

# **Bond Case Briefs**

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## **BONDS - GEORGIA**

### **Sherman v. Development Authority of Fulton County**

**Court of Appeals of Georgia - March 22, 2013 - S.E.2d - 13 FCDR 935**

State petitioned for a judgment validating the creation of a bond transaction leasehold estate. Following hearings, the county superior court validated the bond issuance, and taxpayer appealed.

The court of appeals held that trial court failed to make adequate findings of fact and conclusions of law, as required by statute when taxpayer requested findings and conclusions. The appeals court held that the trial court's "findings of fact" were summary conclusions that contained no hint about the evidence or the trial court's analysis, and trial court's "conclusions of law" cited no legal authority and contained no analysis.

The case was remanded to allow the trial court to enter a new order on the Bond Validation Petition. "Such order shall contain specific factual findings and conclusions of law necessary to explain any ultimate holdings of the trial court that: (i) the method used by DAFC to value the leasehold estate is valid under the requirements of Harris and Sherman I; (ii) the structure of the bond transaction does not violate OCGA § 36-62-8(b); (iii) the execution of the Memorandum did not violate OCGA § 36-30-3(a) and therefore did not constitute an ultra vires act; and (iv) the structure of the bond transaction does not create an unconstitutional tax exemption."