

Court of Appeals of the State of Georgia

ATLANTA, July 17, 2026

The Court of Appeals hereby passes the following order:

**A26A2336. OKSANA DUTCHAK v. THE RESERVE AT OLD LOST
MOUNTAIN COMMUNITY ASSOCIATION, INC.**

After Oksana Dutchak filed a complaint against the Reserve at Old Lost Mountain Community Association, Inc. (the “Reserve”), the Reserve filed a motion to enforce a settlement agreement. On October 1, 2025, the trial court granted the motion to enforce the settlement; later that month the court also granted the Reserve’s motion for attorney fees. On November 5, 2025, Dutchak filed a motion for reconsideration, to set aside unauthorized settlement orders, and request for compensation. On May 6, 2026, the trial court denied Dutchak’s motion and on May 27, 2026, Dutchak filed a notice of appeal. This Court, however, lacks jurisdiction for two reasons.

First, an appeal from the denial of a motion to set aside under OCGA § 9-11-60(d) must be brought by application for discretionary review. See OCGA § 5-6-35(a)(8), (b); *Jim Ellis Atlanta v. Adamson*, 283 Ga. App. 116, 116 (640 SE2d 688) (2006). Compliance with the discretionary appeal procedure is jurisdictional. *Smoak v. Dep’t of Human Res.*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996).

Second, even if Dutchak had a right of direct appeal here, this appeal is untimely. A notice of appeal must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-38(a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon this Court. *Perry v. Paul Hastings, LLP*, 362 Ga. App. 140, 141 (866 SE2d 855) (2021). A motion for reconsideration does not extend the time for filing a notice of appeal, and the denial of such a motion is not

itself an appealable judgment. *Mosher v. Mosher*, 378 Ga. App. 187, 189 (919 SE2d 831) (2025). Because Dutchak's notice of appeal was filed months after entry of the trial court's order she seeks to challenge, the appeal is untimely.

For these reasons, this appeal is hereby DISMISSED for lack of jurisdiction.



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Clerk's Office, Atlanta, 07/17/2026

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.