

Senate Bill 123

By: Senators Fort of the 39th, Henson of the 41st, Lucas of the 26th, Tate of the 38th, Davis of the 22nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to foreclosure, so as to provide that after
3 December 31, 2013, any document or instrument made for the purpose of securing the
4 payment of money for owner occupied residential real property shall be deemed to be a
5 mortgage; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
9 relating to general provisions relative to foreclosure, is amended by adding a new Code
10 section to read as follows:

11 "44-14-166.

12 All conveyances, obligations, bills of sale, and other instruments of writing executed on or
13 after January 1, 2014, that convey or sell owner occupied residential real property with the
14 intention of securing the payment of money, whether such instrument is from the debtor
15 to the creditor or from the debtor to a third person in trust for the creditor, shall be deemed
16 to be mortgages and shall be subject to all provisions of law relating to mortgages. No
17 such instrument executed on or after January 1, 2014, shall be foreclosed through any
18 procedure other than those governed by the provisions governing the foreclosure of
19 mortgages. Nothing in this Code section shall be construed so as to impair any contract
20 entered into prior to January 1, 2014."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.