

House Bill 103

By: Representatives Ray of the 136th, Royal of the 171st, Crawford of the 127th, and Lane of the 158th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to tax
2 sales, 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 provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

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

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

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

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

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

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

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

SECTION 2.

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

"48-4-42.

The amount required to be paid for redemption of property from any sale for taxes as provided in this chapter, or the redemption price, shall with respect to any sale made after July 1, ~~2002~~ 2005, be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus any taxes paid on the property by the purchaser after the sale for taxes, plus any special assessments on the property, plus a premium of ~~20~~ 10 percent of the amount for the first year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made and ~~10~~ 7 percent for each year or fraction of a year thereafter. If redemption is not made until more than 30 days after the notice provided for in Code Section 48-4-45 has been given, there shall be added to the redemption price the sheriff's cost in connection with serving the notice and the cost of publication of the notice, if any. All of the amounts required to be paid by this Code section shall be paid in lawful money of the United States to the purchaser at the tax sale or to the purchaser's successors."

SECTION 3.

This Act shall become effective on July 1, 2005.

SECTION 4.

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