plaintiff