Senators Moore of the 53rd, Jones of the 10th, Summers of the 13th, Still of the 48th, and Rahman of the 5th offered the following amendment:

Amend HB 404 (LC 50 0549S) by inserting on line 3 after "amount;" *the following:*

to provide for time requirements for issuing and serving summonses, conducting trials, and issuing and executing writs of possession;

By inserting after line 64 the following:

Said chapter is further amended by revising subsection (a) of Code Section 44-7-51, relating to issuance of summons, service, time for answer, and defenses and counterclaims, as follows:

"(a) When the affidavit provided for in Code Section 44-7-50 is made, the judge of the superior court, the state court, or any other court with jurisdiction over the subject matter or the judge, clerk, or deputy clerk of the magistrate court shall forthwith grant and issue a summons to the sheriff or ~~his~~ deputy or to any lawful constable of the county where the land is located in compliance with Code Section 9-11-4. A copy of the summons and a copy of the affidavit shall be personally served upon the defendant within five days of receiving the summons in compliance with Code Section 9-11-4. If the sheriff is unable to serve the defendant personally, service may be had by delivering the summons and the affidavit to any person who is sui juris residing on the premises or, if after reasonable effort no such person is found residing on the premises, by posting a copy of the summons and the affidavit on the door of the premises and, on the same day of such posting, by enclosing, directing, stamping, and mailing by first-class mail a copy of the summons and the affidavit to the defendant at his or her last known address, if any, and making an entry of this action on the affidavit filed in the case."

SECTION 7.

Said chapter is further amended by revising Code Section 44-7-53, relating to when writ of possession issued, trial of issues, possession pending trial, as follows:

"44-7-53.

(a) If the tenant fails to answer as provided in subsection (b) of Code Section 44-7-51, the court shall, within 14 days from the date on which the answer was due, issue a writ of possession instanter notwithstanding Code Section 9-11-55 or Code Section 9-11-62. The court, without the intervention of a jury, shall not require any further evidence nor hold any hearings and the plaintiff shall be entitled to a verdict and judgment by default for all rents due as if every item and paragraph of the affidavit provided for in Code Section 44-7-50 were supported by proper evidence.

(b) If the tenant answers, a trial of the issues shall be had within 14 days from the date on which the answer was filed in accordance with the procedure prescribed for civil actions in courts of record except that if the action is tried in the magistrate court the trial shall be had in accordance with the procedures prescribed for that court. ~~Every effort should be made by the trial court to expedite a trial of the issues.~~ The defendant shall be allowed to remain in possession of the premises pending the final outcome of the litigation; provided, however, that, at the time of his or her answer, the tenant must pay rent into the registry of the court pursuant to Code Section 44-7-54."

SECTION 8.

Said chapter is further amended by revising Code Section 44-7-55, relating to judgment, writ of possession, landlord's liability for wrongful conduct, distribution of funds paid into court, and personal property, as follows:

"44-7-55.

(a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered against the tenant for all rents due and for any other claim relating to the dispute. Within

14 days from the date of the trial, the ~~The~~ court shall issue a writ of possession, both of execution for the judgment amount and a writ to be effective at the expiration of seven days after the date such judgment was entered, except as otherwise provided in Code Section 44-7-56.

(b) If the judgment is for the tenant, ~~he~~ the tenant shall be entitled to remain in the premises and the landlord shall be liable for all foreseeable damages shown to have been caused by ~~his~~ the tenant's wrongful conduct. Any funds remaining in the registry of the court shall be distributed to the parties in accordance with the judgment of the court.

(c) Any writ of possession issued pursuant to this article shall authorize the removal of the tenant or his or her personal property or both from the premises and permit the placement of such personal property on some portion of the landlord's property or on other property as may be designated by the landlord and as may be approved by the executing officer; provided, however, that the landlord shall not be a bailee of such personal property and shall owe no duty to the tenant regarding such personal property. After execution of the writ, such property shall be regarded as abandoned.

(d) Subject to subsection (a) of this Code section and Code Section 44-7-59, applications for execution of a writ of possession shall be made within 30 days of issuance of the writ of possession unless such application for said writ is accompanied by an affidavit showing good cause for the delay in applying for execution of the writ. The failure to execute a writ in conformity with this Code section shall require the applicant to apply for a new writ.

(e) ~~Nothing in this Code section shall require a~~ A sheriff, constable, or marshal ~~to~~ shall execute a writ of possession within ~~30~~ 14 days from the ~~issuance of any order granting a writ of possession, or the issuance,~~ application~~,~~ or request for the execution of the writ of possession."

SECTION 9.

By renumbering SECTION 7 as SECTION 10.