

Senate Bill 411

By: Senators Paul of the 40th, Price of the 56th, Johnson of the 1st, Stephens of the 51st,  
Crotts of the 17th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to recording of deeds and other instruments, so as to provide that owners of real  
3 property may apply for the cancellation of forged or otherwise fraudulent deeds; to provide  
4 procedures for such application; to provide for the cancellation of such deeds; to provide for  
5 related matters; to provide an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to  
10 recording of deeds and other instruments, is amended by adding a new Code Section 44-2-30  
11 to read as follows:

12 "44-2-30.

13 (a) In the event that a forged or otherwise fraudulent deed is discovered on the records of  
14 the clerk of superior court of the county in which such real property is located, the owner  
15 of the real property may file with the clerk of superior court a petition to have such deed  
16 marked void and canceled of record. The petition shall identify the petitioner, describe the  
17 property in question, identify with particularity the deed which is alleged to be forged or  
18 otherwise fraudulent, state with specificity the reasons why the petitioner contends that the  
19 deed is forged or fraudulent, identify each grantor and grantee of the deed in question, and  
20 state the location of such persons and, if such persons cannot be located, state that a good  
21 faith effort has been made to locate such persons and describe what good faith efforts were  
22 made to locate such persons. A certified copy of the deed in question shall be attached to  
23 the petition as an exhibit. The petition shall be served personally on each grantor and  
24 grantee along with a notice that the person shall have 30 days from the date of service to  
25 file an objection to the petition and that failure to object may result in the deed being  
26 canceled of record. If the owner of the property is shown as the grantor on the deed, it shall

1 not be necessary to serve such person. If any grantor or grantee cannot be located, notice  
 2 of the petition shall be served by publication in the legal organ of the county and the person  
 3 so served shall be required to file an objection within 30 days after publication.

4 (b) If an objection is filed by any grantor or grantee under the deed in question within the  
 5 30 day period after service, the clerk shall not mark the deed canceled and any party may  
 6 seek relief in the superior court of the county. In the event that no objection is filed within  
 7 the required time period, the petitioner may take such petition before a judge of the  
 8 superior court of the county and the judge may, upon satisfying himself or herself that such  
 9 deed is forged or fraudulent, enter an order directing the clerk of superior court to void and  
 10 cancel the deed of record.

11 (c) Upon receiving an order from a judge of superior court of the county directing the clerk  
 12 to void and cancel the deed, the clerk of superior court shall record the order and mark the  
 13 deed: 'CANCELED OF RECORD PURSUANT TO ORDER DATED \_\_\_\_\_,  
 14 RECORDED AT DEED BOOK \_\_\_\_\_, PAGE \_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
 15 \_\_\_\_\_.'

16 (d) Upon such deed being canceled, it shall be void and no longer of any force or effect."

17 **SECTION 2.**

18 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 19 without such approval.

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.