

House Bill 1191 (AS PASSED HOUSE AND SENATE)

By: Representative O`Neal of the 146<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 48-6-69 of the Official Code of Georgia Annotated, relating to recording, payment, and certification where encumbered real property is located in more than one county or is located within and outside the state, so as to change certain provisions relating to recording, payment, and distribution of the intangible tax when encumbered property is located in more than one county; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 48-6-69 of the Official Code of Georgia Annotated, relating to recording, payment, and certification where encumbered real property is located in more than one county or is located within and outside the state, is amended by revising subsection (a) as follows:

"(a) If any instrument required to be recorded by this article conveys, encumbers, or creates a lien upon real property located in more than one county, the tax imposed by this article shall be prorated among all applicable counties; and the amount paid to the collecting officer of the each county in which the instrument is first recorded. ~~When the certificate of the collecting officer acknowledging that the tax imposed by Code Section 48-6-61 has been paid has been entered on the security instrument, such instrument may thereafter be recorded in any other county of this state without payment of any further tax~~ shall be that proportion of the total tax due calculated by applying the ratio of the value of the real property in such county as it bears to the total value of the real properties in all counties described in the instrument to the total tax due. Such proportions shall be calculated pursuant to the most recently determined fair market valuations of the property as determined by the county board of tax assessors or comparable assessing entity in any affected state. All such values shall be disclosed on the face of the instrument or, alternatively, may be submitted in the form of an affidavit by the holder presenting the

27 instrument for recording. The original or a duplicate original executed copy or counterpart  
28 of such instrument shall be presented for recording in all counties in which the real  
29 property is located, and the collecting officer of each county may rely upon the sworn  
30 original or a duplicate original certification of values in determining the amount of tax due  
31 and payable in that county and collect such portion of the tax imposed by Code Section  
32 48-6-61 and enter the same upon the security instrument."

33 **SECTION 2.**

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