

The Senate Committee on Judiciary offered the following substitute to HB 554:

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 lis pendens docket, indexing, and recording fees; to provide
4 for entry of dismissal, settlement, or final judgment; to provide for when an action may
5 operate as a lis pendens in cases involving domestic relations matters and nondomestic
6 relations matters; to require issuance by a court in nondomestic relations matters; to provide
7 for procedures and qualifications for issuance in nondomestic relations matters; to amend
8 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
9 appellate practice, so as to provide for discretionary appeals from orders granting or denying
10 an objection to the filing of a lis pendens or granting or denying a motion canceling a lis
11 pendens; to provide for related matters; to provide for applicability; to repeal conflicting
12 laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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PART I
SECTION 1-1.

16 Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages,
17 conveyances to secure debt, and liens, is amended by revising Code Section 44-14-610,
18 relating to necessity of recordation for operation of lis pendens as to real property, as follows:
19 "44-14-610.

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

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

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SECTION 1-2.

31 Said chapter is further amended by revising Code Section 44-14-611, relating to lis pendens
32 docket, indexing, and recording fees, as follows:

33 "44-14-611.

34 The clerks of the superior courts of this state ~~shall keep a lis pendens docket in which they~~
35 ~~shall record all notices of lis pendens on real property filed with them, such lis pendens~~
36 ~~docket to have proper indexes arranged alphabetically both as to direct and inverse; in the~~
37 records kept pursuant to Code Section 15-6-61 and the clerks shall be allowed a fee, as

38 required by subparagraph (f)(1)(A) of Code Section 15-6-77, for recording the lis pendens
39 in the lis pendens docket."

40 **SECTION 1-3.**

41 Said chapter is further amended by revising Code Section 44-14-612, relating to entry of
42 dismissal, settlement, or final judgment, as follows:

43 "44-14-612.

44 Upon the dismissal of any action by the plaintiff or plaintiffs or when a settlement or final
45 judgment is entered therein, such dismissal, settlement, or final judgment shall be indicated
46 on the face of the lis pendens record by the clerk of the superior court of each county where
47 the lis pendens is recorded; and the book and page of the records where the final order or
48 judgment is found shall also be indicated on the lis pendens record by the clerk the party
49 initiating the filing of a lis pendens notice shall file a release of the lis pendens with the
50 clerk of the superior court of each county where the lis pendens was recorded."

51 **SECTION 1-4.**

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

53 "ARTICLE 10

54 44-14-620.

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

57 (b)(1) No action, whether seeking legal or equitable relief or both, as to real property in
58 this state shall operate as a lis pendens as to any such real property involved therein until
59 there shall have been filed in the office of the clerk of the superior court of the county
60 where the real property is located a notice of the institution of the action containing the

61 names of the parties, the time of the institution of the action, the name of the court in
62 which it is pending, a description of the real property involved, and a statement of the
63 relief sought regarding the property, provided that:

64 (A) The real property is involved in a civil action into which realty is actually and
65 directly brought by the pleadings in a pending suit and in which relief is sought
66 regarding that particular property; and

67 (B) Any person with a claim of a legal or equitable interest in such real property shall
68 have the right to intervene and file a motion to object in the civil action to the filing of
69 the lis pendens, and, if so filed, the court shall review and make a determination
70 within 30 days of such filing, unless otherwise extended by the court, as to whether:

71 (i) The filing of the lis pendens meets the requirements of this paragraph. If the court
72 finds that such filing does not meet the requirements of this paragraph, the court shall
73 enter an order canceling the lis pendens; and

74 (ii) The filer of the lis pendens shall be required to pay or post into the court's registry
75 a bond in an amount to be determined by the court.

76 (2) During the pendency of the civil action, the court may enter an order canceling the
77 lis pendens, on the court's own motion or on the motion of a party to the underlying
78 action, upon a showing that the real property is no longer involved in the pending action.

79 44-14-621.

80 The clerks of the superior courts of this state shall record all notices of lis pendens on real
81 property filed with them and shall be allowed a fee, as required by subparagraph (f)(1)(A)
82 of Code Section 15-6-77, for recording the lis pendens in the lis pendens docket.

83 44-14-622.

84 Upon the dismissal of any action or cancellation pursuant to subsection (b) of Code
85 Section 44-14-620 or when a settlement or final judgment is entered therein, or upon order
86 of the court, the party initiating the filing of a lis pendens shall file a release of the lis
87 pendens with the clerk of the superior court of each county where the lis pendens was
88 recorded.

89 44-14-623.

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

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

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PART II

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SECTION 2-1.

98 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
99 appellate practice, is amended by revising paragraphs (11) and (12) of, and adding a new
100 paragraph to, subsection (a) of Code Section 5-6-35, relating to cases requiring application
101 for appeal, requirements for application, exhibits, response, issuance of appellate court order
102 regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals involving
103 nonmonetary judgments in custody cases, as follows:

104 "(11) Appeals from decisions of the state courts reviewing decisions of the magistrate
105 courts by de novo proceedings so long as the subject matter is not otherwise subject to
106 a right of direct appeal; and

107 (12) Appeals from orders terminating parental rights; and
108 (13) Appeals from orders under subsection (b) of Code Section 44-14-620 granting or
109 denying an objection to the filing of a lis pendens or granting or denying a motion
110 canceling a lis pendens."

111 **PART III**
112 **SECTION 3-1.**

113 This Act shall apply to any lis pendens filed in the office of the clerk of the superior court
114 on or after July 1, 2022.

115 **SECTION 3-2.**
116 All laws and parts of laws in conflict with this Act are repealed.