

House Bill 1774

By: Representative Mobley of the 69th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-14-231 of the Official Code of Georgia Annotated, relating to
2 petition for writ of possession, jurisdiction and venue, and oath, so as to conform the affidavit
3 requirements of said Code section to Code Section 9-10-113; to provide for related matters;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 44-14-231 of the Official Code of Georgia Annotated, relating to petition for
8 writ of possession, jurisdiction and venue, and oath, is amended by striking said Code section
9 in its entirety and inserting in its place the following:

10 "44-14-231.

11 Upon a statement of the facts under oath, any person holding a security interest on personal
12 property and wishing to foreclose the security interest may petition, by affidavit, either in
13 person or by his or her agent or attorney in fact or at law, for a writ of possession. Such
14 affidavit shall be made pursuant to the requirements of Code Section 9-10-113 ~~before any~~
15 ~~judge of the superior court, any magistrate, any judge of any other court having jurisdiction~~
16 ~~over such proceedings, or any clerk of any such court within the county where the debtor~~
17 ~~may reside or where the secured property is located. If the person holding the security~~
18 ~~interest is not a resident of the county where the debtor resides or where the secured~~
19 ~~property is located, any oath required by this Code section may be made before a judge of~~
20 ~~any court of record within this state~~ and forwarded with the petition to the appropriate
21 judge, magistrate, or clerk in the county where the debtor may reside or where the secured
22 property is located."

23 style="text-align:center">**SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.