

House Bill 492 (AS PASSED HOUSE AND SENATE)

By: Representatives Rich of the 97th, Moore of the 95th, Wilson of the 80th, and Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to dispossessory proceedings, so as to require applications for execution of a writ of
3 possession be made within 30 days of the issuance of the writ unless good cause is shown;
4 to provide for a penalty; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
9 dispossessory proceedings, is amended by revising Code Section 44-7-49, relating to "writ
10 of possession" defined, as follows:

11 "44-7-49.

12 As used in this article, the term '~~writ of possession~~':

13 (1) 'Application for execution of a writ of possession' means the request or application
14 for a sheriff, constable, or marshal to execute a writ of possession which was issued
15 pursuant to this article.

16 (2) 'Writ of possession' means a writ issued to recover the possession of land or other
17 property and such writ shall not contain restrictions, responsibilities, or conditions upon
18 the landlord in order to be placed in full possession of the land or other property."

19 **SECTION 2.**

20 Said article is further amended in Code Section 44-7-55, relating to judgment, writ of
21 possession, landlord's liability for wrongful conduct, distribution of funds paid into court, and
22 personal property, by adding new subsections to read as follows:

23 "(d) Subject to subsection (a) of this Code section and Code Section 44-7-59, applications
24 for execution of a writ of possession shall be made within 30 days of issuance of the writ
25 of possession unless such application for said writ is accompanied by an affidavit showing

26 good cause for the delay in applying for execution of the writ. The failure to execute a writ
27 in conformity with this Code section shall require the applicant to apply for a new writ.
28 (e) Nothing in this Code section shall require a sheriff, constable, or marshal to execute
29 a writ of possession within 30 days from the issuance of any order granting a writ of
30 possession, or the issuance, application, or request for the execution of the writ of
31 possession."

32 **SECTION 3.**

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