

House Bill 1378

By: Representatives Howard of the 98th, Murphy of the 97th, Warren of the 99th, and Anderson of the 100th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to dispossessory proceedings, so as to provide that if a writ of possession is issued
3 against a tenant and the tenant does not appeal or remove the tenant's personal property
4 within a certain period of time, then such personal property shall be deemed abandoned and
5 become the landlord's property; to provide for related matters; to provide for an effective
6 date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
10 dispossessory proceedings, is amended by striking subsection (b) of Code Section 44-7-51,
11 relating to summons and answer, and inserting in its place a new subsection to read as
12 follows:

13 "(b) The summons served on the defendant pursuant to subsection (a) of this Code section
14 shall command and require the tenant to answer either orally or in writing within seven
15 days from the date of the actual service unless the seventh day is a Saturday, a Sunday, or
16 a legal holiday, in which case the answer may be made on the next day which is not a
17 Saturday, a Sunday, or a legal holiday. If the answer is oral, the substance thereof shall be
18 endorsed on the dispossessory affidavit. The answer may contain any legal or equitable
19 defense or counterclaim. The landlord need not appear on the date of the tenant's response.
20 The last possible date to answer shall be stated on the summons. The summons shall
21 include a notice to the tenant of the provisions of Code Section 44-7-60."

22 **SECTION 2.**

23 Said article is further amended by adding a new Code Section 44-7-60 to read as follows:

1 "44-7-60.

2 Except as provided in Code Section 44-7-59, if the court issues a writ of possession to
3 property in which the tenant has personal property and the tenant does not file an appeal
4 as provided in Code Section 44-7-56 or remove the personal property within seven days
5 after the judgment is entered, any of the tenant's personal property remaining on the
6 premises shall be deemed abandoned and shall become the landlord's property."

7 **SECTION 3.**

8 This Act shall become effective on July 1, 2004, and shall apply with respect to cases in
9 which summons is issued on or after that date.

10 **SECTION 4.**

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