

Senate Bill 299

By: Senators Ginn of the 47th, Wilkinson of the 50th, Mullis of the 53rd, Albers of the 56th,
Dugan of the 30th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia
2 Annotated, relating to recording of deeds and other real property transactions, so as to require
3 that no instrument by which the title to real property or any interest therein is conveyed,
4 created, assigned, encumbered, disposed of, or otherwise affected shall be entitled to
5 recordation unless such instrument bears the signature of an attorney licensed to practice law
6 in this state who is a member in good standing of the State Bar of Georgia at the time of the
7 execution of such signature attesting that, to the best of such attorney's knowledge and belief,
8 such instrument is properly drafted under the laws of this state and is not fraudulent; to
9 amend Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating
10 to general provisions regarding notaries public, so as to increase the penalties for a notary
11 public who is convicted of executing a notarial certificate containing a statement known by
12 such notary to be false or performing any action with an intent to deceive or defraud; to
13 provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Part 1 of Article 1 of Chapter 2 of Title 44 of the Official Code of Georgia Annotated,
17 relating to recording of deeds and other real property transactions, is amended in Code
18 Section 44-2-14, relating to requirements for recordation, by adding a new subsection to read
19 as follows:

20 "(e) No instrument by which the title to real property or any interest therein is conveyed,
21 created, assigned, encumbered, disposed of, or otherwise affected shall be entitled to
22 recordation unless such instrument bears the signature of an attorney licensed to practice
23 law in this state who is a member in good standing of the State Bar of Georgia at the time
24 of the execution of such signature attesting that, to the best of such attorney's knowledge
25 and belief, such instrument is properly drafted under the laws of this state and is not
26 fraudulent."

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SECTION 2.

28 Article 1 of Chapter 17 of Title 45 of the Official Code of Georgia Annotated, relating to
29 general provisions regarding notaries public, is amended by revising subsection (a) of Code
30 Section 45-17-20, relating to penalty and prosecution of violations of article, as follows:

31 "(a) Any person who violates subsection (d) of Code Section 45-17-8 shall be guilty of a
32 misdemeanor felony and, upon conviction thereof, shall be punished by imprisonment for
33 a period of not less than one nor more than five years, a fine of not more than \$25,000.00,
34 or both."

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SECTION 3.

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