

House Bill 265

By: Representatives Ralston of the 7th and Crawford of the 127th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-6-69 of the Official Code of Georgia Annotated, relating to the
2 recording, payment, and certification where encumbered real property is located in more than
3 one county or located within and outside the state, so as to provide that the intangible
4 recording tax may be prorated among the counties in which the real property is located; to
5 provide that upon payment of the prorated tax to a county, the instrument may be recorded
6 in said county; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Code Section 48-6-69 of the Official Code of Georgia Annotated, relating to the recording,
11 payment, and certification where encumbered real property is located in more than one
12 county or located within and outside the state, is amended by striking said Code section in
13 its entirety and inserting in lieu thereof the following:

14 "48-6-69.

15 (a) If any instrument required to be recorded by this article conveys, encumbers, or creates
16 a lien upon real property located in more than one county, the tax imposed by this article
17 shall be ~~paid to the collecting officer of the county in which the instrument is first recorded~~
18 prorated among all applicable counties; and the amount paid to the collecting officer of
19 each such county shall be that proportion of the tax which would otherwise be required
20 under this article that the value of the real property in the county bears to the total value of
21 all the real property in all counties as described in the instrument. All such values shall be
22 certified under oath by the holder presenting the instrument for recording. When the
23 certificate of the collecting officer of each county acknowledging that the that county's
24 proportion of the tax imposed by Code Section 48-6-61 has been paid has been entered on
25 the security instrument, such instrument may thereafter be recorded in ~~any other said~~
26 county of this state without payment of any further tax.

1 (b) If any instrument conveying, encumbering, or creating a lien on real property located
2 within and outside this state as security for a long-term note is held by a nonresident of this
3 state when presented for recording pursuant to this article, the tax required by this article
4 shall be that proportion of the tax which would otherwise be required under this article that
5 the value of the real property within this state bears to the total value of all the real property
6 within and outside this state as described in the instrument. All such values shall be
7 certified under oath by the holder presenting the instrument for recording."

8 **SECTION 2.**

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