

THIRD DIVISION
BLACKBURN,
ADAMS and DOYLE, JJ.

NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
days of the date of decision to be deemed timely filed.
(Court of Appeals Rule 4 (b) and Rule 37 (b), February 21, 2008)
<http://www.gaappeals.us/rules/>

May 12, 2010

In the Court of Appeals of Georgia

A09A0269. THE HARPAGON COMPANY, LLC v. HUFF.

BL-013

BLACKBURN, Judge.

In *Huff v. The Harpagon Co., LLC*,¹ the Georgia Supreme Court affirmed the judgment reached by this Court in *The Harpagon Co., LLC v. Huff*.² Nevertheless, the Supreme Court disagreed with some of the analysis set forth in our opinion and further directed this Court to vacate our holding in Division 1 as advisory. The Supreme Court did not address our holding in Division 3, but that Division relied on the analysis in Division 1 found advisory by the Supreme Court.

¹ *Huff v. The Harpagon Co., LLC*, ___ Ga. ___ (Case No. S09G0990; decided March 22, 2010).

² *The Harpagon Co., LLC v. Huff*, 296 Ga. App. 107 (673 SE2d 592) (2009).

Accordingly, we vacate our entire opinion and adopt the opinion of the Supreme Court as our own.

Judgment reversed. Adams and Doyle, JJ., concur.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S09G0990

Atlanta, March 22, 2010

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

LULA HUFF, TAX COMMR. v. HARPAGON COMPANY, LLC

This case came before this court by writ of certiorari from the Court of Appeals; and, after argument had, it is considered and adjudged that the writ is reversed and remanded with direction.

All the Justices concur.

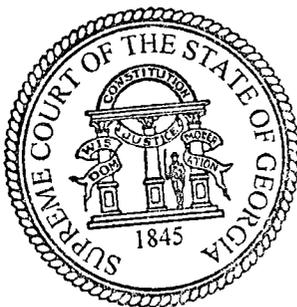
Lower Court Case No.

SU07CV17

Court of Appeals Case No.

A09A0269

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SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta April 07, 2010

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said Court hereto affixed the day and year last above written.

[Handwritten Signature] Clerk