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DEVELOPMENT AUTHORITIES - GEORGIA

College Park Business and Industrial Development Authority v. College Park MOB, LLC

Court of Appeals of Georgia - March 13, 2024 - S.E.2d - 2024 WL 1087792

Purchaser brought action against vendor, a city development authority, alleging that vendor breached parties' real property purchase and sale agreement, and sought specific performance. Vendor asserted counterclaims including breach of contract.

The Superior Court entered summary judgment in purchaser's favor on all claims. Vendor appealed.

The Court of Appeals held that:

- Genuine issue of material fact precluded summary judgment on purchaser's claim for specific performance;
- Trial court did not err by failing to examine vendor's parol evidence to determine what parties negotiated and agreed to;
- Vendor did not demonstrate error or harm from trial court's failure to determine whether term "Project" in the agreement was ambiguous;
- Vendor was not entitled rescission or reformation based on mutual mistake; and
- Vendor's argument that purchaser repudiated the agreement was deemed waived.