

House Bill 386 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to clerks of superior courts, so as to change sunset dates for real estate or personal
3 property filing fees; to provide for additional filing fees for recording an instrument that
4 requires cross-indexing to other previously recorded documents; to provide for additional
5 filing fees for recording an instrument that cancels, satisfies, or releases certain liens; to
6 require that clerks perform certain functions with regard to lien cancellations or requests for
7 cross-indexing; to provide for recording by electronic means; to change a sunset date relating
8 to collection and remittance of real estate or personal property filing fees; to provide for
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
13 clerks of superior courts, is amended by revising the introductory language of subsections
14 (f) and (f.1) of Code Section 15-6-77, relating to fees and construction of fee provisions, as
15 follows:

16 "(f) Until July 1, ~~2012~~ 2014, sums for filing documents, instruments, etc., pertaining to real
17 estate or personal property, such sums to include recording and returning where applicable,
18 shall be as follows:"

19 "(f.1) On and after July 1, ~~2012~~ 2014, sums for filing documents, instruments, etc.,
20 pertaining to real estate or personal property, such sums to include recording and
21 returning where applicable, shall be as follows:"

22 **SECTION 2.**

23 Said article is further amended by revising Code Section 15-6-77, relating to fees and
24 construction of other fee provisions, by adding a new subsection to read as follows:

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

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

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

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

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

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

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

33 SECTION 3.

34 Said article is further amended by revising subsection (c) of Code Section 15-6-97, relating
 35 to development and implementation of the state-wide uniform automated information system,
 36 as follows:

1 "(c) This Code section shall be repealed in its entirety on July 1, ~~2012~~ 2014."

2 **SECTION 4.**

3 Said article is further amended by revising subsection (d) of Code Section 15-6-98 as
4 follows:

5 "(d) This Code section shall be repealed in its entirety on July 1, ~~2012~~ 2014."

6 **SECTION 5.**

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