

Court of Appeals of the State of Georgia

ATLANTA, October 15, 2026

The Court of Appeals hereby passes the following order:

**A26A0874. IN RE: THE ESTATE OF MICHAEL JON HURLEY,
DECEASED.**

On October 23, 2025, Advocacy Trust, LLC, the administrator of Michael Jon Hurley's estate filed a notice of appeal of the probate court's final order regarding its petition for determination of heirship. Following the notice of appeal and appellate briefing by the parties, the appellant and potential heirs reached a settlement agreement regarding the trial court's order. Thereafter, the parties filed a notice of settlement conditioned on probate court approval with this Court. The parties represent that they filed a joint motion seeking court approval in the Probate Court of Gwinnett County, where it remains pending.

However, the appellant's filing of the "notice of appeal divested the trial court of its jurisdiction over the case and any authority to alter the judgment ... while the appeal of that judgment remains pending." *In re Estate of T. M. N.*, 364 Ga. App. 267, 268(1) (874 SE2d 462) (2022) (citation and punctuation omitted). Accordingly, we REMAND the proceeding to the Probate Court of Gwinnett County for its consideration of the parties' joint motion seeking court approval of their settlement.

In the event that the parties wish to appeal the trial court's ruling on the joint motion for settlement approval or the court's order on the petition for determination of heirship, they may re-initiate this appeal by timely filing a notice of appeal within 30 days of the trial court's order of disposition. In such an event, the clerk of the trial court is DIRECTED to re-transmit the record to this Court, which will docket the

appeal with a new case number. The trial court clerk also is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 10/15/2026

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.

Christina Bailey Smith

, Clerk.