

The Senate Special Judiciary Committee offered the following substitute to SB 94:

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:

SECTION 1.

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

8 "44-7-49.

9 As used in this article, the term 'writ of possession' means a writ issued to recover the
10 possession of land or other property and such writ shall not contain restrictions,
11 responsibilities, or conditions upon the landlord in order to be placed in full possession of
12 the land or other 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.~~"
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SECTION 3.

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- 2 All laws and parts of laws in conflict with this Act are repealed.