

The House Committee on Judiciary offers the following substitute to HB 31:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-13-140 of the Official Code of Georgia Annotated, relating to
2 advertisement of judicial sales, so as to change the requirements for description of real
3 property to be sold at judicial sales and other sales advertised in the same manner as judicial
4 sales; to provide for methods of description which shall be adequate; to provide for related
5 matters; to provide for an effective date and for applicability; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 9-13-140 of the Official Code of Georgia Annotated, relating to advertisement
10 of judicial sales, is amended by striking subsection (a) and inserting in its place a new
11 subsection to read as follows:

12 "(a) The sheriff, coroner, or other officer shall publish weekly for four weeks in the legal
13 organ for the county, or if there is no newspaper designated as such, then in the nearest
14 newspaper having the largest general circulation in such county, notice of all sales of land
15 and other property executed by the officer. In the advertisement the officer shall give a full
16 and complete description of the property to be sold, making known the names of the
17 plaintiff, the defendant, and any person who may be in the possession of the property. In
18 the case of real property, such advertisement shall ~~include the legal description of such real~~
19 ~~property and may include the street address of such real property, if available, but provided~~
20 ~~that no foreclosure shall be invalidated by the failure to include a street address or by the~~
21 ~~insertion of an erroneous street address~~ be sufficient if it includes a description of such real
22 property adequate to allow the identification of the property through the real property
23 records of the county. The description of real property may include the street address of
24 real property when the real property has been assigned a street address by a unit of
25 government. In cases where no street address is available, the property may be referenced
26 by militia district and lot number if the militia district and lot numbers are included in the

1 legal description of the property. Examples of sufficient description of real property
2 include, without necessarily being limited to:

3 (1) A brief description of the property and a reference identifying a recorded deed,
4 security deed, or other instrument conveying the property;

5 (2) A brief description of the property and a reference identifying a recorded plat of the
6 property;

7 (3) A metes and bounds description of the property; or

8 (4) Any other legal description which would be adequate to convey title to the property.

9 A sale shall not be invalidated for an error in the description of real property if the
10 description is reasonably adequate to allow the identification of the property through the
11 real property records of the county."

12 **SECTION 2.**

13 This Act shall become effective July 1, 2001, and shall apply with respect to sales first
14 advertised on or after that date.

15 **SECTION 3.**

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