

## HOUSE SUBSTITUTE TO SENATE BILL 182

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to the  
2 abatement of nuisances, so as to change definitions; to clarify the procedures for imposition  
3 and collection of nuisance abatement liens; to clarify procedures relating to the collection of  
4 tax liens; to amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating  
5 to tax executions, so as to make it unlawful to sell such tax executions; to amend Chapter 4  
6 of Title 48 of the Official Code of Georgia Annotated, relating to tax sales, so as to provide  
7 for personal service of the notice of foreclosure of the right to redeem property on certain  
8 persons; to provide for an affidavit stating the name, address, and method of service for each  
9 person served with a notice of foreclosure of the right to redeem property; to change  
10 provisions relating to judicial in rem tax foreclosures; to change certain provisions relating  
11 to minimum bids at foreclosure sales; to incorporate changes made to Chapter 2 of Title 41;  
12 to amend Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to  
13 executions and judicial sales, so as to prohibit the sale of tax executions; to provide for  
14 related matters; to provide an effective date; to repeal conflicting laws; and for other  
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to the abatement  
19 of nuisances, is amended by striking in its entirety Code Section 41-2-8, relating to  
20 definitions, and inserting in lieu thereof the following:

21 "41-2-8.

22 As used in Code Section 41-2-7, this Code section, and Code Sections 41-2-9 through  
23 41-2-17, the term:

24 (1) 'Applicable codes' means (A) any optional housing or abatement standard provided  
25 in Chapter 2 of Title 8 as adopted by ordinance or operation of law, or other property  
26 maintenance standards as adopted by ordinance or operation of law, or general nuisance

1 law, relative to the safe use of real property; (B) any fire or life safety code as provided  
 2 for in Chapter 2 of Title 25; and (C) any building codes adopted by local ordinance prior  
 3 to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 after  
 4 October 1, provided that such building or minimum standard codes for real property  
 5 improvements shall be deemed to mean those building or minimum standard codes in  
 6 existence at the time such real property improvements were constructed unless otherwise  
 7 provided by law.

8 (2) 'Closing' means causing a dwelling, building, or structure to be vacated and secured  
 9 against unauthorized entry.

10 (3) 'Drug crime' means an act which is a violation of Article 2 of Chapter 13 of Title 16,  
 11 known as the 'Georgia Controlled Substances Act.'

12 (4) 'Dwellings, buildings, or structures' means any building or structure or part thereof  
 13 used and occupied for human habitation or commercial, industrial, or business uses, or  
 14 intended to be so used, and includes any outhouses, improvements, and appurtenances  
 15 belonging thereto or usually enjoyed therewith and also includes any building or structure  
 16 of any design. As used in Code Section 41-2-7, this Code section, and Code Sections  
 17 41-2-9 through 41-2-17, the term 'dwellings, buildings, or structures' shall not mean or  
 18 include any farm, any building or structure located on a farm, or any agricultural facility  
 19 or other building or structure used for the production, growing, raising, harvesting,  
 20 storage, or processing of crops, livestock, poultry, or other farm products.

21 (5) 'Governing authority' means the board of commissioners or sole commissioner of a  
 22 county or the council, board of commissioners, board of aldermen, or other legislative  
 23 body charged with governing a municipality.

24 (6) 'Interested party' means:

25 (A) Owner;

26 (B) Those parties having an interest in the property as revealed by a certification of  
 27 title to the property conducted in accordance with the title standards of the State Bar of  
 28 Georgia;

29 (C) Those parties having filed a notice in accordance with Code Section 48-3-9;

30 (D) Any other party having an interest in the property whose identity and address are  
 31 reasonably ascertainable from the records of the petitioner or records maintained in the  
 32 county courthouse or by the clerk of the court. 'Interested party' shall not include the  
 33 holder of the benefit or burden of any easement or right of way whose interest is  
 34 properly recorded which interest shall remain unaffected; and

35 (E) Persons in possession of said property and premises.

36 ~~(6)~~(7) 'Municipality' means any incorporated city within this state.

37 ~~(7)~~(8) 'Owner' means the holder of the title in fee simple and every mortgagee of record.

1 ~~(8) 'Parties in interest' means:~~

2 ~~(A) Persons in possession of said property and premises;~~

3 ~~(B) Persons having of record in the county in which the dwelling, building, or structure~~  
 4 ~~is located any vested right, title, or interest in or lien upon such dwelling, building, or~~  
 5 ~~structure or the lot, tract, or parcel of real property upon which the structure is situated~~  
 6 ~~or upon which the public health hazard or general nuisance exists based upon a 50 year~~  
 7 ~~title examination conducted in accordance with the title standards of the State Bar of~~  
 8 ~~Georgia;~~

9 ~~(C) Persons having paid an occupational tax to the governing authority for a location~~  
 10 ~~or office at the subject building or structure; or~~

11 ~~(D) Persons having filed a property tax return with the governing authority as to the~~  
 12 ~~subject property, building, or structure.~~

13 (9) 'Public authority' means any member of a governing authority, any housing authority  
 14 officer, or any officer who is in charge of any department or branch of the government  
 15 of the municipality, county, or state relating to health, fire, or building regulations or to  
 16 other activities concerning dwellings, buildings, or structures in the county or  
 17 municipality.

18 (10) 'Public officer' means the officer or officers who are authorized by Code Section  
 19 41-2-7, this Code section, and Code Sections 41-2-9 through 41-2-17 and by ordinances  
 20 adopted under Code Section 41-2-7, this Code section, and Code Sections 41-2-9 through  
 21 41-2-17 to exercise the powers prescribed by such ordinances or any agent of such officer  
 22 or officers.

23 (11) 'Repair' means altering or improving a dwelling, building, or structure so as to bring  
 24 the structure into compliance with the applicable codes in the jurisdiction where the  
 25 property is located and the cleaning or removal of debris, trash, and other materials  
 26 present and accumulated which create a health or safety hazard in or about any dwelling,  
 27 building, or structure.

28 (12) 'Resident' means any person residing in the jurisdiction where the property is  
 29 located on or after the date on which the alleged nuisance arose."

## 30 SECTION 2.

31 Said chapter is further amended in Code Section 41-2-9, relating to county or municipal  
 32 ordinances relating to unfit buildings or structures, by striking subsections (a) and (b) and  
 33 inserting in lieu thereof the following:

34 "(a) In addition to any other remedies or enforcement mechanisms available, upon the  
 35 adoption of an ordinance finding that dwelling, building, or structure conditions of the  
 36 character described in Code Section 41-2-7 exist within a county or municipality, the

1 governing body of such county or municipality is authorized to adopt ordinances relating  
 2 to the dwellings, buildings, or structures within such county or municipality which are unfit  
 3 for human habitation or commercial, industrial, or business uses and not in compliance  
 4 with applicable codes, which are vacant and being used in connection with the commission  
 5 of drug crimes, or which constitute an endangerment to the public health or safety as a  
 6 result of unsanitary or unsafe conditions. Such ordinances shall include at least the  
 7 following provisions:

8 (1) That it is the duty of the owner of every dwelling, building, structure, or property  
 9 within the jurisdiction to construct and maintain such dwelling, building, structure, or  
 10 property in conformance with applicable codes in force within the jurisdiction, or such  
 11 ordinances which regulate and prohibit activities on property and which declare it to be  
 12 a public nuisance to construct or maintain any dwelling, building, structure, or property  
 13 in violation of such codes or ordinances;

14 (2) That a public officer be designated or appointed to exercise the powers prescribed by  
 15 the ordinances;

16 (3) That whenever a request is filed with the public officer by a public authority or by  
 17 at least five residents of the municipality or by five residents of the unincorporated area  
 18 of the county if the property in question is located in the unincorporated area of the  
 19 county charging that any dwelling, building, structure, or property is unfit for human  
 20 habitation or for commercial, industrial, or business use and not in compliance with  
 21 applicable codes; is vacant and being used in connection with the commission of drug  
 22 crimes; or constitutes an endangerment to the public health or safety as a result of  
 23 unsanitary or unsafe conditions, the public officer shall make an investigation or  
 24 inspection of the specific dwelling, building, structure, or property. If the officer's  
 25 investigation or inspection identifies that any dwelling, building, structure, or property  
 26 is unfit for human habitation or for commercial, industrial, or business use and not in  
 27 compliance with applicable codes; is vacant and being used in connection with the  
 28 commission of drug crimes; or constitutes an endangerment to the public health or safety  
 29 as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in  
 30 rem against the lot, tract, or parcel of real property on which such dwelling, building, or  
 31 structure is situated or where such public health hazard or general nuisance exists and  
 32 shall cause summons and a copy of the complaint to be served on the ~~owner and parties~~  
 33 ~~in interest in~~ interested parties for such dwelling, building, or structure. The complaint  
 34 shall identify the subject real property by appropriate street address and official tax map  
 35 reference; identify the ~~owner and parties in interest~~ interested parties; state with  
 36 particularity the factual basis for the action; and contain a statement of the action sought  
 37 by the public officer to abate the alleged nuisance. The summons shall notify the ~~owner~~

1 ~~and parties in interest~~ interested parties that a hearing will be held before a court of  
 2 competent jurisdiction as determined by Code Section 41-2-5, at a date and time certain  
 3 and at a place within the county or municipality where the property is located. Such  
 4 hearing shall be held not less than 15 days nor more than 45 days after the filing of said  
 5 complaint in the proper court. The ~~owner and parties in interest~~ interested parties shall  
 6 have the right to file an answer to the complaint and to appear in person or by attorney  
 7 and offer testimony at the time and place fixed for hearing;

8 (4) That if, after such notice and hearing, the court determines that the dwelling,  
 9 building, or structure in question is unfit for human habitation or is unfit for its current  
 10 commercial, industrial, or business use and not in compliance with applicable codes; is  
 11 vacant and being used in connection with the commission of drug crimes; or constitutes  
 12 an endangerment to the public health or safety as a result of unsanitary or unsafe  
 13 conditions, the court shall state in writing findings of fact in support of such  
 14 determination and shall issue and cause to be served upon the ~~owner and any parties in~~  
 15 ~~interest~~ interested parties that have answered the complaint or appeared at the hearing an  
 16 order:

17 (A) If the repair, alteration, or improvement of the said dwelling, building, or structure  
 18 can be made at a reasonable cost in relation to the present value of the dwelling,  
 19 building, or structure, requiring the owner, within the time specified in the order, to  
 20 repair, alter, or improve such dwelling, building, or structure so as to bring it into full  
 21 compliance with the applicable codes relevant to the cited violation and, if applicable,  
 22 to secure the structure so that it cannot be used in connection with the commission of  
 23 drug crimes; or

24 (B) If the repair, alteration, or improvement of the said dwelling, building, or structure  
 25 in order to bring it into full compliance with applicable codes relevant to the cited  
 26 violations cannot be made at a reasonable cost in relation to the present value of the  
 27 dwelling, building, or structure, requiring the owner, within the time specified in the  
 28 order, to demolish and remove such dwelling, building, or structure and all debris from  
 29 the property.

30 For purposes of this Code section, the court shall make its determination of 'reasonable  
 31 cost in relation to the present value of the dwelling, building, or structure' without  
 32 consideration of the value of the land on which the structure is situated; provided,  
 33 however, that costs of the preparation necessary to repair, alter, or improve a structure  
 34 may be considered. Income and financial status of the owner shall not be factor in the  
 35 court's determination. The present value of the structure and the costs of repair,  
 36 alteration, or improvement may be established by affidavits of real estate appraisers with  
 37 a Georgia appraiser classification as provided in Chapter 39A of Title 43, qualified

1 building contractors, or qualified building inspectors without actual testimony presented.  
 2 Costs of repair, alteration, or improvement of the structure shall be the cost necessary to  
 3 bring the structure into compliance with the applicable codes relevant to the cited  
 4 violations in force in the jurisdiction;

5 (5) That, if the owner fails to comply with an order to repair or demolish the dwelling,  
 6 building, or structure, the public officer may cause such dwelling, building, or structure  
 7 to be repaired, altered, or improved or to be vacated and closed or demolished. Such  
 8 abatement action shall commence within 270 days after the expiration of time specified  
 9 in the order for abatement by the owner. Any time during which such action is prohibited  
 10 by a court order issued pursuant to Code Section 41-2-13 or any other equitable relief  
 11 granted by a court of competent jurisdiction shall not be counted toward the 270 days in  
 12 which such abatement action must commence. The public officer shall cause to be posted  
 13 on the main entrance of the building, dwelling, or structure a placard with the following  
 14 words:

15 "This building is unfit for human habitation or commercial, industrial, or business use  
 16 and does not comply with the applicable codes or has been ordered secured to prevent  
 17 its use in connection with drug crimes or constitutes an endangerment to public health  
 18 or safety as a result of unsanitary or unsafe conditions. The use or occupation of this  
 19 building is prohibited and unlawful.';

20 (6) If the public officer has the structure demolished, reasonable effort shall be made to  
 21 salvage reusable materials for credit against the cost of demolition. The proceeds of any  
 22 moneys received from the sale of salvaged materials shall be used or applied against the  
 23 cost of the demolition and removal of the structure, and proper records shall be kept  
 24 showing application of sales proceeds. Any such sale of salvaged materials may be made  
 25 without the necessity of public advertisement and bid. The public officer and governing  
 26 authority are relieved of any and all liability resulting from or occasioned by the sale of  
 27 any such salvaged materials, including, without limitation, defects in such salvaged  
 28 materials; and

29 (7) That the amount of the cost of demolition, including all court costs, appraisal fees,  
 30 administrative costs incurred by the county tax commissioner or municipal tax collector  
 31 or city revenue officer, and all other costs necessarily associated with the abatement  
 32 action, including restoration to grade of the real property after demolition, shall be a lien  
 33 against the real property upon which such cost was incurred.

34 (b)(1) The lien provided for in paragraph (7) of subsection (a) of this Code section shall  
 35 attach to the real property upon the filing of a certified copy of the order requiring repair,  
 36 closure, or demolition in the office of the clerk of superior court in the county where the  
 37 real property is located and shall relate back to the date of the filing of the lis pendens

1 notice required under subsection ~~(g)~~ (c) of Code Section 41-2-12. The clerk of superior  
 2 court shall record and index such certified copy of the order in the deed records of the  
 3 county and enter the lien on the general execution docket. The lien shall be superior to  
 4 all other liens on the property, except liens for taxes to which the lien shall be inferior,  
 5 and shall continue in force until paid. ~~After filing a certified copy of the order with the~~  
 6 ~~clerk of superior court, the public officer shall forward a copy of the order and a final~~  
 7 ~~statement of costs to the county tax commissioner.~~

8 (2) Upon final determination of costs, fees, and expenses incurred in accordance with  
 9 this chapter, the public officer responsible for enforcement actions in accordance with  
 10 this chapter shall transmit to the appropriate county tax commissioner or municipal tax  
 11 collector or city revenue officer a statement of the total amount due and secured by said  
 12 lien, together with copies of all notices provided to interested parties. The statement of  
 13 the public officer shall be transmitted within 90 days of completion of the repairs,  
 14 demolition, or closure. It shall be the duty of the appropriate county tax commissioner  
 15 ~~to collect the amount of the lien in conjunction with the collection of ad valorem taxes~~  
 16 ~~on the property and~~ or municipal tax collector or city revenue officer, who is responsible  
 17 or whose duties include the collection of municipal taxes, to collect the amount of the lien  
 18 ~~as if it were a real property ad valorem tax,~~ using all methods available for collecting real  
 19 property ad valorem taxes, including specifically Chapter 4 of Title 48; provided,  
 20 however, that the limitation of Code Section 48-4-78 which requires 12 months of  
 21 delinquency before commencing a tax foreclosure shall not apply. A county tax  
 22 commissioner shall collect and enforce municipal liens imposed pursuant to this chapter  
 23 in accordance with Code Section 48-5-359.1. The county tax commissioner or municipal  
 24 tax collector or city revenue officer shall remit the amount collected to the governing  
 25 authority of the county or municipality whose ~~ordinance~~ lien is being collected ~~enforced~~.  
 26 ~~Thirty days after imposition of the lien, the unpaid lien amount shall bear interest and~~  
 27 ~~penalties in the same amount as applicable to interest and penalties on unpaid real~~  
 28 ~~property ad valorem taxes.~~

29 ~~(2) Where the remittance is to a municipality, the tax commissioner shall collect and~~  
 30 ~~retain an amount equal to the cost of administering a lien authorized by this chapter~~  
 31 ~~unless such costs are waived by resolution of the county governing authority. Any such~~  
 32 ~~amount collected and retained for administration shall be deposited in the general fund~~  
 33 ~~of the county to pay the cost of administering the lien.~~

34 (3) Enforcement of liens pursuant to this Code section may be initiated at any time  
 35 following receipt by the county tax commissioner or municipal tax collector or city  
 36 revenue officer of the final determination of costs in accordance with this chapter. The  
 37 unpaid lien amount shall bear interest and penalties from and after the date of final

1 determination of costs in the same amount as applicable to interest and penalties on  
 2 unpaid real property ad valorem taxes. An enforcement proceeding pursuant to Code  
 3 Section 48-4-78 for delinquent ad valorem taxes may include all amounts due under this  
 4 chapter.

5 (4) The redemption amount in any enforcement proceeding pursuant to this Code section  
 6 shall be the full amount of the costs as finally determined in accordance with this Code  
 7 section together with interest, penalties, and costs incurred by the governing authority,  
 8 county tax commissioner, municipal tax collector, or city revenue officer in the  
 9 enforcement of such lien. Redemption of property from the lien may be made in  
 10 accordance with the provisions of Code Sections 48-4-80 and 48-4-81."

### 11 SECTION 3.

12 Said chapter is further amended by striking Code Section 41-2-12, relating to service of  
 13 complaints or orders upon parties in interest and owners of unfit buildings or structures, in  
 14 its entirety and inserting in lieu thereof the following:

15 "41-2-12.

16 (a) Complaints issued by a public officer pursuant to an ordinance adopted under Code  
 17 Sections 41-2-7 through 41-2-11, this Code section, and Code Sections 41-2-13 through  
 18 41-2-17 shall be served in the following manner. ~~In all cases, a copy of the complaint and~~  
 19 ~~summons shall be conspicuously posted on the subject dwelling, building, or structure~~  
 20 ~~within three business days of filing of the complaint and at least ten days prior to the date~~  
 21 ~~of the hearing. A copy of the complaint and summons shall be served in one of the~~  
 22 ~~following ways:~~

23 ~~(1) Personal service upon each owner and party in interest if such parties are residents of~~  
 24 ~~the county. Service shall be perfected at least ten days prior to the date of the hearing.~~  
 25 ~~Service may be made by the public officer designated by ordinance to abate nuisances or~~  
 26 ~~by any law enforcement officer of the county or municipality whose ordinance is being~~  
 27 ~~enforced; and a return of service, filed with the clerk of the appropriate court, shall be~~  
 28 ~~deemed sufficient proof that service was perfected;~~

29 ~~(2) Pursuant to the provisions of Article 5 of Chapter 4 of Title 48; or~~

30 ~~(3) Statutory overnight delivery.~~

31 ~~(b) If any owner or party in interest is a resident of this state but resides outside of the~~  
 32 ~~county, service shall be perfected by certified mail or statutory overnight delivery, return~~  
 33 ~~receipt requested, to the most recent address shown in county tax filings and mailed at least~~  
 34 ~~14 days prior to the date of the hearing. At least 14 days prior to the date of the hearing,~~  
 35 ~~the public officer shall mail copies of the complaint by certified mail or statutory overnight~~  
 36 ~~delivery, return receipt requested, to all interested parties whose identity and address are~~



1 reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail  
 2 to the property address to the attention of the occupants of the property, if any, and shall  
 3 be posted on the property within three business days of filing the complaint and at least 14  
 4 days prior to the date of the hearing.

5 ~~(e)(b) For interested parties Nonresidents of this state, whose mailing address is known,~~  
 6 ~~shall be served by certified mail or statutory overnight delivery, return receipt requested,~~  
 7 ~~mailed at least 14 days prior to the date of the hearing. For nonresidents whose mailing~~  
 8 ~~address is unknown, a notice stating the date, time, and place of the hearing shall be~~  
 9 ~~published in the newspaper in which the sheriff's advertisements appear in such county~~  
 10 ~~once a week for two consecutive weeks prior to the hearing.~~

11 ~~(d) In the event either the owner or any party in interest is a minor, an estate, an~~  
 12 ~~incompetent person, or person laboring under disabilities, the guardian or other personal~~  
 13 ~~representative of such person shall be served and if such guardian or personal~~  
 14 ~~representative resides outside the county or is a nonresident of this state, he or she shall be~~  
 15 ~~served as provided for in subsection (c) of this Code section. If such owner or party in~~  
 16 ~~interest has no guardian or personal representative, service shall be perfected by serving~~  
 17 ~~the judge of the probate court of the county wherein such property is located at least 30~~  
 18 ~~days prior to the date of the hearing which judge shall stand in the place of and protect the~~  
 19 ~~rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such~~  
 20 ~~person.~~

21 ~~(e) In the event of unknown persons or unborn remaindermen who are likely to have any~~  
 22 ~~rights in the property or interest or the proceeds thereof, the judge of the probate court of~~  
 23 ~~the county wherein such property or interest is located shall be personally served at least~~  
 24 ~~30 days prior to the date of the hearing, and it shall be the duty of the judge of the probate~~  
 25 ~~court to stand in the place of and protect the rights of such unknown parties or unborn~~  
 26 ~~remaindermen.~~

27 ~~(f) In the event the whereabouts of any owner or party in interest is unknown and the same~~  
 28 ~~cannot be ascertained by the public officer in the exercise of reasonable diligence or if any~~  
 29 ~~owner or party in interest cannot, after due diligence, be served as provided in this Code~~  
 30 ~~section, the public officer shall make an affidavit to that effect and serve by publication in~~  
 31 ~~the manner provided in subsection (c) of this Code section, and such publication shall be~~  
 32 ~~sufficient proof that service was perfected.~~

33 ~~(g)(c)~~ A notice of lis pendens shall be filed in the office of the clerk of superior court in  
 34 the county in which the dwelling, building, or structure is located at the time of filing the  
 35 complaint in the appropriate court. Such notice shall have the same force and effect as  
 36 other lis pendens notices provided by law.

37 ~~(h)(d)~~ Orders and other filings made subsequent to service of the initial complaint shall be  
 38 served in the manner provided in this Code section on ~~the owner and any party in interest~~  
 39 interested party who answers the complaint or appears at the hearing. Any interested party

1 who fails to answer or appear at the hearing shall be deemed to have waived all further  
2 notice in the proceedings."

### 3 SECTION 3.1.

4 Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions,  
5 is amended by striking Code Section 48-3-19, which is reserved, and inserting in its place  
6 the following:

7 "48-3-19.

8 ~~Reserved.~~ No officer whose duty it is to enforce an execution issued for state, county, or  
9 municipal property taxes shall be required to make any individual transfers or transfers in  
10 lot blocks of such execution or executions, and the sale or transfer of such execution or  
11 executions by such officer shall be considered unlawful."

### 12 SECTION 4.

13 Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax sales, is  
14 amended in Code Section 48-4-45, relating to notice of foreclosure of right to redeem, by  
15 striking paragraph (1) of subsection (a) and inserting in lieu thereof the following:

16 "(1) To be served in accordance with the requirements of Code Section 9-11-4 upon all  
17 of the following persons who reside in the county in which the property is located:

18 (A) The defendant in the execution under or by virtue of which the sale was held;

19 (B) The occupant, if any, of the property; and

20 (C) All persons having of record in the county in which the land is located any right,  
21 title, or interest in, or lien upon the property;"

### 22 SECTION 5.

23 Said chapter is further amended in Code Section 48-4-46, relating to the form of a notice of  
24 foreclosure of the right to redeem, service, time, return and record, and waiver, by inserting  
25 a new subsection to be designated subsection (f) to read as follows:

26 "(f) Within 30 days after the date of service of the last person to be served in accordance  
27 with subsection (a) of Code Section 48-4-45, the purchaser at the sale or such purchaser's  
28 heirs, successors, or assigns shall file for recording in the deed records in each county in  
29 which the property is located an affidavit which shall state:

30 (A) The names and addresses of the persons served with the notice of foreclosure of right  
31 to redeem; and

32 (B) The method of service of each person served with the notice of foreclosure of right  
33 to redeem.

34 Such affidavit shall include as an attachment a photocopy of the return of service for each  
35 person served personally, a copy of the certified mail receipt or envelope marked  
36 undeliverable in the case of each notice served by certified mail, and a copy of the  
37 newspaper advertisement, if applicable."

**SECTION 6.**

Said chapter is further amended in Code Section 48-4-76, relating to judicial in rem tax foreclosures, by adding a new subsection (d) to read as follows:

"(d) The enforcement proceedings authorized by this article may be initiated by a county, by a municipality, by one acting on behalf of the other pursuant to contract, or by joint action in a single proceeding."

**SECTION 7.**

Said chapter is further amended in Code Section 48-4-78, relating to identification of tax delinquent properties and commencement of tax foreclosure, by striking subsection (a) and inserting in lieu thereof the following:

"(a) After an ad valorem tax lien, based upon a digest approved in accordance with the law, has become payable and is past due and thereby delinquent, a tax commissioner or other tax collector, as appropriate, may identify those properties on which to commence a tax foreclosure in accordance with this article. The tax commissioner or other tax collector, as appropriate, shall not commence tax foreclosure in accordance with this article for a period of 12 months following the date upon which the taxes initially became delinquent. Once enforcement proceedings have commenced in accordance with the provisions of this article, the enforcement proceedings may be amended to include any and all ad valorem taxes which become delinquent subsequent to the date of the initial ad valorem tax lien that was the original basis for the enforcement proceedings."

**SECTION 8.**

Said chapter is further amended by striking subsection (b) of Code Section 48-4-81, relating to minimum bids at foreclosure sales, and inserting in its place a new subsection (b) to read as follows:

"(b) Except as otherwise authorized by law, the minimum bid price for the sale of the property shall be the redemption amount. In the absence of any higher bid, the petitioner may, but shall not be obligated to, tender its own bid in an amount equal to the minimum bid price and thereby become the purchaser at the sale. For purposes of determining the minimum bid price at a sale, the minimum bid price shall be the redemption amount less any portions thereof attributable to a lien imposed pursuant to paragraph (7) of subsection (a) of Code Section 41-2-9. Redemption by an owner in accordance with subsection (c) of this Code section shall require payment of the redemption amount including the amount attributable to a lien imposed pursuant to paragraph (7) of subsection (a) of Code Section 41-2-9."

**SECTION 8.1.**

Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to executions and judicial sales, is amended by striking Code Section 9-13-36, relating to transfer of execution

1 upon payment, status of transferee, and recording necessary to preserve lien, in its entirety  
 2 and inserting in its place the following:

3 "9-13-36.

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

17 (b) Subsection (a) of this Code section shall not apply with respect to any execution issued  
 18 for state, county, or municipal taxes or any execution issued by any tax commissioner, tax  
 19 receiver, or tax collector."

20 **SECTION 9.**

21 This Act shall become effective on July 1, 2003.

22 **SECTION 10.**

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