

House Bill 427

By: Representatives Reese of the 140<sup>th</sup>, Greene of the 154<sup>th</sup>, Smith of the 18<sup>th</sup>, Gullett of the 19<sup>th</sup>, and Olaleye of the 59<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to recording relative to property, so as to provide for notice to the owner and deed  
3 holder when another deed is filed by another party; to provide for a 45 day waiting period;  
4 to provide for limitations; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated, relating to  
9 recording relative to property, is amended by adding a new Code section to read as follows:

10 "44-2-2.1.

11 (a) A deed, mortgage, or lien of property presented for recordation in the office of the clerk  
12 of the superior court by a person other than the owner or deed holder of record shall be  
13 subject to a 45 day waiting period. Within 15 business days of the date when such deed,  
14 mortgage, or lien of property is presented for recordation in the office of the clerk of the  
15 superior court by a person other than the owner or deed holder of record, the clerk of the  
16 superior court shall:

H. B. 427

- 17 (1) Provide the owner or deed holder of record notice by mail or electronically that a  
18 subsequent conveyance has been presented; and
- 19 (2) Advise the owner or deed holder of record that the deed, mortgage, or lien of  
20 property presented shall be recorded no less than 45 days from the date of the notice  
21 provided for in paragraph (1) of this subsection unless the owner or deed holder of record  
22 notifies the clerk of the superior court that such recordation is unauthorized.
- 23 (b) The notice provided for in subsection (a) of this Code section shall be waived if:
- 24 (1) A person has presented a notarized affidavit as provided in Code Section 44-2-19  
25 along with the instrument presented for recordation; or
- 26 (2) A person has presented a notarized power of attorney along with the instrument  
27 presented for recordation."

28

**SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.