

House Bill 182

By: Representatives Reeves of the 99th, Williams of the 148th, Leverett of the 123rd, Silcox of the 53rd, and Evans of the 57th

A BILL TO BE ENTITLED
AN ACT

1 Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,
2 relating to recording of deeds and other real property transactions, so as to revise provisions
3 for curing defective deeds and other instruments; to comport with the legislative correction
4 recommended by the United States Eleventh Circuit Court of Appeals in *Pingora Loan*
5 *Servicing, LLC, v. Scarver (In Re: Lindstrom)*; to provide for an effective date and
6 applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,
10 relating to recording of deeds and other real property transactions, is amended by revising
11 Code Section 44-2-18, relating to recording deed upon affidavit of subscribing witness and
12 effect of substantial compliance, as follows:

13 "44-2-18.

14 If a deed is ~~neither not attested by nor acknowledged before~~ one of the officers named in
15 Code Section 44-2-15, it may be recorded upon the affidavit of a subscribing witness,
16 which affidavit shall be made before any one of the officers named in Code Section
17 44-2-15 and shall testify to the execution of the deed and its attestation according to law.

H. B. 182

18 A substantial compliance with the requirements of this Code section shall be held sufficient
19 in the absence of all suspicion of fraud."

20 **SECTION 2.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law
22 without such approval and shall apply to all deeds and other instruments recorded pursuant
23 to Code Section 44-14-61 from July 1, 2015.

24 **SECTION 3.**

25 All laws and parts of laws in conflict with this Act are repealed.