

House Bill 175 (COMMITTEE SUBSTITUTE)

By: Representatives Hightower of the 68th, Powell of the 32nd, and Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated,
2 relating to covenants and warranties, so as to provide that certain covenants run with the
3 land; to provide for related matters; to provide for an effective date and applicability; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated, relating to
8 covenants and warranties, is amended by adding a new Code section to read as follows:

9 "44-5-59.

10 Except as provided in Code Section 44-5-60 and excluding covenants recorded on property
11 solely by the property's owner, which shall run with the title to the land, a covenant runs
12 with the land when, for consideration and as reflected in a duly recorded instrument found
13 in the applicable chain of title, a property owner and a third party agree to such covenant,
14 the property is adequately described in such covenant, and such covenant does not run for
15 more than 20 years."

16 **SECTION 2.**

17 This Act shall become effective on July 1, 2013, and shall apply to covenants recorded on
18 or after that date.

19 **SECTION 3.**

20 All laws and parts of laws in conflict with this Act are repealed.