

Senate Bill 333

By: Senators Stone of the 23rd, Miller of the 49th, Ramsey, Sr. of the 43rd, Davis of the 22nd, Jeffares of the 17th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to foreclosure, so as to provide that notices
3 of sales made on foreclosure under power of sale shall be provided to all debtors; to provide
4 for related matters; to provide for an effective date and applicability; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
9 relating to general provisions relative to foreclosure, is amended by revising Code Section
10 44-14-162.3, relating to sales made on foreclosure under power of sale and mailing of notices
11 to debtors, as follows:

12 "44-14-162.3.

13 ~~(a) The notice requirement of Code Section 44-14-162.2 shall apply only to the exercise~~
14 ~~of a power of sale of property all or part of which is to be used as a dwelling place by the~~
15 ~~debtor at the time the mortgage, security deed, or lien contract is entered into.~~

16 ~~(b)~~ No waiver or release of the notice requirement of Code Section 44-14-162.2 shall be
17 valid when made in or contemporaneously with the security instrument containing the
18 power of nonjudicial foreclosure sale; but, notwithstanding the requirements of Code
19 Sections 44-14-162.1, 44-14-162.2, this Code section, and Code Section 44-14-162.4, a
20 subsequent quitclaim deed in lieu of foreclosure shall be valid and effective as such."

21 **SECTION 2.**

22 Said part is further amended by revising Code Section 44-14-162.4, relating to sales made
23 on foreclosure under power of sale and mailing of notices to debtors and recitals in deeds as
24 to meeting of notice requirements, as follows:

25 "44-14-162.4.

26 All deeds under power shall contain recitals setting forth the giving of notice in compliance
27 with Code Section 44-14-162.2 ~~or a statement of the facts which render the same~~
28 ~~inapplicable thereto, which facts may include, without limitation, the nonresidential~~
29 ~~character of the property.~~ The effect of such recitals shall be to protect the validity of the
30 title of any subsequent purchaser in good faith other than the lender."

31 **SECTION 3.**

32 This Act shall become effective on July 1, 2012, and shall apply to sales made on foreclosure
33 under power of sale executed on or after July 1, 2012.

34 **SECTION 4.**

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