

House Bill 175 (AS PASSED HOUSE AND SENATE)

By: Representatives Hightower of the 68<sup>th</sup>, Powell of the 32<sup>nd</sup>, and Fleming of the 121<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated,  
2 relating to covenants and warranties, so as to provide that certain covenants run with the  
3 land; to provide for related matters; to provide for an effective date and applicability; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 5 of Title 44 of the Official Code of Georgia Annotated, relating to  
8 covenants and warranties, is amended by adding a new Code section to read as follows:

9 "44-5-59.

10 Except as provided in Code Section 44-5-60 and excluding covenants recorded on property  
11 solely by the property's owner, which shall run with the title to the land, a covenant runs  
12 with the land when, for consideration and as reflected in a duly recorded instrument found  
13 in the applicable chain of title, a property owner and a third party agree to such covenant,  
14 the property is adequately described in such covenant, and such covenant does not run for  
15 more than 20 years."

16 **SECTION 2.**

17 This Act shall become effective on July 1, 2013, and shall apply to covenants recorded on  
18 or after that date.

19 **SECTION 3.**

20 All laws and parts of laws in conflict with this Act are repealed.