



SUPREME COURT OF GEORGIA

Case No. S16D1549

Atlanta, June 13, 2016

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed.

BRIAN D. SUTHERLIN v. MARIA L. SUTHERLIN

Upon consideration of the application for discretionary appeal filed in the above-styled case, the application is hereby determined to have possible merit and is, therefore, granted pursuant to this Court's Rule 34 (4) regulating applications to appeal in certain divorce and alimony cases.

The Court is particularly concerned with the following issue(s):

- 1) Did the trial court err in holding Applicant in willful contempt for his failure to satisfy his mortgage obligations where Applicant claims that the Separation and Property Division Agreement does not require timely mortgage payments? Cf. Cason v. Cason, 281 Ga. 296 (637 SE2d 716) (2006).
- 2) Did the trial court err in holding Applicant in willful contempt for his failure to indemnify his Wife from corporate income tax liability where Applicant claims that corporate payroll taxes are separate and distinct from corporate income taxes? See State v. Coca-Cola Bottling Co., 214 Ga. 316 (104 SE2d 574) (1958); OCGA §48-7-21.
- 3) Did the trial court err in holding Applicant in willful contempt for his failure to comply with the insurance provision of the Separation and Property Division Agreement where Applicant was not provided notice of the contempt allegation. See Ford v. Ford, 270 Ga. 314 (509 SE2d 612) (1998).

The appellant's notice of appeal must be filed in the trial court within ten days of the date shown above. Once the record is received from the trial court and docketed in this Court, notices will be mailed to all counsel showing the date of docketing and the case number assigned. The appellant's enumeration of errors and briefs will be due in this Court within 20 days of docketing; the appellee's briefs will be due within 40 days of docketing, or within 20 days of the filing of appellant's briefs, whichever is later. See Rule 12.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I 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.

Suzanne C. Fulton, Chief Deputy Clerk