

House Bill 1198

By: Representatives Wilkinson of the 41st, Dean of the 49th, Brown of the 89th, Mobley of the 58th, and Beasley-Teague of the 48th, Post 2

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 certain tax executions; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 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 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 law, the officer whose duty
16 it is to enforce the execution, upon the request of the party paying the same, shall transfer
17 the execution to the party. The transferee shall have the same rights as to enforcing the
18 execution and priority of payment as might have been exercised or claimed before the
19 transfer, provided that the transferee shall have the execution entered on the general
20 execution docket of the superior court of the county in which the same was issued and, if
21 the person against whom the same was issued resides in a different county, also in the
22 county of such person's residence within 30 days from the transfer; in default thereof the
23 execution shall lose its lien upon any property which has been transferred bona fide and for
24 a valuable consideration before the recordation and without notice of the existence of the
25 execution.

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

4 **SECTION 2.**

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

8 "48-3-19.

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

13 **SECTION 3.**

14 This Act shall become effective upon its approval by the Governor or upon its becoming law
15 without such approval.

16 **SECTION 4.**

17 All laws and parts of laws in conflict with this Act are repealed.