

House Bill 1497

By: Representatives Santos of the 117th, Tran of the 80th, Frye of the 122nd, and Washburn of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia
2 Annotated, relating to recording of deeds and other real property transactions, so as to
3 provide for a statement form regarding the effect of quitclaim deeds; to provide for a short
4 title; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 This Act shall be known and may be cited as the "Georgia Home Title Protection and Deed
8 Fraud Prevention Act."

9 style="text-align:center">**SECTION 2.**

10 Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,
11 relating to recording of deeds and other real property transactions, is amended by revising
12 Code Section 44-2-14, relating to requirements for recordation, as follows:

13 "44-2-14.

14 (a) Except for documents electronically filed as provided for in Chapter 12 of Title 10, and
15 in other Code sections in this part, before any deed to realty or personalty or any mortgage,

16 bond for title, or other recordable instrument executed in this state may be recorded, it shall
17 be an original instrument and shall be attested or acknowledged as provided by law.
18 However, nothing in this Code section shall dispense with another witness where an
19 additional witness is required. This Code section shall not apply to transactions covered
20 by Article 9 of Title 11.

21 (b) No affidavit prepared under Code Section 44-2-20 and no instrument by which the title
22 to real property or any interest therein is conveyed, created, assigned, encumbered,
23 disposed of, or otherwise affected shall be entitled to recordation unless the name and
24 mailing address of the natural person to whom the affidavit or instrument is to be returned
25 is legibly printed, typewritten, or stamped upon such affidavit or instrument at the top of
26 the first page thereof.

27 (c) If an instrument or affidavit is titled or recorded without compliance with
28 subsection (b) of this Code section, such noncompliance ~~does~~ shall not alone impair the
29 validity of the filing of recordation or of the constructive notice imparted by filing or
30 recordation.

31 (d) Subsection (b) of this Code section does not apply to the following:

- 32 (1) An affidavit or instrument executed before July 1, 1994;
- 33 (2) A decree, order, judgment, or writ of any court;
- 34 (3) A will; or
- 35 (4) Any plat.

36 (e) Any instrument that conveys an ownership interest in real property without any
37 warranty as to the owner's title to the property, including a quitclaim deed, shall at the top
38 of the first page of the instrument contain a statement in boldface capital letters in
39 substantially the following form:

40 'THIS DOCUMENT TRANSFERS OWNERSHIP OF THE REAL PROPERTY
41 DESCRIBED HEREIN AND THE GRANTOR SHALL NO LONGER HOLD ANY
42 OWNERSHIP INTEREST IN SUCH PROPERTY, EXCEPT AS MAY BE

43 OTHERWISE PROVIDED FOR HEREIN, AFTER THIS DOCUMENT IS PROPERLY
44 EXECUTED AND RECORDED IN THE REAL ESTATE RECORDS OF THE CLERK
45 OF SUPERIOR COURT OF THE APPROPRIATE COUNTY."

46 **SECTION 3.**

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