

COURT OF APPEALS OF THE STATE OF GEORGIA

Karen Medows v. Rhonda Medows

Medows · No. A21A0926 · Decided February 16, 2021

SUMMARY

The Georgia Court of Appeals dismissed Karen Medows's direct appeal from a superior court order arising from a dispossessory proceeding. The court held that because the superior court had decided a de novo appeal from magistrate court, Medows was required to use the discretionary appeal procedure under OCGA § 5-6-35(a)(1), and her failure to do so deprived the court of jurisdiction.

OPINION

Karen Medows v. Rhonda Medows

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, _____

February 12, 2021 The Court of Appeals hereby passes the following order: A21A0926. KAREN MEDOWS v. RHONDA MEDOWS. This case originated as a dispossessory proceeding in magistrate court. After an adverse ruling, defendant Karen Medows appealed to the superior court. Medows failed to pay rent into the registry of the superior court, which entered a writ of possession in favor of the plaintiff. See OCGA § 44-7-54 (b). Medows then filed this appeal. We, however, lack jurisdiction. Because the superior court's order disposed of a de novo appeal from a magistrate court decision, Medows was required to follow the discretionary appeal procedure to obtain review of the superior court's order. See OCGA § 5-6-35 (a) (1); English v. Delbridge, 216 Ga. App. 366, 367 (454 SE2d 175) (1995). Her failure to follow this procedure deprives us of jurisdiction to consider this direct appeal, which is hereby DISMISSED. Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____ 02/12/2021 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.