

House Bill 90

By: Representatives Williamson of the 115th, Burns of the 159th, Dickey of the 140th, Hatchett of the 150th, Morris of the 156th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated,
2 relating to damages for conversion of timber, so as to provide that certain persons, firms, or
3 corporations who are buyers of land for conversion of timber shall be exempt from certain
4 liabilities; to limit damages for certain causes of action brought for conversion of timber; to
5 provide for 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 3 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to
9 damages for conversion of timber, is amended by revising Code Section 51-12-51, relating
10 to recovery by person holding security interest in land for conversion of timber and use of
11 converted timber by owner, as follows:

12 "51-12-51.

13 (a) Every person, firm, or corporation who, without the written consent of the person
14 holding legal title to land or to an interest in land as security for debt, as shown by the
15 public records of the county where such land is located, buys, sells, cuts, removes, holds,
16 disposes of, changes the form of, or otherwise converts to the use of ~~himself, itself, or~~

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17 ~~another~~ such person, firm, or corporation any trees growing or grown on such land shall
18 be liable to the holder of the legal title for such trees, in any form, bought, sold, cut,
19 removed, held, disposed of, changed in form, or otherwise converted by ~~him or it~~ such
20 person, firm, or corporation, or for the value of such trees, provided that recovery may not
21 be for more than the unpaid portion of the secured indebtedness, interest thereon, and a
22 reasonable attorney's fee. Recovery may be had by action at law from one who purchases,
23 without the consent of the holder of the legal title, such interest in the trees, mineral or
24 other rights, or interest in the encumbered real estate, either jointly or severally, with the
25 holder of the equitable title. Notwithstanding any other provision of law, any such person,
26 firm, or corporation who is a buyer in the ordinary course of business pursuant to Title 11,
27 the 'Uniform Commercial Code,' including, but not limited to, Code Section 11-9-320, shall
28 have no liability under this Code section.

29 (b) Any cause of action brought under this Code section shall not be eligible for any
30 measure of damages that are specified in Code Section 51-12-50.

31 (c) The equitable owner of the land shall be allowed to use the timber for ~~his~~ such
32 equitable owner's own use, such as for firewood or other necessary uses of timber in and
33 around ~~his~~ such equitable owner's farm."

34 **SECTION 2.**

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