

WFG Underwriting Bulletin



To: All Georgia Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: October 5, 2016
Bulletin No: GA 2017-04
Subject: Statewide Indexing for Georgia Department of Revenue Liens

[HB 337](#) passed the Georgia House and Senate and was signed into law by Governor Deal. The effective date of this new legislation is January 1, 2018. The new code section is [O.C.G.A. §44-1-18](#). This will have a great impact on the real estate industry and you'll need to be aware of these changes and begin planning your office policy and procedures on how to address clearing Georgia Department of Revenue ("DOR") tax liens.

The comment period for the regulation ended on September 21, 2017 and we are waiting for a response from the DOR if there will be any changes as a result of the comments from our industry. A follow up bulletin will be sent once the regulations are finalized. WFG provided a comment to the DOR expressing concerns with the regulation as it is currently set out.

The DOR has a system that will be implemented for requesting a clearance letter. This will affect all of your real estate transactions, whether the grantor has a lien or not. The DOR requires all requests to be made either via the DOR portal or via email. There is an option to send a request, certified mail, return receipt requested or by overnight mail, but any correspondence from the DOR will be via the portal or by email. Nothing will be mailed or faxed from the DOR. You will either obtain a certificate of clearance from the DOR or a Statement of Lien. The DOR is required to provide a response within 5 days of receipt of the request.

If you receive a certificate of clearance for your real estate transaction, the regulation requires that the certificate number provided by the DOR be included on the PT-61 when the vesting deed is filed. If you receive a statement of lien, according to the current regulations, the lien must be satisfied prior to recording any vesting documents. This is a point of contention in the real estate community and one that we are waiting for a response from the DOR.

The new Statute of Limitation for DOR tax liens filed after January 1, 2018 will be for a period of 10 years. No nulla bonas will be filed. Effective January 1, 2018, any DOR liens prior to January 1, 2018 that is filed against a **prior owner** will no longer be a lien against a property previously owned by that taxpayer. Please review and familiarize yourself with what constitutes a "Current Owner" as set out in [O.C.G.A. §44-1-18](#) to determine whether a tax lien affects the property in your transaction. If you are uncertain, please contact a WFG Underwriter for further guidance.

NOTE: The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.