

House Bill 554 (COMMITTEE SUBSTITUTE)

By: Representatives Gunter of the 8<sup>th</sup>, Efstoration of the 104<sup>th</sup>, Smith of the 18<sup>th</sup>, Momtahan of the 17<sup>th</sup>, Oliver of the 82<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to  
2 mortgages, conveyances to secure debt, and liens, so as to revise when an action may operate  
3 as a lis pendens; to provide for when an action may operate as a lis pendens in cases  
4 involving domestic relations matters and nondomestic relations matters; to require issuance  
5 by a court in nondomestic relations matters; to provide for procedures and qualifications for  
6 issuance in nondomestic relations matters; to provide for related matters; to provide for  
7 applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages,  
11 conveyances to secure debt, and liens, is amended by revising Code Section 44-14-610,  
12 relating to necessity of recordation for operation of lis pendens as to real property, as follows:  
13 "44-14-610.

14 (a) This article shall only apply to actions involving any matter provided for under  
15 Title 19.

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16 (b) No action, whether seeking legal or equitable relief or both, as to real property in this  
17 state shall operate as a lis pendens as to any such real property involved therein until there  
18 shall have been filed in the office of the clerk of the superior court of the county where the  
19 real property is located and shall have been recorded by the clerk in a book to be kept by  
20 him for the purpose a notice of the institution of the action containing the names of the  
21 parties, the time of the institution of the action, the name of the court in which it is pending,  
22 a description of the real property involved, and a statement of the relief sought regarding  
23 the property."

24 **SECTION 2.**

25 Said chapter is further amended by adding a new article to read as follows:

26 "ARTICLE 9A

27 44-14-620.

28 (a) This article shall apply to all actions, except as provided for under Code Section  
29 44-14-610.

30 (b)(1) No action, whether seeking legal or equitable relief or both, as to real property in  
31 this state shall operate as a lis pendens as to any such real property involved therein until  
32 a court issues a lis pendens as to such real property. A court may issue a lis pendens as  
33 to real property:

34 (A) In a civil action in which a party claims title or interest in real property held  
35 pursuant to a written instrument as to which a remedy can be enforced in law or equity  
36 and in which all recorded owners of such real property are parties to the underlying  
37 civil action before such court; and

38 (B) Upon a motion to enter a lis pendens by a party to litigation, after which the parties  
39 to the underlying action shall have ten days to file an objection. The court shall then

40 render a decision as to whether to issue the lis pendens and whether, in the court's  
41 discretion, the movant shall be required to pay into the court's registry a bond in an  
42 amount to be determined by the court.

43 (2) During the pendency of the civil action in which a lis pendens has been issued, the  
44 court may withdraw the lis pendens, on the court's own motion or on the motion of party  
45 to the underlying action, upon a showing that the lis pendens is no longer necessary or  
46 appropriate.

47 (c) Upon the issuance of a lis pendens under subsection (b) of this Code section, such lis  
48 pendens shall not operate until such lis pendens there shall have been filed in the office of  
49 the clerk of the superior court of the county where the real property is located and shall  
50 have been recorded by the clerk in a book to be kept by him or her for the purpose a notice  
51 of the institution of the action containing the names of the parties, the time of the institution  
52 of the action, the name of the court in which it is pending, a description of the real property  
53 involved, and a statement of the relief sought regarding the property.

54 44-14-621.

55 The clerks of the superior courts of this state shall keep a lis pendens docket in which they  
56 shall record all notices of lis pendens on real property filed with them, such lis pendens  
57 docket to have proper indexes arranged alphabetically both as to direct and inverse; and the  
58 clerks shall be allowed a fee, as required by subparagraph (f)(1)(A) of Code Section  
59 15-6-77, for recording the lis pendens in the lis pendens docket.

60 44-14-622.

61 Upon the dismissal of any action by the plaintiff or plaintiffs or withdrawal pursuant to  
62 paragraph (2) of subsection (a) of Code Section 44-14-610 or when a settlement or final  
63 judgment is entered therein, such dismissal, withdrawal, settlement, or final judgment shall  
64 be indicated on the face of the lis pendens record by the clerk of the superior court of each

65 county where the lis pendens is recorded; and the book and page of the records where the  
66 final order or judgment is found shall also be indicated on the lis pendens record by the  
67 clerk.

68 44-14-623.

69 (a) This article shall in no way affect or alter the laws of this state with respect to personal  
70 property.

71 (b) This article shall in no way affect or alter the laws of this state with respect to  
72 judgments, executions, and attachments; the liens they create; their enforceability; the  
73 recording of executions in general execution docket; the notice given by the recording; or  
74 otherwise."

75 **SECTION 3.**

76 This Act shall apply to any lis pendens filed in the office of the clerk of the superior court  
77 on or after July 1, 2021.

78 **SECTION 4.**

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