

Bond Case Briefs

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Fraser v. Glynn County

Court of Appeals of Georgia - November 3, 2025 - S.E.2d - 2025 WL 3071906

Person who acquired interest in reverter and heir of person who previously conveyed causeway and roads to county brought declaratory judgment action against county, challenging legality of abandonment and transfer of real property on and around barrier island to private company.

The Superior Court, Glynn County, dismissed the action, finding it was barred by sovereign immunity. Those persons appealed. Person who acquired interest in reverter to causeway and roads filed petition under state's Land Registration Law to assert her claim to property on and around barrier island that had been abandoned by county to private company. County and purported company owners of property moved to dismiss.

The Superior Court granted county's motion to dismiss but denied company owners' motion, issued certificate of immediate review, and Court of Appeals granted owners' application for interlocutory appeal. Appeals were consolidated.

The Court of Appeals held that:

- Valid waiver of sovereign immunity was not demonstrated;
- Actual or justiciable controversy sufficient to support declaratory judgment against county was not pleaded;
- Lack-of-subject-matter-jurisdiction dismissal had to be without prejudice;
- Registration action under Land Registration Law against private company could proceed only if all tenants in common joined application; and
- Person who acquired reverter interest did not plead in registration action that she was "possessing land" in which she sought to establish interest.