

**ADOPTED SENATE**

1 Senator Polak of the 42nd offered the following floor amendment:

2 Amend the Senate Judiciary committee substitute to HB 1256 by inserting after the  
3 semicolon on line 9 of page 1 the following:

4 "to amend Code Section 44-14-231 of the Official Code of Georgia Annotated, relating to  
5 petition for writ of possession, jurisdiction and venue, and oath, so as to conform the  
6 affidavit requirements of said Code section to Code Section 9-10-113 allowing such  
7 affidavits to be made before notaries public, magistrates, judges, or state or county  
8 officers;".

9 By inserting after line 7 of page 3 a new Section 3 to read as follows:

10 **"SECTION 3.**

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

14 '44-14-231.

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

27 By renumbering Section 3 as Section 4.