

Senate Bill 87

By: Senators Stone of the 23rd, Hufstetler of the 52nd, Jeffares of the 17th, Anderson of the 24th, Tillery of the 19th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to
2 exemptions for purposes of bankruptcy and intestate insolvent estates, so as to provide for
3 the discharge of judgments against exempt property in bankruptcy; to provide for procedure;
4 to provide for the effect of an order; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to exemptions
9 for purposes of bankruptcy and intestate insolvent estates, is amended by adding a new
10 subsection to read as follows

11 "(d) At any time after a debtor has been discharged from his or her debts pursuant to an act
12 of Congress relating to bankruptcy, the debtor, his or her receiver or trustee, or any
13 interested party may, by motion filed in the civil action in which the judgment was entered,
14 petition the court in which such judgment was rendered for an order to cancel and
15 discharge such judgment as to all the debtor's property exempted as provided in this
16 subsection. Such motion shall be accompanied by a certified copy of the discharge of such
17 bankrupt or debtor, or by a certified copy of the order of confirmation of a plan filed by
18 such debtor so long as it does not provide for lien retention by the judgment creditor, and
19 a certified copy of the portion of the schedules filed by the debtor in the bankruptcy case
20 listing the judgment creditor as a creditor in such case and identifying the property as
21 exempt. Such motion, accompanied by the required attachments, shall be served upon the
22 judgment creditor in the same manner prescribed for service of process of a motion in a
23 civil action, together with a proposed consent order affording the relief requested in such
24 motion. If it appears at the hearing on such motion that the bankrupt or debtor has been
25 discharged from the payment of such judgment or of the debt upon which it was recovered
26 and the property subject to the judgment lien was exempted thereunder, the court shall

27 enter an order canceling and discharging such judgment as to such property and as to any
28 other property acquired by the debtor after the filing of the bankruptcy petition. The order
29 of cancellation and discharge shall specify its effective date and shall have the same effect
30 as a satisfaction of judgment. A certified copy of such order may be recorded in the same
31 manner as a satisfaction of judgment."

32 **SECTION 2.**

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