

Senate Bill 94

By: Senators Wiles of the 37th, Hamrick of the 30th, Heath of the 31st, Mullis of the 53rd and Seabaugh of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to dispossessory proceedings, so as to define a term; to clarify the process for
3 judgments by default; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
8 dispossessory proceedings, is revised by adding a new Code section to read as follows:

9 "44-7-49.

10 As used in this article, the term 'writ of possession' means a writ issued to recover the
11 possession of land or other property and such writ shall not contain any other restrictions,
12 responsibilities, or conditions other than possession of land or property."

13 **SECTION 2.**

14 Said article is further amended by revising subsection (a) of Code Section 44-7-53, relating
15 to when writ of possession is issued, trial of issues, and possession pending trial as follows:

16 "(a) If the tenant fails to answer as provided in subsection (b) of Code Section 44-7-51, the
17 court shall issue a writ of possession instanter notwithstanding Code Section 9-11-55 or
18 Code Section 9-11-62; and. The court, without the intervention of a jury, shall not require
19 any further evidence nor hold any hearings and the plaintiff shall be entitled to a verdict
20 and judgment by default for all rents due, ~~in open court or in chambers~~, as if every item and
21 paragraph of the affidavit provided for in Code Section 44-7-50 were supported by proper
22 evidence, ~~without the intervention of a jury.~~"

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.