

House Bill 386

By: Representatives Lane of the 167th and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to
2 superior court fees and construction of fee provisions, so as to provide for additional filing
3 fees for recording an instrument that requires cross-indexing to other previously recorded
4 documents; to provide for additional filing fees for recording an instrument that cancels,
5 satisfies, or releases certain liens; to require that clerks perform certain functions with regard
6 to lien cancellations or requests for cross-indexing; to provide for recording by electronic
7 means; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees and
11 construction of other fee provisions, is amended by adding a new subsection to read as
12 follows:

13 "(o) In addition to the fees required by this Code section:

14 (1) With respect to any instrument that is statutorily required to be cross-indexed,
15 cancelled, satisfied, or released or when a party requests the clerk to cross-index a
16 instrument that is not otherwise required by law to be cross-indexed to any other
17 previously recorded or affected document, the clerk of superior court shall charge an
18 additional fee of \$2.00 for each additional cross-index entry;

19 (2) For recording any instrument that includes a request for cancellation, satisfaction, or
20 release of more than one instrument as described in division (f)(1)(A)(i) of this Code
21 section, the filing fee specified in division (f)(1)(A)(i) of this Code section shall be
22 charged for each such instrument which is to be cancelled, satisfied, or released;

23 (3) For recording any instrument that includes a request for cancellation, satisfaction, or
24 release of more than one instrument as described in division (f)(1)(A)(ii) of this Code
25 section, the filing fee specified in division (f)(1)(A)(ii) of this Code section shall be
26 charged for each such instrument which is to be cancelled, satisfied, or released;

1 (4) With respect to any instrument that includes a request for the clerk to cross-index the
2 instrument to a previously recorded or affected instrument but for which cross-indexing
3 is not otherwise required by law, the clerk shall file, index, record, and cross-index each
4 such instrument for which a request has been made upon receiving payment from the
5 requesting party as specified by paragraph (1) of this subsection and written information
6 specifying accurately the instrument to be cross-indexed;

7 (5) With respect to any instrument that includes a request for cancellation, satisfaction,
8 or release of any instrument described in division (f)(1)(A)(i) or (f)(1)(A)(ii) of this Code
9 section, the clerk shall file, index, and record the cancellation of each such instrument
10 identified and requested to be cancelled provided that the requesting party pays the filing
11 fee specified by paragraph (2) or (3) of this subsection, as applicable, and that such
12 instrument accurately identifies the recording information for such instrument to be
13 cancelled, satisfied, or released; and

14 (6) For the purposes of this subsection and any other Code section requiring the clerk of
15 superior court to cross-index, cross-reference, or make any other notation affecting any
16 instrument filed in the clerk's office, including, but not limited to, real estate, personal
17 property, liens, plats, and any other instruments, the clerk shall be authorized to make
18 such entry or notation through electronic or automated means in lieu of entering such
19 information manually in paper books or dockets."

20 **SECTION 2.**

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