

Senate Bill 117

By: Senators Stone of the 23rd, Davis of the 22nd, Ligon, Jr. of the 3rd, Seabaugh of the 28th, Carter of the 42nd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to
2 exemptions from levy and sale of property, so as to change the amount of certain exemptions;
3 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to exemptions
8 from levy and sale of property, is amended by revising Code Section 44-13-1, relating to
9 amount of exemption from levy and sale, as follows:

10 "44-13-1.

11 Except as otherwise provided in this article, there shall be exempt from levy and sale by
12 virtue of any process whatever under the laws of this state any real or personal property or
13 both of a debtor in the amount of \$5,000.00 or \$21,500.00 for real or personal property that
14 is the debtor's primary residence. No court or ministerial officer in this state shall ever
15 have jurisdiction or authority to enforce any judgment, execution, or decree against
16 property set apart under this Code section, including such improvements as may be made
17 thereon from time to time, except for taxes, for the purchase money of the property, for
18 labor done on the property, for material furnished for the property, or for the removal of
19 encumbrances on the property."

20 **SECTION 2.**

21 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section
22 44-13-100, relating to exemptions for purposes of bankruptcy and intestate insolvent estates,
23 as follows:

24 "(1) The debtor's aggregate interest, not to exceed ~~\$10,000.00~~ \$21,500.00 in value, in real
25 property or personal property that the debtor or a dependent of the debtor uses as a

26 residence, in a cooperative that owns property that the debtor or a dependent of the debtor
27 uses as a residence, or in a burial plot for the debtor or a dependent of the debtor. In the event
28 title to property used for the exemption provided under this paragraph is in one of two
29 spouses who is a debtor, the amount of the exemption hereunder shall be ~~\$20,000.00~~
30 \$43,000.00;"

31 **SECTION 3.**

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

34 **SECTION 4.**

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