

House Bill 81

By: Representatives Turner of the 21<sup>st</sup> and Caldwell of the 20<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-4-43 of the Official Code of Georgia Annotated, relating to the  
2 effect of redemption of property, so as to require the confirmation of certain redemptions;  
3 to limit the lien creditor's remedies; to provide for related matters; to provide for an effective  
4 date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 48-4-43 of the Official Code of Georgia Annotated, relating to the effect of  
8 redemption of property, is amended as follows:

9 "48-4-43.

10 (a) When property has been redeemed, the effect of the redemption shall be to put the title  
11 conveyed by the tax sale back into the defendant in fi. fa., subject to all liens existing at the  
12 time of the tax sale. If the redemption has been made by any creditor of the defendant or  
13 by any person having any interest in the property, the amount expended by the creditor or  
14 person interested shall constitute a first lien on the property and, if the quitclaim deed  
15 provided for in Code Section 48-4-44 is recorded as required by law, shall be repaid prior  
16 to any other claims upon the property.

17 (b) When property has been redeemed, prior to one year from the date of the tax sale, from  
18 the purchaser at a tax sale by any creditor of the defendant in fi. fa., the redemption shall,  
19 in the discretion of and upon the application of the defendant in fi. fa., be confirmed under  
20 the procedure in Code Section 44-14-161, prior to becoming effective for any purpose.

21 (c) When a creditor of the defendant in fi. fa. redeems a property under the circumstances  
22 presented in subsection (b) of this Code section, such creditor shall only be entitled to  
23 receive the funds equal to the amount of his or her lien if the defendant applies for  
24 confirmation."

25 **SECTION 2.**

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

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.