

House Bill 1191

By: Representative O`Neal of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-6-69 of the Official Code of Georgia Annotated, relating to
2 recording, payment, and certification where encumbered real property is located in more than
3 one county or is located within and outside the state, so as to change certain provisions
4 relating to recording, payment, and distribution of the intangible tax when encumbered
5 property is located in more than one county; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-6-69 of the Official Code of Georgia Annotated, relating to recording,
10 payment, and certification where encumbered real property is located in more than one county
11 or is located within and outside the state, is amended by revising subsection (a) as follows:
12 "(a) If any instrument required to be recorded by this article conveys, encumbers, or
13 creates a lien upon real property located in more than one county, the tax imposed by this
14 article shall be prorated among all applicable counties; and the amount paid to the
15 collecting officer of the each county in which the instrument is first recorded. When the
16 certificate of the collecting officer acknowledging that the tax imposed by Code Section
17 48-6-61 has been paid has been entered on the security instrument, such instrument may
18 thereafter be recorded in any other county of this state without payment of any further tax
19 shall be that proportion of the total tax due calculated by applying the ratio of the value of
20 the real property in such county as it bears to the total value of the real properties in all
21 counties described in the instrument to the total tax due. Such proportions shall be
22 calculated pursuant to valuations of the property determined by the county board of tax
23 assessors. All such values shall be disclosed on the face of the instrument or, alternatively,
24 may be submitted in the form of an affidavit by the holder presenting the instrument for
25 recording. The original or a duplicate original executed copy or counterpart of such
26 instrument shall be presented for recording in all counties in which the real property is

27 located, and the collecting officer of each county may rely upon the sworn original or a
28 duplicate original certification of values in determining the amount of tax due and payable
29 in that county and collect such portion of the tax imposed by Code Section 48-6-61 and
30 enter the same upon the security instrument."

31 **SECTION 2.**

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