

House Bill 88

By: Representative Dean of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to
2 executions and judicial sales, and Chapter 3 of Title 48 of the Official Code of Georgia
3 Annotated, relating to tax executions, so as to prohibit the sale of tax executions; to make it
4 unlawful to sell such tax executions; to provide for related matters; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to executions and
9 judicial sales, is amended by striking Code Section 9-13-36, relating to transfer of execution
10 upon payment, status of transferee, and recording necessary to preserve lien, in its entirety
11 and inserting in its place the following:

12 "9-13-36.

13 (a) Except as otherwise provided for in subsection (b) of this Code section, whenever
14 ~~Whenever~~ any person other than the person against whom the same has issued pays any
15 execution, issued without the judgment of a court, under any current or future law, the
16 officer whose duty it is to enforce the execution, upon the request of the party paying the
17 same, shall transfer the execution to the party. The transferee shall have the same rights as
18 to enforcing the execution and priority of payment as might have been exercised or claimed
19 before the transfer, provided that the transferee shall have the execution entered on the
20 general execution docket of the superior court of the county in which the same was issued
21 and, if the person against whom the same was issued resides in a different county, also in
22 the county of such person's residence within 30 days from the transfer; in default thereof
23 the execution shall lose its lien upon any property which has been transferred bona fide and
24 for a valuable consideration before the recordation and without notice of the existence of
25 the execution.

26 (b) This Code section shall not be applicable to tax executions."

