

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

Paramount Properties
Management Group, LLC,

Plaintiff,

v.

Derrick Jackson,

Defendant.

CIVIL ACTION NO.

2022CV365529

ORDER FOR IMMEDIATE WRIT OF POSSESSION DUE TO FAILURE TO COMPLY
WITH COURT ORDER

Before the Court is Plaintiff's *Motion for an Immediate Writ of Possession and Release of all Funds Held in the Registry*. After a review of the record, the Court finds that on April 22, 2022, the Parties agreed to a Consent Order, which the Magistrate Court filed into the record on April 25, 2022 (the "Consent Order"). The Consent Order permitted Defendant to remain at the real property located at 955 Tiverton Lane, Johns Creek, GA 30022 (the "Property") until the resolution of the present case so long as the Defendant made monthly payments of \$15,000 dollars into the Court Registry on or before the seventeenth (17th) day of the month, time being of the essence (*emphasis added*). Upon conferring with the Registry of the Court, Defendant has breached the Consent Order for the following reasons:

1. Failed to remit timely payment for the payment due on October 17, 2022;
2. Failed to remit payment of \$15,000 that was due on November 17, 2022; and
3. Failed to remit payment of \$15,000 that was due on December 17, 2022.

Moreover, Plaintiff has petitioned this Court for a release of all the funds currently held in Registry of the Court. Pursuant to O.C.G.A §44-7-54(c), the Court shall order the clerk of the court to pay the landlord the payments claimed that are paid into the registry of the court. The court shall

further order the clerk to pay “the landlord without delay the remaining funds in court and all payments of future rent made into court...” The failure to pay rent into the “court entitles the property owner to an immediate writ of possession and disbursement of funds as a non-jury matter. *Bellamy v. F.D.I.C.*, 236 Ga. App. 747, 752, 512 S.E.2d 671, 676 (1999).

In the present case, Defendant was required to pay \$15,000 per month into the Registry of the Court as a condition for Defendant to remain in the Property during the pendency of this Action. The Court finds that (1) Defendant has failed to remit payment, (2) Plaintiff is entitled to all the monies held in the registry of the Court, and (3) that no actual issues or controversy exists as to the ownership of the funds in the Registry of the Court.

Therefore, Plaintiff’s *Motion for an Immediate Writ of Possession and for Release of all Funds Held in the Registry* is **GRANTED**.


IT IS HEREBY ORDERED, that an Immediate Writ of Possession for the real property located at 955 Tiverton Lane, Johns Creek, GA 30022 is issued;

IT IS FURTHER ORDERED, that the Court Registry is directed to immediately release the sum of \$115,264.52 (or all sums) held in the Court’s Registry to Plaintiff, either individually or through its legal counsel Robert. J. Kaufman, Esq.;

IT IS FURTHER ORDERED, that Defendant is required to pay \$30,000 into the Registry of the Court by December 31, 2022; and

IT IS FURTHER ORDERED, that all issues remaining in this matter shall be addressed by the Court at a hearing to be set at a later date.

SO ORDERED this 21 day of December 2022.



Hon. Melynee Leftridge
Fulton County Superior Court Judge

Prepared by:

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WRIT OF POSSESSION

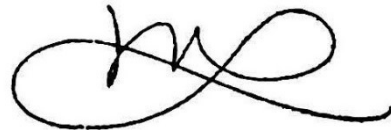
To:

The Sheriff of the Superior Court of Fulton County and to his lawful deputies and to all and singular law enforcement officers of the State or their lawful deputies; and to all lawful Constables of said State:

WHEREAS, Plaintiff has lately, in our Superior Court for said County, by the judgment of said Court been adjudged entitled to recover of Defendant above named, possession of certain premises situated at the above-named address which premises have been and are still unjustly, as it is adjudged in said Court, withheld from Plaintiff by Defendant.

THEREFORE, WE COMMAND YOU, that without delay, you deliver to the Plaintiff full and quit possession of the said premises so recovered with the appurtenances.

SO ORDERED this 21 day of December 2022.



Hon. Melynee Leftridge
Fulton County Superior Court Judge