

The House Committee on Judiciary offers the following substitute to HB 1348:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 9 of the Official Code of Georgia Annotated, relating to
2 receivers relative to civil practice, so as to provide for compensation for receivers; to provide
3 for a cap on compensation; to make conforming changes; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 8 of Title 9 of the Official Code of Georgia Annotated, relating to receivers relative
8 to civil practice, is amended by revising Code Section 9-8-13, relating to award of attorneys'
9 and receivers' fees and how determined, as follows:

10 "9-8-13.

11 (a) In all cases where a receiver is appointed under the laws of this state to take charge of
12 the assets of any person, firm, or corporation and a fund is brought into court for
13 distribution, the court having jurisdiction thereof shall award to counsel filing the petition
14 and representing the moving creditor or creditors, out of the fund, no greater sum as fees
15 for services rendered in filing the petition and bringing the fund into court than the services
16 are actually worth, taking as a basis therefor the amount represented by the counsel in the

17 original petition and the assets brought into the hands of the receiver by the services of
18 counsel not including the assets turned over to the receiver by defendants under order of
19 the court.

20 (b)(1) In all cases where a receiver is appointed to take charge of the assets of any
21 person, firm, or corporation, the court having jurisdiction thereof shall award to the
22 receiver as full compensation for his or her services, out of the fund coming into his or
23 her hands, not more than 8 percent of the first \$1,000.00, 4 percent ~~of the excess up to of~~
24 the amount above \$1,000.00 and not exceeding \$5,000.00, 3 percent of the amount
25 above \$5,000.00 and not exceeding \$10,000.00, ~~and 2 percent of all sums over the~~
26 amount above \$10,000.00 and not exceeding \$20,000.00, and 0.5 percent of all sums over
27 \$20,000.00.

28 (2) Where the business of an insolvent person, firm, or corporation is continued and
29 conducted by a receiver, the judge may allow such compensation as may be reasonable
30 for such services ~~in lieu of commissions~~, ~~not exceeding to exceed~~ the lesser of:

31 (A) Compensation ~~compensation~~ paid by persons in the usual and regular conduct of
32 such business; or

33 (B) Commissions of 8 percent of the first \$1,000.00, 4 percent of the amount
34 above \$1,000.00 and not exceeding \$5,000.00, 3 percent of the amount above \$5,000.00
35 and not exceeding \$10,000.00, 2 percent of the amount above \$10,000.00 and not
36 exceeding \$20,000.00, and 0.5 percent of all sums over \$20,000.00.

37 (c) In all cases, the presiding judge or other competent tribunal shall allow such
38 compensation to the attorney or attorneys filing the original petition and to the receiver or
39 receivers appointed thereunder as their services are reasonably worth not to exceed the
40 amounts provided for in subsection (b) of this Code section.

41 (d) Notwithstanding any provision of this Code section or other law to the contrary, in no
42 event shall total compensation awarded under this chapter exceed 5 percent of the total
43 sums received by the receiver unless otherwise ordered by the court."

44

SECTION 2.

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