

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

DERRICK JACKSON,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	NO. 2023CV375542
)	
INTERNAL REVENUE SERVICE,)	
BANK OF AMERICA, N.A.,)	
ARTHUR M. MCCRACKEN,)	
JULIE L. MCCRACKEN,)	
ALL THE WORLD,)	
)	
Defendants.)	

ORDER OF APPOINTMENT OF SPECIAL MASTER

The above-captioned case is presently before the Court on the Petitioner's motion to appoint special master. Having considered the instant request and record, the Court finds that the interests of the Parties and the orderly management of the Court's business would be served by appointing a Special Master in the above-captioned case. Accordingly, the Court HEREBY APPOINTS, subject to the terms and conditions set forth, Mr. Barry L. Zimmerman as the Special Master in the above-captioned case. The contact information for the Special Master is as follows: Mr. Barry L. Zimmerman, email: blz@zimmermanattys.com, 6376 Spalding Drive, Norcross, Georgia, 30092, phone: (770) 350-0100.

I. SCOPE

Said appointment is made pursuant to O.C.G.A. § 23-3-63 and Georgia Uniform Superior Court Rule 46(A)(1)(e) for the purpose of an investigation and report to the Court as to whether the Petitioner has any interest whatsoever in the property located at 955 Tiverton Lane, Alpharetta, GA 30022.

II. DUTIES

The Special Master is hereby directed to proceed, with all reasonable diligence, to address the issue directed in paragraph I. Said report shall be furnished to the Court within 120 days.

B. Conflict Resolution

The Special Master shall have the authority to receive testimony under oath before a court reporter and to preside over the reception of evidence into the record.

C. Settlement

If requested, the Special Master may serve as a mediator to facilitate settlement of the above-captioned case.

D. Sanctions

The Special Master may impose sanctions upon any party for failure to comply with this order.

E. Report and Recommendation

Pursuant to Uniform Superior Court Rule 46, the Special Master shall consider the pleadings, review the evidence, and if appropriate, take evidence and hear oral argument regarding the issue directed. Upon completing such review and consideration, the Special Master shall report the findings to the Court. Contemporaneously, the Special Master shall serve a copy of the Report upon the Parties.

III. CONDUCT OF THE PARTIES

The Parties are instructed to cooperate with the Special Master in all respects, including, but not limited to, making available to the Special Master any facilities, files, documents, or other materials the Special Master may request to fulfill the Special Master's duties. The Parties are not permitted to engage in *ex parte* communication with the Special Master or the Special Master's

staff, except as would be permitted with the Court. The Special Master may have *ex parte* communications with the Court to the extent the Court deems appropriate.

IV. COMPENSATION OF THE SPECIAL MASTER

The Parties shall bear the cost of the Special Master on the following terms and conditions: The Special Master would charge an hourly rate of \$419.00 and would keep an account of all hours by tenths of an hour, and any expenses incurred by the Special Master in the performance of the Special Master's duties. Provided that such attorneys/individuals do not bill at more than their standard hourly rate and that their rate is lower than the Special Master's rate, the Special Master may obtain assistance from other attorneys/individuals. In this regard, the Special Master will issue an invoice describing the work performed and the hours attributable to the work performed, plus the expenses incurred by item, to the Petitioner monthly. Petitioner has agreed to pay the Special Master.

V. MISCELLANEOUS

The Special Master is instructed to maintain all pleadings and correspondence submitted by the Parties and to forward the entirety of such documents and records to the Court with his Final Report. Finally, by accepting this appointment, the Special Master represents to the Court that there are no matters within the scope of the appointment for which the Special Master could or should be disqualified, and that the Special Master accepts the terms and conditions of the appointment. This Order shall be effective upon the submission by the Special Master of the affidavit required under Uniform Superior Court Rule 46.

(Signature follows on next page)

IT SO ORDERED.

This the 17th day of April, 2023.

DocuSigned by:
Adele Grubbs

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HONORABLE ADELE GRUBBS
SENIOR JUDGE
FULTON COUNTY SUPERIOR COURT