

Senate Bill 519

By: Senators Hamrick of the 30th, Orrock of the 36th, Reed of the 35th and Shafer of the 48th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 44-14-162.2 of the Official Code of Georgia Annotated, relating to  
2 sales made under the power of sale, mailing or delivery of notice to debtor, and procedure,  
3 so as to change the requirement for sending such notice; to provide for applicability; to  
4 provide for repeal; to provide an effective date; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-14-162.2 of the Official Code of Georgia Annotated, relating to sales made  
9 under the power of sale, mailing or delivery of notice to debtor, and procedure, is revised as  
10 follows:

11 "44-14-162.2.

12 (a) Notice of the initiation of proceedings to exercise a power of sale in a mortgage,  
13 security deed, or other lien contract shall be given to the debtor by the secured creditor no  
14 later than ~~15 days before the date of the proposed foreclosure~~ two weeks prior to the  
15 publication of the advertisement required under Code Section 44-14-162. Such notice shall  
16 be in writing and shall be sent by registered or certified mail or statutory overnight  
17 delivery, return receipt requested, to the property address or to such other address as the  
18 debtor may designate by written notice to the secured creditor. The notice required by this  
19 Code section shall be deemed given on the official postmark day or day on which it is  
20 received for delivery by a commercial delivery firm.

21 (b) The notice required by subsection (a) of this Code section shall be given by mailing  
22 or delivering to the debtor a copy of the published legal advertisement or a copy of the  
23 notice of sale submitted to the publisher.

24 (c) The provisions of this subsection shall preempt the provisions of subsections (a)  
25 and (b) of this Code section and shall only apply to foreclosures on loans with a  
26 prepayment penalty for which advertising under Code Section 44-14-162 has not begun as

1 of the effective date of this subsection through December 31, 2010, after which date this  
2 subsection shall be repealed. Notice of the initiation of proceedings to exercise a power  
3 of sale in a mortgage, security deed, or other lien contract shall be given to the debtor by  
4 the secured creditor no later than 90 days before the date of the proposed foreclosure. Such  
5 notice shall be in writing and shall be sent by registered or certified mail or statutory  
6 overnight delivery, return receipt requested, to the property address or to such other address  
7 as the debtor may designate by written notice to the secured creditor. The notice shall  
8 clearly inform the debtor that foreclosure proceedings will be initiated and shall contain all  
9 of the information required for a notice under Code Section 44-14-162 and, in addition,  
10 shall state the amount of the deficiency or other reason for foreclosure, the balance of the  
11 loan, and the telephone number of a person with authority to negotiate ways to avoid the  
12 foreclosure. The notice required by this Code section shall be deemed given on the official  
13 postmark day or day on which it is received for delivery by a commercial delivery firm."

14 **SECTION 2.**

15 This Act shall become effective upon its approval by the Governor or upon its becoming law  
16 without such approval.

17 **SECTION 3.**

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