

House Bill 554

By: Representatives Gunter of the 8th, Efstration of the 104th, Smith of the 18th, Momtahan of the 17th, Oliver of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
2 relating to lis pendens, so as to revise when an action may operate as a lis pendens; to require
3 issuance by a court; to provide for procedures and qualifications for issuance; to provide for
4 related matters; to provide for applicability; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 9 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to lis
9 pendens, is amended by revising Code Section 44-14-610, relating to necessity of recordation
10 for operation of lis pendens as to real property, as follows:

11 "44-14-610.

12 (a)(1) No action, whether seeking legal or equitable relief or both, as to real property in
13 this state shall operate as a lis pendens as to any such real property involved therein until
14 a court issues a lis pendens as to such real property. A court may issue a lis pendens as
15 to real property:

16 (A) In a civil action in which a party claims title or interest in real property held
17 pursuant to a written instrument as to which a remedy can be enforced in law or equity
18 and in which all recorded owners of such real property are parties to the underlying
19 civil action before such court; and

20 (B) Upon a motion to enter a lis pendens by a party to litigation, after which the parties
21 to the underlying action shall have ten days to file an objection. The court shall then
22 render a decision as to whether to issue the lis pendens and whether, in the court's
23 discretion, the movant shall be required to pay into the court's registry a bond in an
24 amount to be determined by the court.

25 (2) During the pendency of the civil action in which a lis pendens has been issued, the
26 court may withdraw the lis pendens, on the court's own motion or on the motion of party
27 to the underlying action, upon a showing that the lis pendens is no longer necessary or
28 appropriate.

29 (b) Upon the issuance of a lis pendens under subsection (a) of this Code section, such lis
30 pendens shall not operate until such lis pendens ~~there~~ shall have been filed in the office of
31 the clerk of the superior court of the county where the real property is located and shall
32 have been recorded by the clerk in a book to be kept by him or her for the purpose a notice
33 of the institution of the action containing the names of the parties, the time of the institution
34 of the action, the name of the court in which it is pending, a description of the real property
35 involved, and a statement of the relief sought regarding the property."

36 **SECTION 2.**

37 Said article is further amended by revising Code Section 44-14-612, relating to entry of
38 dismissal, settlement, or final judgment, as follows:

39 "44-14-612.

40 Upon the dismissal of any action by the plaintiff or plaintiffs or withdrawal pursuant to
41 paragraph (2) of subsection (a) of Code Section 44-14-610 or when a settlement or final

42 judgment is entered therein, such dismissal, withdrawal, settlement, or final judgment shall
43 be indicated on the face of the lis pendens record by the clerk of the superior court of each
44 county where the lis pendens is recorded; and the book and page of the records where the
45 final order or judgment is found shall also be indicated on the lis pendens record by the
46 clerk."

47 **SECTION 3.**

48 This Act shall apply to any lis pendens filed in the office of the clerk of the superior court
49 on or after July 1, 2021.

50 **SECTION 4.**

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