

SENATE SUBSTITUTE TO HB 554:

**AS PASSED SENATE**

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:

14 **PART I**

15 44-14-610.

16 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  
19 the real property is located a notice of the institution of the action containing the names  
20 of the parties, the time of the institution of the action, the name of the court in which it  
21 is pending, a description of the real property involved, and a statement of the relief sought  
22 regarding the property, provided that:

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

26 (B) Any person with a claim of a legal or equitable interest in such real property shall  
27 have the right to intervene and file a motion to object in the civil action to the filing of  
28 the lis pendens, and, if so filed, the court shall review and make a determination  
29 within 60 days of such filing, unless otherwise extended by the court, as to whether:

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

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

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

38 44-14-611.

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

42 44-14-612.

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

48 **PART II**

49 **SECTION 2-1.**

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

56 "(11) Appeals from decisions of the state courts reviewing decisions of the magistrate  
57 courts by de novo proceedings so long as the subject matter is not otherwise subject to  
58 a right of direct appeal; ~~and~~  
59 (12) Appeals from orders terminating parental rights; and  
60 (13) Appeals from orders under subsection (b) of Code Section 44-14-620 granting or  
61 denying an objection to the filing of a lis pendens or granting or denying a motion  
62 canceling a lis pendens."

63 **PART III**

64 **SECTION 3-1.**

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

67

**SECTION 3-2.**

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