

**FOURTH DIVISION
DOYLE, C. J.,
MILLER, P.J., and DILLARD, J.**

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January 29, 2016

In the Court of Appeals of Georgia

A14A0206. VININGS BANK v. BRASFIELD & GORRIE, LLC.

MILLER, Presiding Judge.

In *Vinings Bank v. Brasfield & Gorrie, LLC*, 297 Ga. 468 (774 SE2d 701) (2015), the Supreme Court of Georgia reversed the judgment of this Court in Division 3 of *Vinings Bank v. Brasfield & Gorrie, LLC*, 328 Ga. App. 636 (759 SE2d 886) (2014), in which this Court affirmed the trial court's denial of summary judgment to Vinings Bank on Brasfield & Gorrie's counterclaim for conversion. Consequently, we vacate Division 3 of our opinion in *Vinings Bank*, supra, 328 Ga. App. 636, and in its place adopt the judgment of the Supreme Court as our own.

The Supreme Court did not address or consider Divisions 1 or 2 of our earlier opinion. In Division 1, we affirmed the trial court's denial of Vinings Bank's motion for summary judgment and the grant of partial summary judgment to Brasfield &

Gorrie on the limited issue of the priority of the bank's security interest as an assignee. In Division 2, we affirmed the trial court's denial of Vinings Bank's motion for summary judgment on its claim for conversion. Because Divisions 1 and 2 are consistent with the Supreme Court's opinion, those decisions "become binding upon the return of the remittitur." *Shadix v. Carroll County*, 274 Ga. 560, 563 (1) (554 SE2d 465) (2001).

Accordingly, we reverse the trial court's denial of summary judgment to Vinings Bank on Brasfield & Gorrie's counterclaim for conversion, and we affirm the remainder of the trial court's order.

Judgment affirmed in part and reversed in part. Doyle, C. J., and Dillard, J., concur.