Fulton County Superior Court
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Date: 8/2/2021 4:05 PM
Cathelene Robinson, Clerk

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

SPIRITED GENTS INVESTMENTS, INC.,		
Plaintiff,	**)**	**CIVIL ACTION FILE No. 2020cv343594**
	)	
v.	**)**	
	)	
BILTMORE TECHNOLOGY	**)**	
SQUARE, LLC,	**)**	
Defendant.	**)**	

ORDER

The above styled matter having come before the Court on Defendant's Motion for Partial Summary Judgment and the Court having reviewed the submissions of the parties and heard argument from counsel for both parties the Court hereby finds and orders as follows:

The Court finds that pursuant to O.C.G.A. § 9-11-56 (c) there is a genuine issue of material fact as to whether there is an additional five year extension option to the lease at issue which would allow Plaintiff to remain in possession of the premises at issue. (See emails attached as Exhibit E to the Affidavit of Jennifer D. Zachary filed by Defendant). The Court finds that based on the prior lease extensions which each included rental amounts with the same percentage increase per year, as well as for each extension, there are sufficient terms concerning the amount of rent and other payments to be able to determine the increased rental amount for the possible lease extension, so that this is just that and not a renewal. (See lease documents attached as Exhibits A and B to the Affidavit of Jennifer D. Zachary filed by Defendant).

As there are genuine issues of material fact as to whether Plaintiff is entitled to a lease extension, Defendants Motion for Partial Summary Judgment including its request for a writ of possession is hereby DENIED.

So ORDERED this 2nd day of August, 2021.



JUDGE PAIGE REESE WHITAKER
Superior Court of Fulton County

Service via e-filing system.