

House Bill 676

By: Representatives Rakestraw of the 19th, Belton of the 112th, Hitchens of the 161st, Spencer of the 180th, Hawkins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
2 relating to mortgages, conveyances to secure debt, and liens, in general, so as to provide
3 protections for military service members in the event of foreclosures or other proceedings
4 to enforce secured obligations; to define a term; to provide for applicability; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to
9 mortgages, conveyances to secure debt, and liens, in general, is amended by adding a new
10 Code section to read as follows:

11 "44-14-16.

12 (a) As used in this Code section, the term 'service member' means an active duty member
13 of the regular or reserve component of the United States armed forces, the United States
14 Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered
15 federal duty for a period of 90 days or longer.

16 (b) In any proceeding commenced against a service member to enforce obligations secured
17 by a mortgage, deed to secure debt, bill of sale, trust deed, or other security upon real or
18 personal property owned prior to the commencement of a period of active duty, a court of
19 competent jurisdiction may on its own motion stay the proceedings or otherwise dispose
20 of the case as is equitable to preserve the interests of all parties. The court shall stay the
21 proceedings upon the application of a service member or agent of the service member
22 unless, in the opinion of the court, the ability of the service member to comply with the
23 terms of the obligations is not materially affected.

24 (c) A sale, foreclosure, or seizure of property for nonpayment of any sum due under any
25 obligation of a service member, or for breach of the terms of such obligation, is not valid

26 if made during the period of active duty or 30 days thereafter, unless upon an order
27 previously granted by a court of competent jurisdiction.
28 (d) This Code section applies only to obligations secured by a mortgage, deed to secure
29 debt, bill of sale, trust deed, or other security in the nature of a mortgage upon real property
30 or personal property owned by a service member on active duty at the commencement of
31 the period of the active duty and still owed by him or her, which obligation originated prior
32 to the commencement of such service member's period of active duty."

33 **SECTION 2.**

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