



SUPREME COURT OF GEORGIA
Case No. S16C0664

Atlanta, April 26, 2016

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

SUNTRUST BANK v. MATTIE VENABLE

Court of Appeals Case No. A15A0791

The Supreme Court today granted the writ of certiorari in this case. All the Justices concur, except Benham, J., who dissents.

This case will be assigned to the July 2016 oral argument calendar automatically under Supreme Court Rule 50 (2), as amended September 13, 1996. Oral argument is mandatory in granted certiorari cases.

This Court is particularly concerned with the following issue or issues:

Did the Court of Appeals err in concluding that the primary purpose of the contract to finance the purchase of a car in this case was to sell goods rather than create a security interest for the bank involved? See *Ole Mexican Foods, Inc. v. Hanson Staple Co.*, 285 Ga. 288, 290 (“If a contract contains a blend of sale and nonsale elements, [the four-year statute of limitations of OCGA § 11-2-725 (1)] applies only if the dominant purpose behind the contract reflects a sales transaction”) (citations and punctuation omitted); OCGA § 11-2-102 ([T]his article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction).

Briefs should be submitted only on these points. See Supreme Court Rule 45.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

, Clerk