

Bond Case Briefs

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INVERSE CONDEMNATION - GEORGIA

Daniel v. Fulton County

Court of Appeals of Georgia - November 19, 2013 - S.E.2d - 2013 WL 6068498

Karen Daniel filed a complaint for damages against Fulton County, asserting a claim of inverse condemnation. The trial court dismissed the complaint on the ground that Daniel had filed for bankruptcy without disclosing the claim and was therefore precluded from pursuing it by the doctrine of judicial estoppel. Daniel appealed.

The Court of Appeals held that trial court's failure to consider whether property owner would have gained unfair advantage or imposed unfair detriment if not estopped required remand.

The crux of the trial court's order was its determination that the lack of evidence that property owner had taken steps to reopen the bankruptcy mandated application of the doctrine of judicial estoppel to bar her claim.