

2021 WL 402050 (Ga.Super.) (Trial Order)
Superior Court of Georgia.
Carroll County

NEWREZ LLC dba Shellpoint Mortgage Servicing Its successors or assigns, Plaintiff,
v.
Bobby GAMBLE or Party in Possession, Defendant.

No. 20-v-701.
January 20, 2021.

*1 Complaint for Writ of Possession

Order Denying Possession

Dennis Blackmon, Judge.

Home, for some people, is the last bulwark against the gnawing, snarling, wolf of poverty, the pain of hunger, and now, the risk of death by slow and wrenching suffocation from COVID-19. Some of our hardest working citizens find shelter with family. Some have to live in less-than-adequate rental units. And in the Great State of Georgia, some often seek out a manufactured home. Those who work for wages too often have little to show for it. At a minimum, the worker deserves a roof and some walls to keep out the January wind.

“I mined in your mines and I gathered in your corn I been working, mister, since the day I was born Now I worry all the time like I never did before ‘Cause I ain’t got no home in this world anymore”ⁱⁱ

In Accordance With [42 CFR 70.2](#), a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action, shall not evict any covered person from any residential property.

Eviction moratoria facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID-19 due to an underlying medical condition. They also allow State and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID-19. Furthermore, housing stability helps protect public health because homelessness increases the likelihood of individuals moving into close quarters in congregate settings, such as homeless shelters, which then puts individuals at higher risk of contracting COVID-19.ⁱⁱⁱ

A person violating this emergency order, issued pursuant to [42 CFR 70.2](#), may be subject to a fine of not more than \$100,000 or one year in jail. If the eviction or possessory both violates this emergency order and results in a death, then the fine is \$500,000 per event. Clearly, the Federal government is serious about this moratorium.

This court finds that taking back a family’s trailer home on a contract is the same as evicting a tenant or foreclosing and taking possession of someone’s house. Everybody is just going to have to be patient and wait until the pandemic is over. This too shall pass. We must all accept the ephemerality of the human condition.

Request for writ possession of the mobile home is denied.

So Ordered this 19th day of January, 2021.

<<signature>>

Judge Dennis Blackmon

Footnotes

- i Woody Guthrie, I Ain't Got No Home
- ii Section 361 of the Public Health Service Act

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.