

Court of Appeals of the State of Georgia

Atlanta, 10/08/2026

The Court of Appeals hereby passes the following order:

A27E0036. HIDDLESON et al. v. AGSOUTH FARM CREDIT, A.C.A. et al.

In October 2025, Jonquil Hiddleson and Sandra Hiddleson filed a declaratory judgment action in superior court against AgSouth Farm Credit, A.C.A. (“AgSouth”) and its attorney TK Law, LLC (“TK Law”). It appears¹ that the Hiddlesons alleged that AgSouth and TK Law wrongful foreclosed on the their property and sought a declaration that a promissory note and security deed executed by the Hiddlesons in favor of AgSouth was void. AgSouth and TK Law filed a motion to dismiss, which the trial court granted in January 2026. The Hiddlesons filed a notice of appeal and paid costs, but that appeal has not yet been transmitted to this Court.

In July 2026, AgSouth and TK Law filed a motion for supersedeas bond, asking the trial court to post a bond in the amount of \$442,600 in order for the Hiddlesons to appeal the order dismissing their declaratory judgment action. On September 24, 2026, the trial court granted the motion, and ordered the Hiddlesons to pay a supersedeas bond in the amount requested within 20 days of the date of its order. The trial court’s order also provided that if the Hiddlesons “fail to post such a bond within twenty days ... AgSouth may take any necessary action (inclusive of any dispossessory action) to exercise its rights as lawful owner of the Property pending appeal.”

¹ The declaratory judgment action is not included in the emergency motion materials.

The Hiddlesons have now filed an emergency motion, asking this Court to stay the enforcement of the supersedeas bond order entered in the trial court on September 24, 2026. We decline to do so.

Generally, “[i]n civil cases, the notice of appeal ... shall serve as supersedeas upon payment of all costs in the trial court by the appellant and it shall not be necessary that a supersedeas bond or other form of security be filed” but “upon motion by the appellee, made in the trial court ... the trial court shall require that supersedeas bond ... be given with such surety and in such amount as the court may require, ...” OCGA § 5-6-46(a). An order requiring the payment of a supersedeas bond is directly appealable if the order is filed after a trial court has entered a final judgment in a case where there is no motion for new trial pending. *Athens Heart Ctr., P.C. v. Molina*, 370 Ga. App. 190, 191 n.3 (895 SE2d 518) (2023); *Winchell v. Winchell*, 352 Ga. App. 306, 313(3) n.10 (835 SE2d 6) (2019).

Under Court of Appeals Rule 40(b), “[i]n the exercise of its inherent power, this Court may issue such orders or give such direction to the trial court as may be necessary to preserve jurisdiction of an appeal or to prevent the contested issue from becoming moot. This power shall be exercised sparingly. Generally, no order shall be made or direction given in an appeal until it has been docketed in this Court.”

Here, the emergency motion and its materials show that a final judgment has been entered in favor of AgSouth. The emergency motion includes several substantive challenges to the trial court’s supersedeas bond order which the Hiddlesons may raise on direct appeal if they so choose. We note that generally a notice of appeal must be filed within 30 days of entry of the judgment or trial court order sought to be appealed, see OCGA § 5-6-38(a),² but we offer no guidance on the effect of any notice of appeal filed before that statutory deadline but after the expiration of the trial court’s 20 day deadline to post the bond, which appears to expire on October 14, 2026. See *Upton v. Jones*, 280 Ga. 895, 896(1) (635 SE2d 112) (2006) (“the filing of the notice of appeal operates as a supersedeas and deprives the trial court of the power to affect the judgment appealed, so that subsequent

² The proper and timely filing of a notice of appeal is an absolute requirement to confer appellate jurisdiction on this Court. *Perlman v. Perlman*, 318 Ga. App. 731, 739(4) (734 SE2d 560) (2012).

proceedings purporting to supplement, amend, alter or modify the judgment, whether pursuant to statutory or inherent power, are without effect.”). Because the Hiddlesons may challenge the entry of the supersedeas bond on direct appeal, the Hiddlesons have not presented this Court with the rare circumstances where the Court may issue an order “as may be *necessary* to preserve jurisdiction of an appeal or to prevent the contested issue from becoming moot.” Ga. Ct. App. R. 40(b) (emphasis added). We, therefore, DENY the Hiddlesons’ emergency motion.

Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta, 10/08/2026



*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.