

House Bill 38

By: Representative Holmes of the 61st, Brooks of the 63rd, Thomas of the 55th,
Bruce of the 64th, Heckstall of the 62nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-13-36 of the Official Code of Georgia Annotated, relating to
2 transfer of execution upon payment, status of transferee, and recording necessary to preserve
3 lien, so as to prohibit the sale of tax executions and to make the sale of such tax executions
4 unlawful; to provide for related matters; to provide an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 9-13-36 of the Official Code of Georgia Annotated, relating to transfer of
9 execution upon payment, status of transferee, and recording necessary to preserve lien, is
10 amended by striking the Code section in its entirety and inserting in lieu thereof a new Code
11 Section 9-13-36 to read as follows:

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

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.