

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - GEORGIA

Darling Intern., Inc. v. Carter

Supreme Court of Georgia - January 27, 2014 - S.E.2d - 2014 WL 273897

Heirs of property owner whose property was condemned through eminent domain and subsequently sold to private developer brought ejectment and quiet title action against developer. The trial court entered judgment in favor of heirs along with a decree that title to the property vested in heirs and was superior to developer's claim of title. Developer appealed.

The Supreme Court of Georgia held that:

- Property that was conveyed via a properly executed deed did not constitute a void conveyance that would not pass title to a subsequent bona fide purchaser for value without notice of a defect in the chain of title;
- Subsequent purchaser's failure to inquire into whether or not county complied with requirement that it enter an order in its minutes authorizing disposal of real property did not defeat purchaser's status as a bona fide purchaser without notice;
- A mere misnomer of purchaser's corporate name in the conveyance of title of real property from developer to subsequent purchaser did not prevent passage of title;
- Even if county's failure to comply with requirement that it enter an order authorizing disposal of real property was sufficient to invalidate its quit claim deed or to defeat subsequent purchaser's status as a bona fide purchaser without notice of a defect in the chain of title, it would not have served to invalidate city's conveyance of its one-half interest in the property;
- County was not required to reformulate a new development plan for an alternative use of condemned property once its original use was abandoned;
- The Urban Redevelopment Law that governed the original taking of property by eminent domain did not apply to county's conveyance of its interest in real property that had been acquired by eminent domain 30-years earlier; and
- County's conveyance of its interest in real property did not constitute a one-to-one transfer of property interests for a private and not a public purpose in violation of the Fifth Amendment.