

The Senate Finance Committee offered the following substitute to HB 1520:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
2 taxation, so as to change certain provisions relating to the notice period required prior to sale  
3 under a tax execution; to change certain provisions relating to amount payable for  
4 redemption; to change certain provisions relating to issue of execution, execution docket,  
5 levy administration fee, collection, and inspection by grand jury; to provide an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
10 amended by striking subsection (a) of Code Section 48-4-1, relating to sales under levies or  
11 tax executions, and inserting in its place a new subsection (a) to read as follows:

12 "(a)(1) Except as otherwise provided in this title, when a levy is made upon real or  
13 personal property, the property shall be advertised and sold in the same manner as  
14 provided for executions and judicial sales.

15 (2) Except as otherwise provided in this title, the sale of real or personal property under  
16 a tax execution shall be made in the same manner as provided for judicial sales; provided,  
17 however, that in addition to such other notice as may be required by law, in any sale  
18 under a tax execution made pursuant to this chapter, ~~the~~:

19 (A) The defendant shall be given ~~ten~~ 30 days' written notice of such sale by registered  
20 or certified mail or statutory overnight delivery. The notice required by this ~~Code~~  
21 ~~section subparagraph~~ shall be sent:

22 ~~(1)~~(i) In cases of executions issued by a county officer for ad valorem taxes, to the  
23 defendant's last known address as listed in the records of the tax commissioner of the  
24 county that issued the tax execution; or

25 ~~(2)~~(ii) In cases of executions issued by a state officer, to the defendant's last known  
26 address as listed in the records of the department headed by the issuing officer; and

1 (B) In the case of real property, a sign shall be posted on such real property 30 days  
 2 prior to the date of sale giving notice of such sale."

3 **SECTION 2.**

4 Said title is further amended by striking Code Section 48-4-42, relating to amount payable  
 5 for redemption, and inserting in its place a new Code Section 48-4-42 to read as follows:

6 "48-4-42.

7 The amount required to be paid for redemption of property from any sale for taxes as  
 8 provided in this chapter, or the redemption price, shall with respect to any sale made after  
 9 July 1, ~~2002~~ 2004, be the amount paid for the property at the tax sale, as shown by the  
 10 recitals in the tax deed, plus any taxes paid on the property by the purchaser after the sale  
 11 for taxes, plus any special assessments on the property, plus a premium of ~~20~~ 10 percent  
 12 of the amount for the first year or fraction of a year which has elapsed between the date of  
 13 the sale and the date on which the redemption payment is made and 10 percent for each  
 14 year or fraction of a year thereafter. If redemption is not made until more than 30 days  
 15 after the notice provided for in Code Section 48-4-45 has been given, there shall be added  
 16 to the redemption price the sheriff's cost in connection with serving the notice and the cost  
 17 of publication of the notice, if any. All of the amounts required to be paid by this Code  
 18 section shall be paid in lawful money of the United States to the purchaser at the tax sale  
 19 or to the purchaser's successors."

20 **SECTION 3.**

21 Said title is further amended by striking paragraph (2) of subsection (c) of Code Section  
 22 48-5-161, relating to issue of execution, execution docket, levy administration fee, collection,  
 23 and inspection by grand jury, and inserting in lieu thereof the following:

24 "(2) Once a levy is made or posted on the property of a delinquent or defaulting taxpayer,  
 25 the sheriff or ex officio sheriff shall collect, in addition to any other costs, commissions,  
 26 interest, and penalties, the actual expenses incurred by the county in issuing the execution  
 27 and administering the levy by imposing a levy administration fee which shall be 5 percent  
 28 of the delinquent tax or ~~\$250.00~~ \$300.00, whichever is the lesser. Regardless of any  
 29 other provision of this paragraph, however, no such levy administration fee shall be less  
 30 than ~~\$50.00~~ \$75.00."

31 **SECTION 4.**

32 This Act shall become effective on July 1, 2004.

**SECTION 5.**

1  
2 All laws and parts of laws in conflict with this Act are repealed.