

House Bill 447

By: Representative Dean of the 59th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated,
2 relating to parties to executions of property issued without the judgment of a court, so as to
3 provide that certain notice must be given to a person against whom a tax execution has been
4 issued before the execution may be transferred; to provide for related matters; to provide for
5 an effective date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to
9 parties to executions of property issued without the judgment of a court, is amended by
10 striking Code Section 9-13-36, relating to transfer of certain executions, and inserting in its
11 place a new Code section to read as follows:

12 "9-13-36.

13 (a) 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) In the case of a real property tax execution subject to this Code section, a person may
26 not pay the execution and obtain the execution unless such person has given at least 60

1 days' prior written notice to the person against whom the execution was issued. Such notice
2 shall be delivered by statutory overnight delivery to the last known address of the property
3 owner as shown in the tax records and shall be in substantially the following form:

4 'To: (name and address)

5 Take notice that the undersigned intends to purchase a real property tax execution which
6 has been issued by the tax officials of (named county) for the following described
7 property: (brief description by address and acreage or by plat or deed reference and
8 acreage if the property does not have an address)

9 If you do not pay the taxes owed on this property within the next 60 days, you may lose
10 the property or incur substantial monetary penalties.

11 From: (name and address and telephone number)'

12 Any officer or employee transferring an execution subject to this subsection shall require
13 proof of timely delivery of the notice prior to making the transfer."

14 **SECTION 2.**

15 This Act shall become effective on July 1, 2005, and shall apply with respect to executions
16 transferred on or after that date.

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.