

House Bill 444 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 99th, Gunter of the 8th, Silcox of the 53rd, Evans of the 57th,
and Stoner of the 40th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 9 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
2 relating to lis pendens, so as to revise when an action may operate as a lis pendens; to
3 provide for superior court clerks to record all notices of lis pendens on real property filed
4 with them; to provide for recording fees; to provide for entry of dismissal, settlement, or final
5 judgment; to provide for when an action may operate as a lis pendens in cases involving
6 domestic relations matters and nondomestic relations matters; to require issuance by a court;
7 to provide for procedures and qualifications for issuance; to amend Article 2 of Chapter 6 of
8 Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, so as to
9 provide for discretionary appeals from orders granting or denying an objection to the filing
10 of a lis pendens or granting or denying a motion canceling a lis pendens; to provide for
11 related matters; to provide for applicability; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

16 Article 9 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to lis
17 pendens, is amended by repealing and replacing Code Section 44-14-610, relating to
18 necessity of recordation for operation of lis pendens as to real property, as follows:

19 "44-14-610.

20 (a) No action, whether seeking legal or equitable relief or both, as to real property in this
21 state shall operate as a lis pendens as to any such real property involved therein until there
22 shall have been filed in the office of the clerk of the superior court of the county where the
23 real property is located a notice of the institution of the action containing the names of the
24 parties, the time of the institution of the action, the name of the court in which it is pending,
25 a description of the real property involved, and a statement of the relief sought regarding
26 the property, provided that:

27 (1) The real property is involved in a civil action into which realty is actually and
28 directly brought by the pleadings in a pending suit and in which relief is sought regarding
29 that particular property; and

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

34 (A) The filing of the lis pendens meets the requirements of this paragraph. If the court
35 finds that such filing does not meet the requirements of this paragraph, the court shall
36 enter an order canceling the lis pendens; and

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

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

42 **SECTION 1-2.**

43 Said article is further amended by repealing and replacing Code Section 44-14-611, relating
44 to lis pendens docket, indexing, and recording fees, as follows:

45 "44-14-611.

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

49 **SECTION 1-3.**

50 Said article is further amended by repealing and replacing Code Section 44-14-612, relating
51 to entry of dismissal, settlement, or final judgment, as follows:

52 "44-14-612.

53 Upon the dismissal of any action or cancellation pursuant to subsection (a) of Code
54 Section 44-14-610 or when a settlement or final judgment is entered therein, or upon order
55 of the court, the party initiating the filing of a lis pendens shall file a release of the lis
56 pendens with the clerk of the superior court of each county where the lis pendens was
57 recorded."

58 **PART II**

59 **SECTION 2-1.**

60 Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to
61 appellate practice, is amended by revising paragraphs (11) and (12) of, and adding a new

62 paragraph to, subsection (a) of Code Section 5-6-35, relating to cases requiring application
63 for appeal, requirements for application, exhibits, response, issuance of appellate court order
64 regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals involving
65 nonmonetary judgments in custody cases, as follows:

66 "(11) Appeals from decisions of the state courts reviewing decisions of the magistrate
67 courts by de novo proceedings so long as the subject matter is not otherwise subject to
68 a right of direct appeal; ~~and~~

69 (12) Appeals from orders terminating parental rights; and

70 (13) Appeals from orders under subsection (a) of Code Section 44-14-610 granting or
71 denying an objection to the filing of a lis pendens or granting or denying a motion
72 canceling a lis pendens."

73

PART III

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SECTION 3-1.

75 This Act shall apply to any lis pendens filed in the office of the clerk of the superior court
76 on or after July 1, 2023.

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SECTION 3-2.

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