

COURT OF APPEALS OF THE STATE OF GEORGIA

Stephen H. Foster v. Victor Warren Properties, Inc.

Foster v. Victor Warren Properties · No. A27A0007 · Decided August 4, 2026

SUMMARY

The Georgia Court of Appeals dismissed Foster’s appeal from a post-foreclosure writ of possession because the notice of appeal was filed 32 days after the superior court’s judgment. Under OCGA § 44-7-56(b)(1), such a notice must be filed within seven days of entry of judgment.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	August 4, 2026
DOCKET	A27A0007
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a superior court final order granting the plaintiff's motion for summary judgment and a post-foreclosure writ of possession.
PRECEDENTIAL VALUE	Published Georgia Court of Appeals opinion
PARTIES	Stephen H. Foster v. Victor Warren Properties, Inc.

TOPICS

- appellate jurisdiction
- appellate procedure
- eviction
- landlord tenant
- real estate

PRACTICE AREAS

- appellate procedure
- real estate
- landlord tenant

QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction over Foster's appeal when the notice of appeal was filed 32 days after entry of the superior court's judgment in a dispossessory action.

HOLDINGS

1. The Court of Appeals lacked jurisdiction because Foster filed his notice of appeal 32 days after entry of the superior court's judgment, exceeding the seven-day deadline applicable to dispossessory actions.

KEY QUOTATIONS

“Under OCGA § 44-7-56(b)(1), a notice of appeal in a dispossessory action “shall be filed within seven days of the date such judgment was entered.””

FACTUAL BACKGROUND

Victor Warren Properties, Inc. sought possession of property after foreclosure through a post-foreclosure writ of possession. The superior court granted the company's motion for summary judgment and awarded it possession, while denying Foster's cross-motion.

PROCEDURAL HISTORY

Victor Warren Properties, Inc. filed a superior court complaint seeking a post-foreclosure writ of possession against Stephen H. Foster and other occupants. The parties filed cross-motions for summary judgment, and the superior court entered a final order on May 28, 2026, granting Victor Warren Properties' motion and possession of the property. Foster filed a notice of appeal on June 29, 2026, 32 days after entry of the order.

DISPOSITION

dismissed

CASES CITED

- Stubbs v. Local Homes, LLC, 375 Ga. App. 513, 516, 915 S.E.2d 91 (2025)

OPINION

PER CURIAM.

Court of Appeals
of the State of Georgia

ATLANTA, _____
August 04, 2026

The Court of Appeals hereby passes the following order:

A27A0007. STEPHEN H. FOSTER v. VICTOR WARREN PROPERTIES,
INC.

Plaintiff Victor Warren Properties, Inc. filed a complaint in superior court for a post-foreclosure writ of possession against Stephen H. Foster and all other occupants of the subject property. The plaintiff and Foster filed cross-motions for summary judgment, and on May 28, 2026, the superior court entered a final order granting the plaintiff's motion, denying Foster's motion, and granting possession of the property to the plaintiff. On June 29, 2026, Foster filed this appeal. We, however,

lack jurisdiction.

Under OCGA § 44-7-56(b)(1), a notice of appeal in a dispossessory action “shall be filed within seven days of the date such judgment was entered.” Here, however, Foster filed his notice of appeal 32 days after entry of the superior court’s order. Accordingly, we lack jurisdiction over this untimely appeal, which is hereby DISMISSED. See *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 516 (915 SE2d 91) (2025).

Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta, _____

08/04/2026

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

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

, Clerk.