

Senate Bill 471

By: Senators Robertson of the 29th, Albers of the 56th, Gooch of the 51st, Brass of the 28th and Dolezal of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 9-13-161 and 48-4-1 of the Official Code of Georgia Annotated,
2 relating to where and when sales under execution held and change of place of public sales
3 by court order, and procedures for sales under tax levies and executions, respectively, so as
4 to authorize online public sales under tax levies and executions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 9-13-161 of the Official Code of Georgia Annotated, relating to where and
9 when sales under execution held and change of place of public sales by court order, is
10 amended by revising subsection (a) as follows:

11 "(a)(1) Unless otherwise provided, sales of property taken under execution shall be made
12 by the sheriffs or coroners ~~only~~ at the courthouse of the county where the levy was made
13 on the first Tuesday in each month, between the hours of 10:00 A.M. and 4:00 P.M., and
14 at public outcry; provided, however, that, should the first Tuesday of the month fall on
15 New Year's Day or Independence Day, such sales shall take place on the immediately
16 following Wednesday. A change in the time of such sales from the first Tuesday of the
17 month to the first Wednesday of the month as provided in this subsection shall also apply

18 to all public sales within the county required to be conducted at the time of the sheriff's
19 sales.

20 (2) Sales of property taken under execution, as provided for in paragraph (1) of this
21 subsection, may also be conducted through internet enabled technology and digital media,
22 including, but not limited to, websites and consumer applications accessible through
23 computers, smartphones, or other electronic devices."

24 **SECTION 2.**

25 Code Section 48-4-1 of the Official Code of Georgia Annotated, relating to procedures for
26 sales under tax levies and executions, is amended by revising subsection (a) as follows:

27 "(a)(1) Except as otherwise provided in this title, when a levy is made upon real or
28 personal property, the property shall be advertised and sold in the same manner as
29 provided for executions and judicial sales. Except as otherwise provided in this title, the
30 sale of real or personal property under a tax execution shall be made in the same manner
31 as provided for judicial sales; provided, however, that in addition to such other notice as
32 may be required by law, in any sale under a tax execution made pursuant to this chapter,
33 the defendant shall be given ten days' written notice of such sale by registered or certified
34 mail or statutory overnight delivery. The notice required by this Code section shall be
35 sent:

36 (A) In cases of executions issued by a county officer for ad valorem taxes, to the
37 defendant's last known address as listed in the records of the tax commissioner of the
38 county that issued the tax execution;

39 (B) In cases of executions issued by a municipal officer for ad valorem taxes, to the
40 defendant's last known address as listed in the records of the municipal officer of the
41 municipality that issued the tax execution; or

42 (C) In cases of executions issued by a state officer, to the defendant's last known
43 address as listed in the records of the department headed by the issuing officer.

44 (2) A copy of the notice provided for in paragraph (1) of this subsection shall also be sent
45 by the same tax officer sending the notice to the defendant to the appropriate tax official
46 of the state, county, or municipality which also has issued an execution with respect to
47 such property.

48 (3) A sale for taxes due may be conducted by the tax commissioner or tax collector or
49 his or her duly authorized officer and may be held in the office of the tax commissioner
50 or tax collector or at such other location as may be identified in the notice required by this
51 Code section; provided, however, that any such sale may also be conducted through
52 internet enabled technology and digital media, including, but not limited to, websites and
53 consumer applications accessible through computers, smartphones, or other electronic
54 devices. Such notice shall also be posted in a conspicuous location in the appropriate
55 courthouse."

56

SECTION 3.

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