

Representative Powell of the 171st offers the following substitute to SB 87:

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 cancellation of judgment liens against certain property in bankruptcy; to provide for
4 procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

10 "(d)(1) At any time after closing of a case filed pursuant to an act of Congress relating
11 to bankruptcy, the debtor, his or her receiver or trustee, or any interested party may file
12 with a clerk of court where a judgment lien is recorded an affidavit of lien release and
13 shall attach thereto a certified copy of the discharge of such bankrupt or debtor and a lien
14 avoidance order, or a certified copy of the order of confirmation of a plan and the plan
15 as confirmed, together with a copy of the portions of the schedules filed by the debtor in
16 the bankruptcy case listing the judgment creditor and identifying property as exempt. In
17 addition, the filer shall certify that no order has been entered in the bankruptcy limiting
18 the discharge as to the judgment or retaining the judgment lien.

19 (2) Upon filing such affidavit, the lien of such judgment shall be deemed cancelled as
20 to:

21 (A) Any property which was:

22 (i) Identified as exempt and for which a lien avoidance order was issued; or

23 (ii) Re-vested in the debtor without lien retention under a plan; and

24 (B) Any other property acquired by the debtor after the filing of the bankruptcy
25 petition.

26 (3) The clerk of court shall file such affidavit in the deed records and index the recording
27 information as to the affidavit of lien release on the judgment lien in the appropriate lien
28 record."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.