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IN THE SUPERIOR COURT OF COBB COUNTY STATE OF GEORGIA Court Rules

Clerk of Superior Court Cobb County

WYLENE S. TRITT and
ISAKSON LIVING COMMUNITIES,
LLC,
*

Plaintiffs,

* CIVIL ACTION FILE NO.

v. * 15-1-2908-53

COBB COUNTY, GEORGIA;
TIMOTHY D. LEE, Chairman of the Cobb
County Board of Commissioners; BOB
WEATHERFORD; LISA N. CUPID;
JOANN BIRRELL; and ROBERT J. OTT,
in their official capacities as Members of

Total Commissioners

**Total Commissioners

the Cobb County Board of Commissioners,

Defendants. *

FIRST REQUEST FOR ADMISSIONS TO PLAINTIFFS WYLENE S. TRITT AND ISAKSON LIVING COMMUNITIES, LLC

COME NOW Defendants COBB COUNTY, GEORGIA; TIMOTHY D. LEE, Chairman of the Cobb County Board of Commissioners; BOB WEATHERFORD; LISA N. CUPID; JOANN BIRRELL; and ROBERT J. OTT, in their official capacities as Members of the Cobb County Board of Commissioners (collectively "Cobb County"), and pursuant to O.C.G.A. § 9-11-36, serves its First Request for Admissions to Plaintiffs Wylene S. Tritt and Isakson Living

Communities, LLC. Cobb County requests Plaintiffs admit the truth of the following matters:

1.

Admit that, within the last five years, Plaintiffs, or any one of them, did not market or expose the property which is the subject of this litigation for sale as a single family residential development.

2.

Admit that Plaintiffs, or any one of them, only considered development and marketing a senior living community proposed to be constructed on the parcel of land which is the subject of this litigation.

3.

Admit that there are single family homes currently for sale along Roswell Road in the vicinity of the proposed rezoning.

4.

Admit that single family homes are currently being constructed in developments along Roswell Road in the vicinity of the proposed rezoning.

5.

Admit that the sales contract between Wylene S. Tritt and Isakson Living Comminuties, LLC for the parcel which is the subject of this litigation is contingent upon the rezoning of the property to a classification that allows a senior living community under the CRCC category.

6.

Admit that Plaintiffs have no evidence or proof that Cobb County discriminated against that class of persons designated and defined as "senior citizens" in violation of the Fair Housing Act, 42 U.SC. § 3607 et seq.

Admit that Plaintiffs, or any one of them, have performed no written analysis of intervening zoning categories regarding the zoning of the property which is at issue in this case which demonstrate that there is no economic value as to each of such intervening categories from the present zoning of the property and that of CRCC.

8.

Admit that twelve (12) months have passed since the date the Cobb County Board of Commissioners rejected the rezoning application at issue in this litigation.

9.

Admit that the parcel of land which is the subject of this litigation has value as zoned when compared with similarly zoned, similarly situated properties.

This 18th day of May , 2016.

COBB COUNTY ATTORNEY'S OFFICE Attorneys for Defendant(s)

By:

DEBRA L. BLAIR

Associate County Attorney

State Bar No. 361728

DEBORAH L. DANCE

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By:

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**

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Defendants. *

CERTIFICATE OF SERVICE

This certifies that I have this day served a true and correct copy of the foregoing pleadings to Plaintiffs by causing a copy of the same to be deposited in the United States Mail with proper postage affixed thereto and addressed as follows:

Carl Westmoreland Morris Manning and Martin 1600 Atlanta Financial Center 3343 Peachtree Road NE Atlanta, GA 30326

This the 18th day of May, 2016.

COBB COUNTY ATTORNEY'S OFFICE

Attorneys for Defendants

By:

DEBRA L'BLAIR

Associate County Attorney

State Bar No. 361728

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