

IN THE STATE COURT OF FULTON COUNTY

STATE OF GEORGIA

DODSON WOODS HOMEOWNERS,)
ASSOCIATION,)
Plaintiff,)

v.)

TONNY DAVIS,)
Defendant,)

CIVIL ACTION FILE

NO. 18 EV 006006

ORDER

The above styled action came regularly before the Court on Plaintiff's *Motion For Summary Judgment*. Only Plaintiff was represented by counsel. After considering the entire record, the Court hereby issues the following Order:

In this action upon allegedly delinquent condominium assessments, Plaintiff moves presently for summary judgment relying on unanswered requests for admission to establish liability and damages. Under O.C.G.A. § 9-11-36, any matters deemed admitted by the failure to respond within thirty days are conclusively established as admissions in judicio unless the Court, upon motion, permits withdrawal. Defendant did not respond to the requests within 30 days and has not moved to withdraw the resulting admissions.

Through the admissions of record, the Defendant has admitted liability in the amount as alleged in the Complaint plus after-accruing assessments. As the admissions are sufficient to establish Plaintiff's claim, the motion is GRANTED in favor of Plaintiff in the liquidated amounts of: \$4,761.36. Plaintiff's claim for attorney's fees is unliquidated and must be proven upon stipulation to a non-jury calendar.

IT IS SO ORDERED this the 24th day of MAY 2020

____S/John Mather_____
Judge John R. Mather
State Court of Fulton County