

House Bill 1393

By: Representatives Mobley of the 58th, Dean of the 49th, Stephenson of the 60th, Post 1, and Mangham of the 62nd

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, so as to prohibit the sale of tax executions; to make it unlawful
3 to sell such tax executions; to provide for related matters; to provide an effective date; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

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

11 "9-13-36.

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

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

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SECTION 2.

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

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SECTION 3.

5 All laws and parts of laws in conflict with this Act are repealed.