

Court of Appeals of the State of Georgia

ATLANTA, June 23, 2026

The Court of Appeals hereby passes the following order:

**A26D0590. SHARNA MCCLUNG v. KEY NDH LLC CENTRA NORTH
DRUID HILLS.**

On June 16, 2026, the Magistrate Court of DeKalb County issued a consent judgment in this dispossessory action. The next day, tenant Sharna McClung filed the instant application for discretionary appeal from the magistrate court’s judgment.

“[T]he only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for a de novo appeal to the state or superior court.” *Tate v. Habif*, 367 Ga. App. 435, 438-39(2) (886 SE2d 389) (2023) (citation and punctuation omitted). Under the Georgia Constitution, “[a]ny court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere.” Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII; accord Court of Appeals Rule 11(b). Therefore, this Court at times has transferred applications seeking review of magistrate court orders back to the magistrate court with direction to send the case to state or superior court.

However, we decline to transfer the instant application because McClung waived her appellate rights by consenting to the magistrate court’s judgment. See *Hurt v. Norwest Mtg.*, 260 Ga. App. 651, 656(1)(c) (580 SE2d 580) (2003) (“[N]o litigant will be heard to complain of an order or judgment of the court which [s]he procures or assists in procuring, unless it be made plainly to appear that the consent of the party seeking to complain was obtained by fraud or mistake.”) (punctuation omitted).

Instead, this application is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 06/23/2026

*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.