

Court of Appeals of the State of Georgia

ATLANTA, July 16, 2026

The Court of Appeals hereby passes the following order:

A26D0622. DEANNA AYERS v. FR-MP BRANDON GLEN, LLC DBA THE FLATS AT 1500.

Deanna Ayers filed this timely application for discretionary appeal from a magistrate court judgment issuing a writ of possession and awarding past due rent. We, however, lack jurisdiction.

Ordinarily, “the 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) (punctuation omitted); see also OCGA § 5-3-1 et seq. “[T]his Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court.” *Harris v. Reserve at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). We thus lack jurisdiction to consider this application. Under the Georgia Constitution, however, “[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).

To the extent that this filing may be construed as a petition for review under OCGA §§ 5-3-1 et seq., it is hereby TRANSFERRED to the Magistrate Court of Rockdale County with direction to transmit it to the superior court for disposition. We recognize that we are in possession of limited material and that our determination that jurisdiction may lie in another court is limited by this dearth of information. Thus, our ruling should not constrain either the magistrate court or the superior court to the

extent those courts determine either that Ayers has not perfected the right to appeal or that jurisdiction lies elsewhere.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 07/16/2026

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.