



Supreme Court of Georgia

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CASES DUE FOR ORAL ARGUMENT

Summaries of Facts and Issues

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Tuesday, August 11, 2020

10:00 A.M. Session

HARRIS V. THE STATE (S20A0786)

In this **Muscogee County** case, **Vince Martinez Harris, Sr.** is appealing his malice murder convictions and prison sentences for the 2012 shooting deaths of Tina Green Hall and her 6-year-old son, Jeremy, in Columbus, GA. Harris was sentenced to two consecutive life prison sentences with no chance of parole.

Attorney for Appellant (Harris): Matthew Winchester

Attorneys for Appellee (State): Julia Slater, District Attorney, George Lipscomb, Sr. Asst. D.A., Christopher Carr, Attorney General, Beth Burton, Dep. A.G., Paula Smith, Sr. Asst. A.G., Michael Oldham, Asst. A.G.

CRIPPEN & LAWRENCE INVESTMENT COMPANY, INC. V. A TRACT OF LAND BEING KNOWN AS 444 LEMON STREET ET AL. (S19G1645)

An investment company is appealing a decision by the Georgia Court of Appeals that upholds a **Cobb County** court’s dismissal of the company’s petition for legal title of property it purchased in a tax sale after the property’s owner failed to pay ad valorem taxes. The **tract of land on Lemon Street** in Marietta, GA had belonged to Lillie Mae Bedford. After she died, her daughter, Jennifer Hood, supposedly inherited the property, but no one paid taxes on it from 2009 through 2012, and the City of Marietta took steps to sell it. In July 2013, **Crippen & Lawrence Investment Co., Inc.** purchased the property in a non-judicial tax sale. Both Hood and the executor of Bedford’s estate were notified that Crippen had purchased the property. Crippen notified Hood, but not the executor of Bedford’s estate, that her right to redeem the property by paying the back taxes would expire on Sept. 3, 2014. After the deadline passed without any attempts to redeem the property, Crippen filed the petition for “quiet title,” an action brought to establish a party’s title to real property and “quiet” any challenges or claims to the title. The executor then filed a motion to dismiss the petition and set aside the tax sale, arguing he had not received notice of any of the proceedings. The trial court adopted the special master’s report, finding that there was no deed that the property had ever been conveyed to Hood and that the executor had an interest in the tax sale and was entitled to notice of the foreclosure of the right to redeem. However, the executor had never been served with the foreclosure of the right of redemption, the trial court found, and it dismissed Crippen’s petition for quiet title. Crippen appealed to the Court of Appeals, Georgia’s intermediate appellate court, arguing that the trial court erred by finding that the executor was entitled to notice of the foreclosure of the right to redemption. The appellate court disagreed and upheld the lower court’s ruling. Crippen now appeals to the Georgia Supreme Court.

Attorney for Appellant (Crippen): John Coleman

Attorney for Appellee (Tract of land): Reginald Snyder

MASSEY ET AL. V. DUKE BUILDERS, INC. (S20G0018)

In this **DeKalb County** case, a couple is appealing a ruling by the Georgia Court of Appeals involving a dispute over construction done by **Duke Builders, Inc.** after the couple’s home was destroyed by fire. Duke worked on the construction of **John K. Massey’s and Stephanie Massey’s** new house from April 2014 until April 2015 when Duke discovered that the Masseys had hired another contractor to finish the work due to their complaints of delays and cost overruns. In May 2015, Duke filed a lien against the Masseys’ property in the amount of \$197,107.13. Although most of that amount was for materials and labor of work Duke said it had already completed and the Masseys still owed, about \$50,000 was for lost profits on unfinished work. The Masseys sued Duke the following November, and Duke counterclaimed, seeking to recover the amounts it claimed the Masseys owed under the parties’ agreement, plus attorney fees. The trial court granted the Masseys’ motion seeking to cancel Duke’s “materialman’s lien,” finding that the lien was void because it violated Georgia statutory law by exceeding the contract

price for work already performed by Duke. Duke appealed to the Court of Appeals, which partially affirmed the judgment and partially reversed it, remanding the case to the trial court. The Court of Appeals agreed that Duke's lien improperly included future lost profits which exceeded the statutory limitations, but it disagreed that exceeding the statutory limitations invalidated the lien. It instead ordered that on remand, the lien be amended to take out the \$50,000 for future lost profits. The Masseys now appeal to the state Supreme Court, arguing that the entire lien is invalid and void, and a court may not amend an otherwise invalid lien to make it valid. Duke argues that the Court of Appeals properly allowed the amendment of the lien. It also argues that the lien did not violate the statutory lien requirements by including an amount for profits because the General Assembly amended Georgia statutory law in 2013 to allow liens to include any amount due and owing under the contract.

Attorneys for Appellants (Masseys): Michael Terry, Jane Vincent, Gerald Davidson, Jr., Matthew Benson, Brian Easley

Attorneys for Appellee (Duke): Robert Highsmith, Jr., Jake Evans, Anthony Powell, Wesley Ross, John Crowley