

The House Committee on Ways and Means offers the following substitute to HB 81:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated,
2 relating to redemption of property sold for taxes, so as to modify the lien created by
3 redemption; to provide for procedures, conditions, and limitations; to provide for related
4 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated, relating to
9 redemption of property sold for taxes, is amended by revising Code Section 48-4-40, relating
10 to persons entitled to redeem land sold under tax executions, payment, and time, as follows:
11 "48-4-40.

12 (a) Whenever any real property is sold under or by virtue of an execution issued for the
13 collection of state, county, municipal, or school taxes or for special assessments, the
14 defendant in fi. fa., record owner of the property at the time of sale, or any person having
15 any right, title, or ownership interest in or lien upon such property any mortgage holder or
16 security deed holder whose interest was recorded and appeared in the deed records of the
17 clerk of superior court of the county in which the property is located as of the date of levy
18 as provided for in Code Section 9-13-13 may redeem the property from the sale by the
19 payment of the redemption price or the amount required for redemption, as fixed and
20 provided in Code Section 48-4-42:

21 (1) At any time within 12 months from the date of the sale; and
22 (2) At any time after the sale until the right to redeem is foreclosed by the giving of the
23 notice provided for in Code Section 48-4-45.

24 (b) Any judgment creditor or holder of a tax lien, which was properly recorded and
25 appeared in the general execution docket of the clerk of superior court of the county in
26 which the property is located as of the date of levy as provided for in Code Section

27 9-13-13, may redeem the property from the sale by the payment of the redemption price
 28 or the amount required for redemption, as fixed and provided in Code Section 48-4-42, at
 29 any time after a period of 300 days has elapsed from the date of the sale.

30 (c) Notwithstanding anything to the contrary contained in this Code section, any person
 31 who redeems property from a tax sale within the first 30 days from the date of the tax sale
 32 does so subject to the limitations provided in Code Section 9-13-172.1."

33 **SECTION 2.**

34 Said article is further amended by revising Code Section 48-4-43, relating to the effect of
 35 redemption of property, as follows:

36 "48-4-43.

37 (a) When property has been redeemed, the effect of the redemption shall be to put the title
 38 conveyed by the tax sale back into the defendant in fi. fa. or record owner of the property
 39 at the time of the tax sale, subject to all valid liens against the property existing at the time
 40 of the tax sale. If ~~the~~ a valid redemption pursuant to the provisions of subsection (a) or (b)
 41 of Code Section 48-4-40 has been made by any creditor of the defendant or by any person
 42 having any interest in the property, the amount expended by ~~the~~ such creditor ~~or person~~
 43 interested shall constitute a first lien on the property pursuant to subsection (b) of Code
 44 Section 48-2-56 and, if the quitclaim deed provided for in Code Section 48-4-44 is
 45 recorded as required by law, shall be repaid prior to any other claims upon the property
 46 subject to the limitations provided for in subsection (b) of Code Section 48-4-40.

47 (b) No enforcement for the first lien set forth in subsection (a) of this Code section shall
 48 commence any sooner than one year from the date of the tax sale."

49 **SECTION 3.**

50 Said article is further amended by revising paragraph (1) of subsection (a) of Code Section
 51 48-4-45, relating to the notice of foreclosure of right of redemption, as follows:

52 "(1) To be served upon all of the following persons who reside in the county in which the
 53 property is located:

54 (A) The defendant in the execution under or by virtue of which the sale was held;

55 (B) The occupant, if any, of the property; and

56 (C) All persons having of record in the county in which the land is located any right,
 57 title, or ownership interest in, or lien upon the property;"

58 **SECTION 4.**

59 This Act shall become effective upon its approval by the Governor or upon its becoming law
60 without such approval and shall apply to all redemptions of tax sale property initiated on or
61 after such date.

62 **SECTION 5.**

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